

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

DATE OF DECISION: May 15, 2008

PLAT/PROJECT NAME: **CAMPBELL SHORT PLAT**

APPLICANT/
LANDOWNER: Jerry Campbell

FILE NO.: 07 111337 LU

TYPE OF REQUEST: **REZONE** from Residential-9600 (R-9600) to Residential-7200 (R-7200) with administrative 9-lot short plat

DECISION (SUMMARY): APPROVED

BASIC INFORMATION

GENERAL LOCATION: The project site is located at 21715 39th Avenue SE, Bothell, WA

ACREAGE: 1.74 acres

ZONING: CURRENT: R-9600
PROPOSED: R-7200

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Low Density Residential (4-6 du/ac)

UTILITIES:

Water: Alderwood Water and Wastewater District
Sewage: Alderwood Water and Wastewater District

SCHOOL DISTRICT: Northshore

FIRE DISTRICT: No. 7

SELECTED AGENCY RECOMMENDATIONS:

Department of:
Planning and Development Services: Recommendation of approval

INTRODUCTION

The applicant filed the Master Application on September 25, 2007. See Exhibit 1

The Hearing Examiner (Examiner) made a site familiarization visit on May 12, 2008, in the morning.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by SCC 30.72.030(4). See Exhibits 6A (mailing), 6B (publication) and 6C (posting).

A SEPA determination was made on March 24, 2008. See Exhibit 5B. No appeal was filed.

The Examiner held an open record hearing on May 14, 2008, the 89th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on May 14, 2008 at 9:15 a.m.

1. Ed Caine, Senior Planner, appeared on behalf of PDS and gave an overview of the rezone request and answered questions from the Examiner.
2. Landon Combs appeared on behalf of the applicant, Jerry Campbell.
3. No one appeared in opposition to the request.

The hearing concluded at 9:30 a.m..

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

FINDINGS OF FACT

1. All exhibits and witnesses included on the Master Exhibit and Witness List were considered by the Examiner and are hereby incorporated by reference, as if set forth in full herein.
2. State Environmental Policy Act Compliance. A Determination of Nonsignificance (DNS) was issued March 24, 2008. Exhibit 5B. The DNS was not appealed.

3. Rezone Request: The request before the Examiner is for a rezone from R 9600 to R 7200. (Exhibit 1)

The applicant is requesting an administrative site plan from PDS, which PDS staff has included in the file for the Examiner's reference. The Examiner has no jurisdiction over approval of the site plan. The Examiner does appreciate the information and the visual reference as it is crucial in deciding the issues in the rezone.

4. Site description: The site is developed with a single family residence and outbuildings. The property is landscaped. There is a small Category 3 wetland of 545 square feet, which will be filled. The existing residence will be removed.

5. Adjacent uses: Adjacent parcels are a mixture of R-7200, R-7200 (PRD), and R-9600 zoning. Adjacent uses are single family residential, primarily on smaller lots but with a few larger parcels.

6. Transportation:

PDS Traffic reviewed the proposal for compliance with Title 13 and Chapter 30.66B of Snohomish County Code, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures.

- A. Road System Capacity [SCC 30.66B.310]

The development will generate 76.56 new ADT and has a road system capacity impact fee of \$17,608.80 (\$1,956.53/lot) based on \$230.00/ADT.

- B. Concurrency [SCC 30.66B.120]

The subject development was evaluated for concurrency under the provisions of SCC 30.66B.120 and is concurrent as of February 12, 2008. The expiration date of the concurrency determination is six years from this date. Consistent with DPW rule 4225.070 the point in time for which the concurrency analysis is based (the concurrency vesting date) is January 10, 2008.

The subject development is located in TSA "E", which as of the date of submittal had the following arterial unit in arrears: AU#337. The subject development did NOT add three (3) or more peak-hour trips to the arterial unit in arrears. Pursuant to SCC 30.66B.160(2)(a) the development is determined concurrent.

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

The subject proposal will not impact any IRC locations identified at this time within TSA E 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]

DPW Rule 4222.020(1) requires full urban frontage improvements along the subject parcel's frontage on 217th St SE which shall consist of: Asphalt concrete pavement

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

Existing urban frontage improvements along the subject development's frontage on 217th St SE consists of 14 feet of asphalt concrete pavement, rolled curb and gutter, a 4-foot sidewalk and a 5-foot planter.

The applicant submitted a deviation request dated September 20, 2007 not to install full urban frontage improvements along the subject development frontage on 217th St SE (Exhibit 7B). This deviation request was reviewed and approved by the County Traffic Engineer on November 19, 2007.

Full frontage improvements along the subject parcel's frontage on 39th Ave SE currently exist. Therefore, additional improvements are not required.

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

All developments are required to provide for access and transportation circulation in accordance with the comprehensive plan and SCC 30.66B.420, design and construct such access in accordance with the EDDS, and improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.

217th St SE has a posted speed limit of 25 MPH. The existing stopping site distance and intersection site distance along the development's frontage with 217th St SE are adequate.

39th Avenue SE is a minor arterial road with a 35 MPH posted speed limit.

Access to the development is proposed via a public road off of 217th St SE that terminates in a 40-foot radius cul-de-sac. The applicant is showing radius returns at the public road intersection with 217th St SE.

The new public road intersects 217th St SE at a 90-degree angle per the EDDS section 3-09 A. The new public road centerline lines up with the 39th Dr SE centerline to the north.

