

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

DATE OF DECISION: July 18, 2008

PROJECT NAME: *Hause SFDU*

APPLICANT/
LANDOWNER: Michael Hause
2307 61st Ave
Spokane , WA 99223

FILE NO.: 07-102033-000-00-LU

TYPE OF REQUEST: Rezone from R-7,200 to LDMR (Low Density Multiple Residential) of two parcels (.24 acre parcel and a .421 acre parcel) totaling a .66 acre rezone site.

DECISION (SUMMARY): **APPROVED**

BASIC INFORMATION

GENERAL LOCATION: The subject property is located at #10, and #22 107th Street SE, located in Section 24, Township 28 North, Range 4 East, W.M., Snohomish County, Washington.

Acreage: .66 acres

Current Zoning: R-7,200

Proposed Zoning: Low Density Multiple Residential (LDMR)

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

School District: Mukilteo School District 6

Fire District: No. 1

Water Source: Mukilteo Water District

Sewer Service: Mukilteo Sewer District

SELECTED AGENCY RECOMMENDATIONS:

Department of Planning and Development Services: Approve

INTRODUCTION

The applicant is requesting a rezone of two adjacent lots totaling .66 acres from R-7,200 to Low Density Multiple Residential (LDMR).

The Hearing Examiner (Examiner) made a site familiarization visit on July 14, 2008, in the afternoon.

The Department of Planning and Development Services (PDS) and applicant gave proper public notice of the open record hearing as required by the County code. (Exhibits 6D Mailing., 6E Publication, 6F Posting)

A revised SEPA determination was made on June 12, 2008. (Exhibit 5C) No appeal was filed.

The Examiner held an open record hearing on Wednesday, July 16, 2008, the 108th 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 July 16, 2008 at 11:04 a.m.

1. The Examiner indicated that he has read the PDS staff report, reviewed the file and viewed the area and therefore has a general idea of the particular request involved.
2. Scott Whitcutt, Planner, PDS appeared and testified under oath. He presented the staff report and answered questions from the Examiner. Paul Drago, PDS engineer, testified regarding storm water drainage. Brian Mercil, agent for the applicant, appeared and testified under oath. He gave a presentation on the nature of the application and answered questions from the Hearing Examiner. Michael Hause, the applicant appeared and testified about the rezone request. Upon questioning from the Examiner the applicant did not object to the running of the 120 clock so that the Examiner could complete his decision.

The hearing concluded at 11:23 a.m.

NOTE: The above information reflects the information submitted to the Examiner summarizing the statements that were made at the hearing. However, for a full and complete record, verbatim audio tapes of the hearing are available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS:

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. No public comments have been received.
3. Agency letters are Exhibits 8B1 – 8C6.
4. The applicant is requesting a rezone of two adjacent lots totaling .66 acres from R-7,200 to Low Density Multiple Residential (LDMR). The Hearing Examiner's decision is limited to deciding the site specific request for rezone. To assist the Examiner in evaluating that request PDS staff provided an analysis of the applicant's separate but concurrent request for a Single-Family Detached Unit (SFDU) administrative site plan approval (Exhibit 2A) that will allow for redevelopment of .42 acres with three new single-family detached units and retention of the one existing duplex structure. This SFDU development request has been used for purposes of determining rezone consistency with the Comprehensive Plan and its relationship to the public health, safety, and welfare. The applicant has also requested a boundary line adjustment between the Bank parcel and the Hause parcel.
5. Each of the two lots covered by the rezone request is currently developed with a duplex structure and associated parking and yard area.
6. The subject rezone site is surrounded by R-7,200 zoning and single-family development. The neighborhood contains single-family and duplex housing. There are some older houses and some newer construction evident.
7. The project would comply with park mitigation requirements under Chapter 30.66A SCC (Title 26A SCC) by the payment of \$1,244.49 for each new single-family home. However, as this is not a development application these fees are not imposed as part of this decision.
8. Traffic Mitigation and Road Design Standards (Title 13 SCC & Chapter 30.66B SCC):

(a) Road System Capacity [SCC 30.66B.310]

The development will generate 28.71 new ADT and has a road system capacity impact fee of \$7,665.57 based on \$267.00/ADT.