The public road is shown with 28 foot wide pavement, curb and gutter on both sides and a 5 foot sidewalk on one side. The public road is showing a 5-foot sidewalk on a portion of the cul-de-sac. The applicant submitted a deviation request dated December 24, 2007 to the EDDS section 4-05A and the EDDS standard drawing 3-150 to provide a sidewalk around a small portion of the cul-de-sac on the west side that fronts an open tract and does not front any lots (Exhibit 7A). This deviation request was reviewed and approved by the County Engineer on February 14, 2008.

Access to lots 1, 4, 6, 7, and 9 is directly off of the new public road. Access to lot 2 is via a driveway off of 217th St SE.

The proposed 15-foot shared driveway easement off of the proposed public road as shown for lots 3 and 5 encumber lots 4 and 6 and meets SCC 30.24.060. This needs to be labeled as an exclusive 15-foot access easement to benefit lots 3 and 5. No ingress

or egress to or from this exclusive shared driveway easement will be permitted to lots 4 and 6.

Access to lot 8 is via an access and utility easement over tract 999.

The minimum centerline offset between the proposed public road and 39th Ave SE to the west as shown on the preliminary short plat is approximately 170 feet and does not meet the EDDS table 3-11 requirements of a minimum 200 feet. The applicant submitted a deviation request dated December 24, 2007 to the EDDS section 3-09D and the EDDS table 3-11 to keep the centerline offset distance between the proposed public road and 39th Ave SE to the west at approximately 170 feet (Exhibit 7A). This deviation request was reviewed and approved by the County Engineer on February 14, 2008.

Based on the above, the proposed access is acceptable. Relevant conditions will be placed on the Preliminary Approval for the short plat.

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

The road serving this development, 217th St. SE, is designated as a Non-Arterial on the County's Arterial Circulation Map. This requires a right-of-way width of 30 feet on each side of the right-of-way centerline. Currently, 26 feet of right-of-way exists on the development's side of the right-of-way. Therefore, 4 feet of additional right-of-way is required.

The applicant submitted a letter to the County Engineer to allow a deviation from SCC 30.66B.520 and waive the requirement to dedicate 4 feet of right of way on 217th St SE (Exhibit 7B). This deviation request was reviewed and approved by the County Engineer on December 10, 2007.

39th Avenue SE is designated as a Minor Arterial. This requires a right-of-way width of 40 feet on each side of the right-of-way centerline. 40 feet of right-of-way presently exists on the development's side of the right-of-way. Therefore, no additional right-of-way is required.

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

The subject development is subject to SEPA and thus is subject to Interlocal Agreement (ILA) with the Washington State Department of Transportation (WSDOT)/County effective December 21, 1997, and as amended.

WSDOT reviewed this project and determined via an email sent to the PDS on October 24, 2007 that this development will not contribute three or more PH PHT to any WSDOT project in TSA E (Exhibit 8D). Therefore, WSDOT does not request any traffic mitigation for state highways from the applicant.

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

The County has an ILA with the City of Bothell. The proposed development is subject to SEPA and thus is subject to interlocal agreement between the County and City of Bothell and the City of Mill Creek for impacts on city streets.

For impacts on the City of Bothell, and pursuant to the ILA and SCC 30.66B.055(4) a written proposal from the applicant proposing measures to mitigate impacts on City streets is required.

The applicant submitted to the City of Bothell an offer of \$8,372.00 (\$930.22/SFR).

Comments from the City dated February 26, 2008 were received by the PDS on February 26, 2008 (Exhibit 8H). The City agreed to the mitigation measures proposed by the applicant. The County reviewed the city requested mitigation and written proposal for mitigation submitted by the applicant and determined that the proposed mitigation measures are reasonably related to the impacts of the development and recommends that they be imposed on the development as a condition of approval.

For impacts on the City of Mill Creek, and pursuant to the ILA and SCC 30.66B.055(4) a written proposal from the applicant proposing measures to mitigate impacts on City streets is required and was received by the City of Mill Creek on October 1, 2007. Comments from the City were received by the PDS on October 22, 2007 (Exhibit 8C). The City of Mill Creek does not require any mitigation from the applicant.

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

Relevant conditions will be placed on the Preliminary Approval for the short plat.

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

Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours

Since a TDM plan was not submitted with the initial application, a cash payment is required. This was indicated on the presubmittal review conference form signed by the County and the applicant's representative on July 5, 2007. The TDM obligation for this development is \$606.00. A written offer for payment of this TDM obligation was received on November 20, 2007.

Relevant conditions will be placed on the Preliminary Approval for the short plat.

J. Pedestrian Facilities [RCW 58.17.110]

The County is required to make findings regarding safe walking conditions for school children who may reside in the subject short subdivision. Comments from the Northshore School District #417 dated October 3, 2007, were received the PDS on October 17, 2007 (Exhibit 8B).

The school district identified the bus stop locations as:

- (a) Canyon Creek Elementary School: The intersection of 39th Ave SE and 217th St SE is the bus stop location. Pedestrian walkways from the subject development to that location currently exist.