(b) Concurrency [SCC 30.66B.120]

The development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and is concurrent as of September 23, 2007. The expiration date of the concurrency determination is six years from September 23, 2007.

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

The subject development proposal will not impact any IRC locations identified within TSA D 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]

All developments will be required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable.

As per DPW Rule 4222.020(1) full urban frontage improvements are required along the subject parcel's frontage on 107th Street SW and consist of:

- Asphalt concrete pavement consisting of 18 feet width from roadway centerline to the face of curb;
- Cement concrete curb and gutter;
- Planter strip with a width of 5 feet;
- Cement concrete sidewalk with a width of 5 feet.

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

Access to the SFDU development is governed by 30.24.070 SCC, Vehicle access for single family detached units. Pursuant to amended ordinance No. 022, adopted by the County Council on April 23, 2007, a pedestrian facility will be required on one side of the internal drive aisle as a condition of future site plan approval.

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

Additional right-of-way deeding will not be required.

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

In comments dated October 5, 2007 WSDOT has agreed to accept the applicant's offer of \$1, 033.56 impact fee mitigation.

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

There are not any city jurisdictions that have an ILA with the County that will be impacted by new trips from the subject development.

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

The TDM obligation for this development \$227.25 An acceptable written offer has been submitted by the applicant for payment of this TDM obligation and will be administratively incorporated as a condition of future permit issuance.

(j) Pedestrian Facilities [RCW 58.17.110]

Future development can create an additional 3 dwelling units within the rezone boundaries and a potential of a corresponding addition to the number of children attending public schools within the Mukilteo School District. There are limited frontage improvements in the general area but this is changing due to higher density re-development and necessary frontage improvements associated with such site development. An existing school bus stop, for middle school children, is located at 107th St. SE and 3rd Ave. SE. The District has requested that frontage improvements adjacent to the subject property occur when construction approvals are granted for actual site development (Exhibit 8C6).

9. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Mukilteo School District No. 6 at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Payment of school mitigation fees is required prior to building permit issuance and will be made a condition of the administrative site and construction plan approvals.
10. The application was reviewed by the PDS Engineering Section for compliance with the UDC Chapters 30.63A, 30.63B, Engineering Design and Development Standards, and the 1992 Department of Ecology Storm Water Management Manual. PDS found the application to be complete, subject to conditions which will be imposed during the full drainage plan review.
11. There are no critical areas associated with the subject rezone.

12. UTILITIES

Water

Water will be supplied by the Mukilteo Water District. A Certificate of Water Availability was received. (Exhibit 8C1)

Sewer

Sewer will be supplied by the Mukilteo Sewer District. A Certificate of Sewer Availability was received. (Exhibit 8C1)

Electricity

Snohomish County Public Utility District provided correspondence indicating that it can provide electrical service for the project. (Exhibit 8C2)

13. Rezone Criteria

The decision on the rezone application is subject to the criteria of SCC Chapter 30.42A.100:

- (1) The proposal is consistent with the comprehensive plan;
- (2) The proposal bears a substantial relationship to the public health, safety and welfare.
- (3) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F, SCC are met.

Rezone Analysis

- (1) The proposal is consistent with the comprehensive plan:

Future Land Use Map

COMMENT: The designation of the subject property and surrounding properties is “Urban Medium-Density Residential”, with an allowed density range of 6 to 12 dwelling units per acre (DU/Ac). The proposed LDMR zone, with a maximum density of 12 DU/Ac, is an implementing zone for this comprehensive plan designation. The actual density proposed for the property is approximately 12 DU/Ac

Land Use Element

Goal LU 1 – Establish and maintain compact, clearly defined, well designed UGAs.

Objective 1.A – Establish UGAs with sufficient capacity to accommodate the majority of the county’s projected population and employment growth over the next 20 years.

- *Policy LU 1.A.3* requires no net loss of housing capacity to accommodate growth targets.

COMMENT: This area was intended, through its future land use designation, to provide additional housing at a capacity of between 6 to 12 DU/Ac in order to meet the growth projections within the UGAs. The rezone would increase the housing capacity of the property to meet growth targets.

- *Policy LU 1.A.4* requires that UGAs shall have existing or planned infrastructure capacity to adequately support urban growth over the 20-year period.

COMMENT: This area already has infrastructure in place to support the LDMR zone, including roads and utilities.

Goal LU 2 – Establish development patterns that use urban land more efficiently.

Objective LU 2.A – Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations.

- *Policy LU 2.A.3* requires that UGAs provide for a variety of residential ranges identifying minimum & maximum allowable.

COMMENT: The LDMR zone, together with all of the other existing & planned zones within the UGA, will be providing for a variety of residential ranges.

- *Policy LU 2.A.4* requires opportunities for a mix of affordable housing types, such as small lot detached units, within medium density residential areas.

COMMENT: This area is designated “Urban Medium-Density Residential”, and a rezone to LDMR would allow for a mix of housing types, including the detached, air-space condominium units that are proposed.

- *Policy LU 2.A.5* provides for medium and high density residential development to locate within walking distance of transit access, urban centers, parks, and recreational amenities.

COMMENT: The subject property is within walking distance, of approximately .5 miles from the bus stop on Everett Mall Way and .7 from the bus stop on Evergreen Way. There are also urban services, such as retail & commercial businesses and mixed-use developments, at these locations. Numerous medical offices are located nearby on Evergreen Way. The project proposes 503 square feet of open space.

Housing Element

Goal HO 1 – Ensure that all county residents have the opportunity to obtain safe, sanitary, and affordable housing.

Objective HO 1.B – Ensure that a broad range of housing types are available in urban and rural areas.

- *Policy HO 1.B.1* requires opportunities for affordable home ownership by promoting an increased supply of all housing types, such as small lot housing, townhouses, and condominium units.

COMMENT: The rezone will increase the supply of the proposed detached single-family housing type, a small lot housing type. This is a more cost effective type of housing, and there is demand for such housing in this area.

Objective HO 1.D – Maintain an adequate supply of appropriately zoned developable land.

- *Policy 1.D.3* promotes expeditious and efficient infill development in urban areas.

COMMENT: The rezone will result in infill immediate development of an urban area, which is an efficient use of land for housing.

Goal HO 2 – Ensure the vitality and character of existing residential neighborhoods.

Objective HO 2.A – Promote opportunities for all county residents to reside in safe and decent neighborhoods.

- *Policy HO 2.A.1* encourages the character of stable neighborhoods to be preserved through selective and innovative land use measures.

COMMENT: The neighborhood character is changing, with recent infill development taking already place in the area. The proposal would be consistent with these infill developments and the changed character of the neighborhood.

Objective HO 2.B – Encourage the use of innovative urban design techniques and development standards to foster broad community acceptance of a variety of housing types affordable to all economic segments of the population.

- *Policy HO 2.B.1* promotes a variety of housing types and densities be provided in residential neighborhoods.

COMMENT: The rezone to LDMR will help provide a different housing type and density in this neighborhood. This area already has other housing types available, including traditional single-family subdivisions, multi-family housing, and mixed-use residential housing.

- *Policy HO 2.B.4* promotes the integration of a variety of dwelling types and intensities in residential neighborhoods.

COMMENT: The rezone to LDMR will help add variety to the different dwelling types and densities already provided in this area.

Goal HO 3 – Land use policies and regulations should contribute as little as possible to the cost of housing.

Objective HO 3A – Encourage land use practices, development standards, and building permit requirements that reduce housing production costs.

- *Policy HO 3.A.3* promotes cluster housing in order to minimize land and infrastructure costs.

COMMENT: The rezone will allow clustered housing, which will minimize the amount of land needed to provide an equivalent number of houses and the cost of development per unit will be reduced, resulting in a more cost effective type of housing.

Utilities Element

Goal UT 2 – Work with provider agencies of Snohomish County and assist them in ensuring the availability of a reliable, high quality water supply for all households within the county in a manner that is consistent with the comprehensive plan and protection of the natural environment.