- (b) Skyview Junior High School: Students will walk to school from the subject development. Pedestrian walkways from the subject development to Skyview Junior High School currently exist.
- (c) Bothell High School: The intersection of 219th St SE and 49th Ave SE is the bus stop location. Pedestrian facilities from the subject development to the intersection of 219th St SE and 49th Ave SE do not exist. Therefore, pedestrian facilities acceptable to PDS are required to be installed from the subject development to the intersection of 219th St SE and 49th Ave SE, or to another location acceptable to the school district. Relevant conditions will be placed on the Preliminary Approval for the short plat to establish the necessary pedestrian facilities.

7. Environmental Impacts of Higher Density.

- A. Grading, drainage, and critical areas. The development proposes in excess of 5,000 square feet of new impervious surfaces which meets the definition of major development activity per SCC 30.63, and therefore a full drainage plan and report is required. Proposed grading is in excess of 100 cubic yards which triggers the need for a grading permit and Stormwater Pollution Prevention Plan (SWPPP) per SCC 30.63B and Rule 3044.

Downstream flooding was reported by the Surface Water Management division of DPW and in the targeted drainage report prepared by Mr. Dougherty, P.E. (Exhibit 3B).

Based on the preliminary findings made by the staff of PDS's Engineering Section relating to drainage and grading, this project will meet the requirements the UDC Chapter 30.63A and 30.63B.

Planning and Development Services (Engineering) 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. Grading quantities are anticipated to be approximately 292 cubic yards of cut and 292 cubic yards of fill, primarily for road, drainage facility, and home site construction. Water quality would be controlled during construction by use of silt fences and straw bales in accordance with a Temporary Erosion and Sedimentation Control Plan (TESCP) required by Chapter 30.63A SCC. Relevant conditions will be placed on the Preliminary Approval for the short plat.

There is a small Category 3 wetland (545 square feet) on site. The wetland is proposed to be filled. Tract 998 is being created adjacent to the entrance road and is being designated as NGPA. Tract 998 is being provided as mitigation for filling the wetland. PDS has reviewed the Critical Areas Study and Mitigation Plan and determined that the project complies with the critical areas regulations.

- B. Parks impacts. The proposal is within Park District No. 307 (Nakeeta Beach) and is subject to Chapter 30.66A SCC, which requires payment of \$1,244.49 per each new single-family residential unit, to be paid either prior to plat recording or prior to building permit issuance for each unit. Such payment is acceptable mitigation for parks and recreation impacts in accordance with county policies. A relevant condition will be placed on the Preliminary Approval for the short plat.

C. Schools. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Northshore School District No. 417, at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for the 1 existing lot. Relevant conditions will be placed on the Preliminary Approval for the short plat.

8. General Policy Plan Designation. Four elements of the Snohomish County GMA Comprehensive Plan (GMACP) were adopted pursuant to Ordinance 94-125, which became effective on July 10, 1995. These elements are: the General Policy Plan (GPP); the Transportation Element; the 1995-2000 Capital Plan; and the Comprehensive Park & Recreation Plan. The General Policy Plan has been revised since its initial adoption by a number of amendments. 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. This application was complete after the effective date of the Amended Ordinances. Therefore, the subject application has been evaluated for consistency with the version of the GMA Comprehensive Plan, which became effective on February 1, 2006, and as revised through the completeness date of the application.

The subject property is designated Urban Low Density Residential (ULDR: 4-6 DU/Ac) on the GPP Future Land Use map, and is located within an Urban Growth Area (UGA). It is not located within a mapped Growth Phasing Overlay. According to the GPP, the Urban Low Density Residential designation “covers various sub-area plan designations, which allow mostly detached housing developments on larger lot sizes. Land in this category may be developed at a density of four to six dwelling units per acre. Implementing zones include the R-7200, PRD-7200, R-8400, PRD-8400, R-9600, PRD-9600 and WFB zones.” The requested rezone is consistent with the General Policy Plan’s Urban Low Density Residential designation of the property.

The subject rezone and future development proposal is for a 9 lot short plat and rezone resulting in a density of 6.04 dwelling units per acre. Consistency with policies implementing the comprehensive plan will be discussed in the conclusions of law, below.

The GMA requires that urban growth areas (UGAs) be designated through the county’s plan. UGAs are to include areas and densities sufficient to permit the urban growth that is projected to occur in the county over the next twenty years. Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

Planning for growth in this way accomplishes two GMA goals: 1) the efficient provision and utilization of public facilities and services, including public transportation; and 2) reduced conversion of undeveloped land into sprawling, low density development.

The preceding paragraphs are taken from the Future Land Use Map section of the GPP (pages LU-88 and LU-89). There are three additional major sections of the GPP that apply to rezone considerations: Population and Employment, Land Use, and Housing. Discussion of compliance with the GGP sections is provided under the Rezone Section, below.