Objective UT.2.A – All new residential developments should be able to demonstrate the availability of a potable water supply meeting state water quality standards and of sufficient capacity to serve domestic requirements.

- *Policy UT 2.A.1* requires the availability of an adequate water supply for residential land use or construction permit approval.

COMMENT: Adequate water is available for the proposal, according to the letter of water availability issued for the subject property by the local water district.

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.

- *Policy UT 3.A.1* requires the availability of an adequate public wastewater collection and treatment system for residential land use or construction permit approval.

COMMENT: Adequate sewer service is available for the proposal, according to the letter of sewer availability issued for the subject property by the local sewer district.

Natural Environment Element

Goal NE 3 – Comply with the requirements of state, federal and local laws for protecting and managing critical areas, shorelines, and water.

Objective NE 3.H – Comply with the requirements of the National Pollution Discharge Elimination System (NPDES) permit issued to the county pursuant to the Clean Water Act.

- *Policy NE 3.H.1* requires new development to comply with stormwater runoff standards, including the provision of facilities that control run-off quantities, peak flow rates, and water quality treatment.

COMMENT: The development will provide drainage facilities to control runoff from the subject property for compliance with surface water, groundwater, and sediment standards. These facilities are provided according to the Snohomish County drainage code and drainage manual, which are based on the requirements of the Washington State Department of Ecology (DOE) drainage manual. DOE is the agency responsible for administering the National Pollution Discharge Elimination System (NPDES) program, pursuant to the federal Clean Water Act.

Urban Development Patterns

The area is already characterized by urban growth that has adequate existing facility & service capacities to serve the proposed development for public facilities and services.

COMMENT: Existing streets, roads & highways have sufficient capacity for the additional traffic generated by the development and traffic safety will not be affected, according to a *Traffic Impact Analysis (Exhibit #6)* prepared for the project. Traffic

mitigation fees are required to be paid to the county according to *Snohomish County Code (SCC) 30.66B.310 & 30.66B.630* to provide for increased capacity on arterial roads, as planned for by the county, by improving existing roads and reducing vehicular travel demand. A traffic concurrency review has been performed by the County in accordance with *SCC 30.66B*, and the proposal has been deemed concurrent. The County has further determined that there are no existing Inadequate Road Conditions, High Accident Locations, Arterial Units in Arrears, or Level-of-Service deficiencies in the area, and that the proposal will not result in any of those conditions.

Pedestrian walkways will be provided as required by county code, *SCC 30.66B.410*.

There is no street lighting proposed, however the only street lighting in the vicinity appears to be for driveway illumination.

New traffic signals do not appear to be required on any near by streets due to the proposal are warranted for this proposal, according to *SCC 30.66B.165* and *EDDS Section 7-03*.

As previously found, adequate domestic water & sanitary sewer systems are available for the proposal.

As previously found 503 square feet of open Space is provided. This complies with county code requirements.

Storm drainage facilities are required for the proposal, according to *SCC Chapter 30.63A*. The system will direct & control collect runoff generated by impervious surfaces within the site to an underground detention vault that will attenuate the release of runoff discharged downstream to avoid flooding & erosion, and will provide water quality treatment to prevent pollution of downstream drainage courses.

Fire protection is already provided by Snohomish County Fire District No. 1. Police protection is already provided by the Snohomish County Sheriff's Department.

The proposal is within the Mukilteo School District No. 6. Provisions for schools are made by payment of school mitigation fees, as required by *SCC 30.66C.100*, for new or improved school facilities within the district.

There is sufficient electrical system capacity for the proposal, according to the letter from Snohomish County PUD No 1.

The rezone will help to establish development patterns that use urban land more efficiently, and will concentrate and intensify development at an appropriate location.

The development is carefully sited, since critical areas will not be impacted, and transit facilities & urban services are within walking distance.

No critical areas are on or near the site

The proposed rezone will lessen dependence on private automobiles and promote the use of alternative forms of transportation. The proximity of the subject property to bus transit stations will encourage commuting by buses or carpools instead of automobiles.