Population and Employment

- GOAL PE 1 Establish a subcounty allocation of projected growth to the year 2025 that is consistent with the goals of the Growth Management Act and the countywide planning policies. (PE-3)
- Objective PE 1.A Direct future growth in unincorporated Snohomish County primarily into urban areas. (PE-4)
- PE Policies 1.A.1. Snohomish County's portion of the urban growth areas shall receive the majority of the unincorporated county's projected population and employment growth as shown in Appendix D. (PE-4)
- PE Policies 1.A.2. New population and employment in unincorporated areas shall be located in urban areas best suited to accommodating the growth. Urban areas having adequate existing or planned public facility and service capacities to accommodate growth should be the prime recipients of future growth. (PE-4)

Land Use

- GOAL LU 1 Establish and maintain compact, clearly defined, well designed UGAs. (LU-2)
- Objective LU 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. (LU-2)
- LU Policies 1.A.3 Snohomish County shall ensure a no net loss of housing capacity that preserves the County's ability to accommodate the 2025 growth targets, while pursuing compliance with all relevant federal, state and local laws and regulations. (LU-3)

Urban Development Patterns (LU-15)

To promote efficient utilization of land within unincorporated UGAs, the county will encourage well-designed, more pedestrian-friendly urban development patterns with a greater mix of uses and a more efficient, creative use of land. By improving land use efficiency in UGAs, several GMA objectives can be accomplished:

reduced dependence on the automobile;
increased support for public transportation;
improved air quality;
increased choice of housing types;
improved efficiency of infrastructure provision and usage; and
reduced consumption of rural lands.

To improve the efficiency of urban residential land utilization, planning within UGAs and development regulations will ensure that future residential subdivisions will achieve a minimum net density of 4 to 6 dwelling units per acre except in areas within or near critical areas that are large in scope, with a high rank order value, and are complex in structure and function. In addition, the county will provide for higher density and mixed use housing types around and within centers and along major transportation

corridors; encourage infill and intensification of areas at existing residential densities; and also broaden the variety of housing types within both 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 UGAs, as long as they are carefully sited, well designed, and sensitively integrated into existing communities.

- GOAL LU 2 Establish development patterns that use urban land more efficiently. (LU-16)

- Objective LU 2.A Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations. (LU-16)

- LU Policies 2.A.1 Within UGAs, development regulations shall be adopted and maintained which will require that new residential subdivisions achieve a minimum net density of 4-6 dwelling units per acre in all unincorporated UGAs, except (1) in UGAs of Darrington, Index, and Gold Bar, as long as those cities do not have sanitary sewer systems and (2) in areas without sanitary sewers which the sewer purveyor with jurisdiction, or in nearest reasonable servicing proximity will certify are either an unsewered urban enclave or are not capable of being connected to public sewers via annexation within the next six years or by the improvements provided pursuant to its adopted six year capital facilities plan, (3) where regulations for development on steep slopes require reduced lot or dwelling unit yields, or (4) where lower density is necessary because of the existence of critical areas that are large in scope, with high rank order value, and are complex in structure and function. Lot size averaging, planned residential developments, sewerage regulations, and other techniques may be used to maintain minimum density or to insure later development at minimum densities is not inhibited when sanitary sewers become available. (LU-16)

- LU Policies 2.A.3 Any UGA shall provide opportunities for a variety of residential densities identifying minimum and maximum allowable. Density ranges shall consider the presence of critical areas. (LU-16)

Housing

Relationship to other GPP elements (HO-2)

The Housing Element relates closely to many elements of the Comprehensive Plan. The Land Use Element determines the types and types and locations of various types and densities of residential uses. This is part of the Land Use Element's function of laying out all land uses in suitable amounts, locations and relationships to each other. (HO-2)

- GOAL HO 1 Ensure that all county residents have the opportunity to obtain safe, sanitary, and affordable housing. (HO-3)

- Objective HO 1.D Maintain an adequate supply of appropriately zoned development land. (HO-5)

- HO Policies 1.D.3. The county shall encourage expeditious and efficient infill development in urban growth areas. (HO-5)

- GOAL HO 2 Ensure the vitality and character of existing residential neighborhoods. (HO-6)
- Objective HO 2.A Promote opportunities for all county residents to reside in safe and decent neighborhoods. (HO-6)
- HO Policies 2.A.1. The county should preserve the character of stable residential neighborhoods through selective and innovative land use measures. (HO-6)
- 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. (HO-6)
- HO Policies 2.B.1 The county shall encourage a variety of housing types and densities in residential neighborhoods. (HO-6)

The nine (9) units proposed are consistent with the density provisions of Snohomish County's GMA-based zoning regulations under Subtitle 30.2. The site is 75,777 square feet (1.74 acres). The nine (9) units are consistent with the Urban Low Density Residential (ULDR: 4-6 du/ac) designation.

10. **Rezone (Chapter 30.42A SCC)**

Decision criteria. The hearing examiner may approve a rezone only when all the following criteria are met:

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

Consistent with the Comprehensive Plan

The proposed project seeks a rezone to R-7200. The rezone will allow higher densities than would be allowed under the existing zoning of R-9600. The request is in conformance with the applicable components of the General Policy Plan elements discussed in the preceding GMA Comprehensive Plan section (above).

The Population and Employment section of the GPP requires that growth be directed primarily to the urban areas (Objective PE 1.A, page PE-4) that have existing or planned public facility and service capabilities to accommodate growth (PE Policy 1.A.2., page PE-4). The subsequent short subdivision development has obtained a concurrency determination regarding the road system and will contain conditions for access and frontage improvements. The project will be served by public water and sewer. The project will provide adequate service capabilities, and, therefore, meets the criteria of the Population and Employment section.

The Urban Development Patterns (LU-15) and Goal LU-2 (LU-16) of the Land Use section of the GPP, is intended to improve the efficiency of urban residential land utilization and to require a minimum net density of 4-6 dwelling units per acre. The existing neighborhood contains a mixture of small lots and large lots. The large lots do not comply with the current standard of 4-

6 dwelling units per acre. Land division is required to meet the 4-6 du/ac standard, or the land cannot be developed. LU Policies 2.A.1 and 2.A.3 (LU-16) require densities of 4-6 du/acre. The project will result in a net density of 6.04 du/acre, which satisfies the density requirement.

The Housing section of the GPP requires efficient infill development in urban growth areas (HO Policy 1.D.3., page HO-5). The rezone is a necessary component of the development, which is an infill development within an established neighborhood.

However, Goal HO 2 of the Housing section (HO-6), also requires that the vitality and character of existing residential neighborhoods should be maintained. The proposed rezone will not eliminate the existing neighborhood. Although the mental components of the existing residents may be impacted, the alteration will not diminish the energy, vigor, or strength of the neighborhood.

The physical attributes of lots within the neighborhood will be changed by the proposed rezone. Smaller lots and higher densities, relative to the existing conditions, will be different from the existing lot dimensions of the neighborhood. The existing zoning for the site is R-9600. The lot yield for the site under existing zoning of R-9600 is 7 lots (yield = 7.89 lots, which does not round). The lot yield for the site under the rezone to R-7200 is 10 lots (yield = 10.52 lots, which does not round), or an increase of 3 potential lots. The application is for 9 lots, because 10,899 square feet of the site will be removed from the plat as a dedicated public road. All infill developments, which are specifically required by HO Policy 1.D.3., will deviate from the existing lot dimensions of the neighborhood.

Objective HO 2.A (page HO-6) is intended to promote opportunities for all county residents to reside in safe and decent neighborhoods. HO Policy 2.A.1 requires that the character of stable residential neighborhoods should be preserved through selective and innovative land use measures while HO Policy 2.B.1 requires that the county shall encourage a variety of housing types and densities in residential neighborhoods (page HO-6). These policies may appear to be in conflict.

The requirement under HO Policy 2.A.1 is to "... preserve the character of stable residential neighborhoods through selective and innovative land use measures."(HO-6) is a requirement to preserve the residential aspect of the neighborhood, with adequate provision for essential public services and with adequate provision for the public health, safety, and welfare of the neighborhood. This is especially true for a rezone application to a different density for lands that are designated as Urban Low Density Residential where the rezone is merely to a greater density of detached single family residential lots. The proposed rezone will maintain a residential neighborhood and will not allow commercial agricultural uses, commercial development, and multifamily development on the site. In the context of the entire GPP, HO Policy 2.A.1. should not be interpreted as a provision that the proposed rezone should result in lots that mimic the adjacent predevelopment lots either in lot size or in the size of the residences that will be built on the proposed lots.

Bears a substantial relationship to the public health, safety, and welfare.

Application for the proposed rezone is concurrent with the application for a short subdivision. Review of the land development proposal has been made for compliance with the relevant codes, policies, and standards of Snohomish County. The project, as conditioned, will satisfy those requirements, including a concurrency determination for access routes to and from the development, an evaluation of the road and access routes to comply with the relevant EDDS standards and SCC 30.66B, evaluation of the adequacy of stormwater and drainage system,

evaluation of critical areas, adherence to the short subdivision codes, compliance with the fire and emergency access requirements, and provision of adequate potable water and sewage disposal. The intent of the Snohomish County codes, policies, and standards is to insure that adequate provision has been made for the public health, safety, and welfare of the citizens. The proposed project, as it would be conditioned, complies with the relevant provisions.

Minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

The proposed site is located within a residential neighborhood. The proposed rezone is to remain a residential zone within the Urban Low Density Residential designated area. Therefore, the zones specified in SCC 30.31A-F are not applicable to the proposal.

11. **Zoning (Chapter 30.2 SCC)**

This project meets zoning code requirements for lot size, including lot size averaging provisions, bulk regulations and other zoning code requirements.

12. **Utilities**

Water

Water will be supplied by the Alderwood Water and Wastewater District. A Certificate of Water Availability was received on October 26, 2007 (Exhibit 8F).

Sewer

Sewer will be supplied by the Alderwood Water and Wastewater District. A Certificate of Water Availability was received on October 26, 2007 (Exhibit 8F).

Electricity

Snohomish County Public Utility District has provided correspondence indicating that they can provide electrical service for the project on October 3, 2007 (Exhibit 8A).

Health District

Snohomish Health District recommended approval of the rezone and the short plat on November 19, 2007 (Exhibit 8E).

13. **Fire Code (Chapter 30.53A)**

Comments were requested from Fire District # 7 on September 27, 2007. PDS received no comments from Fire District # 7 for this project. Fire review by the office of the Fire Marshal was completed on November 13, 2007. Relevant conditions will be placed on the Preliminary Approval for the short plat.

14. **Public comments**

Two public comments were received, but both comments merely requested to be a Party of Record and to receive information regarding the decisions.

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

CONCLUSIONS OF LAW

1. The Examiner has original jurisdiction over the rezone application pursuant to SCC 30.42A.020 and 30.72.020(2).

2. Rezones are not presumed valid. The proponent of a rezone has the burden of proof of showing (1) that conditions have changed since the original zoning, or that the proposed rezone implements policies of the comprehensive plan; and (2) that the rezone bears a substantial relationship to the health, safety, morals or welfare. *Woods v. Kittitas County*, 130 Wn. App. 573, 584, 123 P.3d 883 (2005); see *Citizens of Mount Vernon v. Mount Vernon*, 133 Wn.2d 861, 875, 947 P.2d 1208 (1997). The county's regulations are a direct expression of the criteria expressed by case law.