The rezone proposal and subsequent development is sensitively integrated into the existing community, by maintaining the current pattern of new development in the neighborhood, and meeting the land development standards of the Snohomish County Code.

The existing community in the vicinity of the proposal is undergoing a transition from single family homes on medium sized lots with no curbs gutters or sidewalks to one of a mix of single family residences, duplexes and apartments with curbs and sidewalks. The proposal is keeping in nature with the newer urban developments.

Future annexation opportunities are not determined at this time, however it is within the UGA and bounded on three sides by the city of Everett. It seems likely that incorporation into the city is likely.

The development is well designed, as it will meet all of the applicable site planning requirements of the zoning code for the "LDMR" zone, including density, building setbacks, lot coverage, landscaping, parking, vehicular access, and fire safety.

No selective or innovative land use measures would be needed to preserve the character of the neighborhood, since the neighborhood character is already changing with the on-going infill developments taking place in the area, and the proposal would be consistent with these infill developments and the changed character of the neighborhood.

Adequate emergency vehicle access is provided for by the private access road design which widens the current condition. A new fire hydrant will be installed opposite the proposal on 107th Street. Building separation, driveway width and guest parking have all been designed in accordance with county code and comments from the fire marshal and public works

The proposal adequately provides for the public health, safety and welfare. There is safe pedestrian access along the roadways serving the subject property, 148th Street SW and Jefferson Way, and the sidewalks that are included in the required frontage improvements will provide safe walking conditions for children to walk to, and wait at, school bus stops. Adequate off-street parking will be provided, and signage and/or striping of the access road with a "No Parking – Fire Lane" restriction, as required by the Fire Marshal, will provide a standard fire lane for emergency vehicle access.

The proposal is consistent with the designation of the Future Land Use Map, and with General Policy Plan Goals, Objectives, and Policies for Land Use, Housing, Utilities, and Natural Environment, and is therefore consistent with the comprehensive plan.

- (2) The proposal bears a substantial relationship to the public health, safety and welfare:
- The rezone will result in more housing available to meet increased housing demand in this area, and promotes infill development that represents an efficient, more cost effective use of land.
 - The infill development that will result from the rezone will represent the efficient use of existing infrastructure, rather than inefficiently extending new infrastructure in a “leap-frog” pattern that creates pockets of development separated by un-developed areas.
 - Sidewalks and curbs will be installed.
 - The resulting development permits will be subject to the requirements of the Unified Development Code, SCC Title 30 for site development. The stated purpose of the provisions of UDC is to safeguard the public health, safety, and general welfare. Therefore the proposal will not affect the public health, safety and welfare with any land development impacts.

These are all significant benefits that bear a substantial relationship to the public health, safety and welfare.

- Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F, SCC are met.
- Chapters 30.31A through 30.31F, SCC apply to business, industrial park, freeway, commercial, landing field, mineral, townhouse, rural business, rural industrial, rural freeway, and rural commercial zones.

COMMENT: The proposed LDMR zone is a residential zone, not any of the cited zones, therefore this criterion is not applicable.

Based on the above analysis of the rezone criteria, the proposed rezone meets all of the applicable criteria for approval of a rezone.

14. Any Finding of Fact in this Report and Decision, which should be deemed a Conclusion, is hereby adopted as such.

CONCLUSIONS:

1. The Examiner has jurisdiction to hear this matter and render a decision thereon.
2. The request is consistent with the GMACP; GMA-based County codes; and the type and character of land use permitted on the site and the permitted density with the applicable design and development standards.
3. The request is for a rezone and therefore must comply with Chapter 30.42A. This is a site-specific rezone that conforms to the Comprehensive Plan.

4. Adequate public services and adequate provisions for the public health, safety and general welfare exist to serve the proposal.
5. As found above, the boundary line adjustment and administrative site plan portion of the application shall be handled administratively by PDS and this decision does not address those issues.
6. Any Conclusion in this Report and Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

DECISION:

The requests for a **REZONE** are hereby **APPROVED**.

Decision issued this 18th day of July, 2008.

James A. 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 **JULY 28, 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 **AUGUST 1, 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: Scott Whitcutt

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.