3. Chapter 30.42A SCC covers rezoning requests and applies to site specific rezone proposals that conform to the Comprehensive Plan. The decision criteria under SCC 30.42A.100 provides as follows:

The hearing examiner may approve a rezone only when all the following criteria are met:

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

4. In the context of the Growth Management Act, development regulations and therefore rezones must be consistent with and implement the comprehensive plan. RCW 36.70.040. But in the context of site-specific rezones, the inquiry goes beyond mere consistency with the map designation of the comprehensive plan—as the Snohomish County Council explained in Motion 07-447 *A Motion Vacating and Remanding the Hearing Examiner's Decision of the Brookstone Investments, LLC (Hearing Examiner File No. 06-135148 LU) Back to the Examiner to Supplement the Record at 3* (August 8, 2007), “The Comprehensive Plan is the most direct

¹ This criterion is not applicable in this case as it only applies to performance standard zones, resource land zones, and overlays.

expression of public policy in the area of land use. In determining that a proposed rezone is consistent with the Comprehensive Plan, the proposal must be consistent with the policies as well as the map designation.” The Examiner interprets this language, as well as the law applicable to rezones, to mean that **the burden is upon the applicant to demonstrate to the Examiner that the proposed rezone meets the applicable comprehensive plan policies.**

5. This rezone is a request to change the zoning on the parcel from R-9600 to R-7200.
6. The Land Use Element of the General Policy Plan (GPP) introduces the way in which Urban Growth Areas are planned for and how densities are to be determined:

The GMA requires that urban growth areas (UGAs) be designated through the county’s plan. UGAs are to include areas and densities sufficient to permit the urban growth that is projected to occur in the county over the next twenty years. Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services that are provided by either public or private sources, and third in the remaining portions of the UGAs.

Planning for growth in this way accomplishes two GMA goals: 1) the efficient provision and utilization of public facilities and services, including public transportation; and 2) reduced conversion of undeveloped land into sprawling, low-density development.

General Policy Plan at LU-1.

This rezone application invokes consideration most directly of Goal LU 2 and its policies. The introduction to that Goal states:

To promote efficient utilization of land within unincorporated UGAs, the county will encourage well-designed, more pedestrian-friendly urban development patterns with a greater mix of uses and a more efficient, creative use of land. By improving land use efficiency in UGAs, several GMA objectives can be accomplished:

- reduced dependence on the automobile;
- increased support for public transportation;
- improved air quality;
- increased choice of housing types;
- improved efficiency of infrastructure provision and usage; and
- reduced consumption of rural lands.

To improve the efficiency of urban residential land utilization, planning within UGAs and development regulations will ensure that future residential subdivisions will achieve a minimum net density of 4 to 6 dwelling units per acre except in areas within or near critical areas that are large in scope, with a high rank order value, and are complex in structure and function. In addition, the county will provide for higher density and mixed use housing types around and within centers and along major transportation corridors; encourage infill and intensification of areas at existing residential densities; and also broaden the variety of housing types within both 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 UGAs, as long as they are carefully sited, well designed, and sensitively integrated into existing communities.

General Policy Plan at LU-15.

Goal LU-2 of the GPP requires that the County “[e]stablish development patterns that use urban land more efficiently”, although Objective LU 2.A qualifies that statement by requiring the County to “[i]ncrease residential densities within UGAs by concentrating and intensifying development in appropriate locations.” GPP at LU-16.

7. Goal and Objective LU-2 focus on establishing development patterns that use urban land more efficiently by concentrating and intensifying development at appropriate locations. (Objective LU-2.A). The Examiner finds the test of what is “appropriate” to rely on three general areas of inquiry, which are found in the policies of LU-2 and in HO 2A.1. They have to do with careful siting of the development to minimize impacts to environmentally sensitive areas and to urban infrastructure; to provide integration of the infill project into the neighborhood and nearby cities that may annex, and ensuring that design of the project itself does minimize impacts on the character of the residential neighborhood area. They are laid out in outline form below:

i. Is the development carefully sited?

- (a) Critical areas/shorelines.
 - (i) Please describe the type and location of any critical areas on or in close proximity to the site (if any). **(Policy LU 2.A.3)**
 - (ii) Describe how impacts to critical areas will be avoided. **(Policy LU 2.A.3)**
 - (iii) Please describe any shoreline environment that the proposed rezone/development is located within and how the rezone complies with goals and policies of the Snohomish County Shoreline Master Program.²
- (b) Is the rezone or development proposed in an area within walking distance of transit access or designated transit corridor, medical facility urban centers, parks, and recreational amenities? **(Policy LU 2.A.5)**
- (c) How will the development made possible by the requested rezone tend to lessen dependence on private automobiles and promote the use of alternative forms of transportation? **(Page LU-15)**

ii. Is the rezone proposal/development sensitively integrated into the existing community? (See LU-15)

- (a) What is the character of the existing neighborhood? How would the requested rezone or development proposal be appropriate in the context of the existing neighborhood, keeping in mind that the GPP calls for a variety of housing types in neighborhoods? **(LU-15, Policy HO 2.B.1)**
- (b) Does the rezone/development proposal help to provide a mix or variety of housing types, especially if the area is a medium density area? **(Policy LU 2.A.4, Policy HO 2.B.1)**
- (c) Is the requested rezone/development close to a city that is likely to annex it in the future? If so, what comments, if any, are in the record regarding the proposed rezone/development? **(See Policy I.C.2)**

² Since the goals and policies of the Snohomish County Shoreline Master Program (SCSMP) are considered an element of the county’s GMA Comprehensive Plan, the rezone must be consistent with the SCSMP. See RCW 36.70A.480.

iii. **If known at the time of submittal of the rezone, is the development well designed? (See Policy HO 2.A.1, LU-15)**

- (a) Even if density is at a higher level are efforts made to have the character fit into the existing community? If so, what is the character of the existing community and how will the development maintain it? **(See Policy HO 2.A.1, LU-15)**
- (b) How specifically will the building design integrate into the existing neighborhood? Are structures of a size, height, mass, and separation to be consistent with vicinity homes and the surrounding neighborhood? Describe in detail. Will the development be at the same elevation as the rest of the existing neighborhood? How will the elevation affect the perception of the development? Is there something that can be done to mitigate differences? **(Policy HO 2.A. 1, LU-15)**
- (c) If applicable, what other selective and innovative land use measures will be used to preserve the character of the stable residential neighborhood? **(See Policy HO 2.A.1)**
- (d) If the proposed rezone/development will have negative impacts on the character of the surrounding neighborhood, describe whether the developer plans on using features such as landscaping, fencing, setbacks, or other design features to soften or eliminate those impacts. **(LU-15)**
- (e) Will the development be designed to provide for adequate fire and medical emergency access through the provision of adequate resident and guest parking, cul-de-sac radii, and building separation? Has the opinion of both the County Fire Marshall and any local Fire District been placed in the record? **(LU-15)** (See also discussion of public health, safety and welfare criteria, below).
- (f) Is the public health, safety and welfare adequately provided for (examples are safe pedestrian access, safe place for children to wait for school bus, adequate off-street parking so that a fire truck can access development)? **(See LU-15)** (See also discussion of public health, safety and welfare criteria, below).

8. Applying this test to the Campbell rezone project, the Examiner makes the following conclusions regarding consistency with the comprehensive plan:

A. The area is already characterized by urban growth such that it has adequate existing public facilities and services to serve the development for the following types of facilities and services, as demonstrated below:

- i. Streets, roads and highways. As previously found the project abuts both 39th Avenue and 217th Street. 39th Avenue is a minor arterial. Appropriate frontage improvements to 39th Ave. SE currently exist. Improvements will be required for 217th Street SE.
- ii. Sidewalks (Policy HO 2.A.4) As previously found there are adequate sidewalks currently available to access Canyon Creek Elementary and Skyview Junior High Schools. PDS intends to condition preliminary approval of the short plat upon installation of walkways from the subject development to the intersection of 219th St SE and 49th Ave SE, or to another area approved by the school district for high school students.
- iii. Traffic signals. As previously found no inadequate road conditions were identified. Additional traffic signals will not be required because of this project.

- iv. Water systems. As previously found water service will be provided by Alderwood Water and Wastewater District. (Exhibit 8 F)
 - v. Sanitary Sewer Systems. Sewer will be provided by Alderwood Water and Wastewater District and the file contains a preliminary certificate of sewer availability. Exhibit 8 F.
 - vi. Park and recreational facilities. As previously found the developer will pay park mitigation fees as a part of the development proposal. Those fees currently are identified to support community parks and special use facilities such as golf courses that are necessary to serve new development. See Snohomish County Parks Plan at page 41. This criteria, however, addresses existing park and recreational facilities the inhabitants of the development may use and whether they are sufficient at this location in the county. The Parks Plan was not altogether clear that levels of service had been adopted for every type of park, although Objective CF 7.C of the GPP states, related to parks, “[m]onitor and maintain minimum LOS standards, as defined in the Comprehensive Park and Recreation Plan and the CIP, through adequate CIP funding.”
 - vii. Storm disposal system: Stormwater disposal systems are provided by construction of an onsite drainage vault as detailed by Exhibit 3B.
 - viii. Fire and police suppression system: Fire protection is provided by Snohomish County Fire District No. 7.
 - ix. Public health: Public health issues are addressed by the Snohomish Health District. See Exhibit 8E.
 - x. Education: The site is served by the Northshore School District. Exhibit 8B.
 - xii. Other services: The Examiner is not aware of any other services that are available that should be discussed in the decision.
- B. The Examiner concludes that the rezone will accomplish GPP Goal LU-2 of helping to establish development patterns by using urban land more efficiently by intensifying and concentrating development at an appropriate location, in furtherance of Objective LU2-A. The Examiner’s conclusion relies on the following analysis:
- i. The development is carefully sited.
 - (a) There is a category 3 wetland on the site which will be filed. However it will be mitigated by the creation of a NGPA area at the entrance to the project. **(Policy LU 2.A.3)**³
 - (b) The rezone or development is not proposed in an area that is within walking distance of transit access, but this policy applies more specifically to properties in the urban medium density residential designation. **(Policy LU 2.A.5)**

³ Since the goals and policies of the Snohomish County Shoreline Master Program (SCSMP) are considered an element of the county’s GMA Comprehensive Plan, the rezone must be consistent with the SCSMP. See RCW 36.70A.480.

- (c) The development made possible by the requested rezone probably will not tend to lessen dependence on private automobiles and promote the use of alternative forms of transportation, but this policy applies specifically to properties in the Urban Medium Density Residential designation. **(Policy LU 2.A.5)(Page LU-15)**
- ii. The rezone proposal is adequately integrated into the neighborhood. **(See LU-15)**
 - (a) Character of the Existing Neighborhood. **(LU-15, Policy HO 2.B.1)**
The existing neighborhood is single family detached residential in character on both large and small lot sizes. It will not be affected by this project.
 - (b) Allowing for a Mix of Housing Types. **(Policy HO 2.B.1)**
The proposal will allow homes to be constructed on smaller lot sizes.
 - (c) City Comments. The City of Mill Creek had no comments. (Exhibit 8 C) The City of Bothell comments led to an offer of \$8,372 for road mitigation payments. (Exhibit 8H)
 - iii. If known at the time of submittal of the rezone, is the development well designed? **(See LU-15)** The proposal which was submitted to the Examiner for informative purposes appears well designed.
 - (a) Density of Surrounding Neighborhood and How the Development Will Help Maintain Existing Character. **(See Policy HO 2.A.1)** The development will continue the pattern of single family residential use of the neighborhood.
 - (b) Integration of Building Design into the Existing Neighborhood. **(See Policy HO 2.A.1; LU-15)** The development will continue the pattern of single family residential use of the neighborhood. The precise design of the individual homes was not provided.
 - (c) Other Selective and Innovative Land Use Measures Used to Preserve the Character of the Existing Neighborhood. A Native growth protection area is being constructed adjacent to the entrance to make up for the category 3 wetland that will be filled. **(See Policy HO 2.A.4)**
 - (d) Mitigation of Negative Impacts through Landscaping, Fencing and other Design Features. A Native growth protection area is being constructed adjacent to the entrance to make up for the category 3 wetland that will be filled. **(Policy HO 2.A.1)**
 - (e) Adequate Fire and Medical Emergency Access. The development will be required to provide for adequate fire and medical emergency access. Fire District #7 provided no comments on the proposed project. The comments of the office of the Fire Marshall are provided at page 8 of the staff report. (Exhibit 20). The Fire Marshall made recommendations for inclusion on the preliminary plat and provided guidance to PDS for requirements for the plat review. **(LU-15)**
 - (f) Adequate Provision for Public Health, Safety and Welfare. **(LU-15)** As previously found the project makes adequate provisions for public health safety and welfare.

The applicant has also provided a good analysis of comprehensive plan policies and an adequate justification for supporting the rezone as implementing the comprehensive plan. (See Exhibits 3 A-C and Exhibit 5). While this particular rezone has fairly minor impacts, the Examiner will always look at the salient factors from the comprehensive plan that support the rezone. As indicated in earlier decisions, the analysis needs to focus on the type of urban infrastructure capabilities, the availability of urban services, and whether, even in this lowest urban density designation, R-7200 zoning is appropriate in this location.

9. The Examiner concludes that the applicant has demonstrated that the rezone will implement the comprehensive plan.
10. The other criteria in SCC 30. 42A.100 is whether the proposal bears a substantial relationship to the public health, safety, and welfare. See SCC 30.42A.100(2). Returning to Council Motion 07-447, the Council clarified the proper role of the Examiner in reviewing this criteria:

Although consistency with the Comprehensive Plan is a significant factor in determining whether a proposed rezone bears a substantial relationship to the public health, safety and welfare, in some cases, there may be other factors outside the Comprehensive Plan policies that may be relevant to that issue and which may be considered. If there are such factors apparent from the application documents or otherwise known to PDS, they must be identified and discussed both in the written PDS staff report and by the Examiner in his decision. The written PDS staff report and the Examiner's decision should specify if any of these other factors are related to the rezone or should be considered at the project level with the specific development proposal being made. PDS staff is not required to anticipate opposition or to consider factors or issues outside of the Comprehensive Plan or not required by the Snohomish County Code. However, this does not limit the Hearing Examiner's ability to consider testimony at the public hearing concerning whether the proposed rezone bears a substantial relationship to the public health, safety and welfare.

Motion 07-447 at 3.

The Examiner interprets this language to mean that most of the time, analysis of whether the rezone is consistent with the Comprehensive Plan should suffice for review of a rezone proposal because in most cases, analysis of the comprehensive plan policies is analysis of whether the proposal bears a substantial relationship to the public health, safety and welfare. However, the Examiner and PDS may use this second criteria to analyze other issues of concern that may be raised outside of the scope of the Comprehensive Plan.

11. In this case, the Examiner concludes there are no issues of concern that warrant analysis under SCC 30.42B.100(2). No issues of concern were identified in the PDS staff report (See Exhibit 20) and no one except the applicant and PDS staff testified at the hearing. The Examiner identified no issues of concern in reviewing the file.
12. Since this request involves rezoning only, any details or conditions which would normally appear as conditions of the development in the Examiner's decision will be issued as a part of the administrative plan approval by PDS.
13. The request for a rezone was based upon the information and impacts submitted in the Determination of Nonsignificance.

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

DECISION

The request for a **REZONE** from R-9600 to R-7200 for this property is APPROVED.

Decision issued this 15th day of May, 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 **MAY 26, 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 29, 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 this 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.