

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

DATE OF DECISION: April 24, 2008

PROJECT NAME: Massey Rezone

APPLICANT/
LANDOWNER: Mike Massey
727 2nd St Unit C
Mukilto, WA 98275

FILE NO.: 07-112004-000-00-LU

TYPE OF REQUEST: **REZONE** from Residential-9600 (R-9600) to Residential-7200 (R-7200).

DECISION (SUMMARY): **APPROVED**

BASIC INFORMATION

GENERAL LOCATION: The subject property is located at 15526 56th Ave W and 5611 153rd Pl SE,
Edmonds, Washington

Acreage: 0.54 acres

Current Zoning: R-9600

Proposed Zoning: R-7200

Comprehensive Plan
General Policy Plan: Urban Low Density Residential (4-6 du/acre)

School District: Edmonds School District 15

Fire District: No. 1

Water Source: Alderwood Water & Wastewater District

Sewer Service: Alderwood Water & Wastewater District

SELECTED AGENCY RECOMMENDATIONS:

Department of Planning and Development Services: Approve

INTRODUCTION

The rezone application was originally submitted to Planning and Development Services (PDS) on October 9, 2007, which was determined to be insufficient for further review. A resubmittal of the application was received on January 23, 2008, which was determined sufficient on that date. (Exhibit 1)

The Hearing Examiner (Examiner) made a site familiarization visit on March 19, 2008 in the afternoon.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the County code. (Exhibits 12, 13, 14)

A SEPA determination was made on January 24, 2008. (Exhibit 11) No appeal was filed.

The Examiner held an open record hearing on Thursday, March 20, 2008, the 84th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

After the hearing the Examiner called for written comments regarding school impacts from the proposed rezone. (Exhibit 37) Comments were received from PDS as well as the Edmonds School District (Exhibit 39). These comments are made part of the file of the case.

PUBLIC HEARING

The public hearing commenced on March 20, 2008 at 9:00 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. Lee A. Michaelis, 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. Dorothy Crossman, PDS appeared and testified under oath. She presented the staff report and answered questions from the Examiner.

The hearing concluded at 9:18 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. Several letters of concern were received from the general public. (Exhibits 17-22) The issues brought up by the public include questions to PDS regarding the application for rezone and zoning code, comments about increased traffic on narrow roads without shoulders, problems with increased urban density including lack of playfields, parking, sidewalks and other amenities, increased construction traffic, and reduction of property values due to a loss of privacy with reduced setbacks. Several commentators described other developments in the neighborhood which have increased the number of houses.
3. Agency letters are Exhibits 30-34.
4. The applicant is requesting approval of a rezone from R-9600 to R-7200 of a .54 acre site to allow the site to be further subdivided through the short subdivision process to create one additional lot. A short plat application has not yet been submitted. Currently the site consists of one site with a single-family residence on one parcel and a vacant parcel.
5. The site consists of Lots 6 and 7 of Kwas Addition Division B located on the northwest corner of the intersection of 153rd Pl SE and 56th Ave W. Both lots are relatively flat with slopes less than 2%. There is an existing single-family residence with landscaping and mature trees on Lot 7. Lot 6 is vacant with a mix of deciduous and evergreen trees.
6. Adjacent zoning surrounding the site is R-9600 with R-7200 approximately 150 feet to the west at the end of the short block where one of the parcels involved in this application is located, and PRD-7200 approximately 300 feet to the south. At the end of the short block are several houses constructed in the R-7200 project. Approximately 350 feet to the east is R-8400 zoning. The neighborhood consists of attractive and well maintained single-family houses. It is generally well established, with several higher density single-family projects recently built as infill.
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. PDS Traffic will review future development proposals for compliance with Title 13 and Chapter 30.66B of the Snohomish County Code, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures. Because there is no development action directly associated with the rezone request, no new vehicle trips will be added to the road system. Concurrency determination and assessment of impact fees will occur at the time development is proposed.
9. PDS Traffic has reviewed the public comments submitted regarding traffic concerns (Exhibits 18, 19, 21, and 22) and concurs with the responses by the Applicant's consultant, Lee Michaelis of Puget Sound Planning (Exhibits 27, 28, and 29). Traffic impacts will be addressed in the building permit phase. There is public transportation available on 52nd Ave W, about 1/3 mile from the site. (Exhibit 10). Currently, one new single-family residence would be allowed on the vacant lot without a rezone or short plat. Approval of the rezone request would result in the potential to create one additional lot resulting in a total

of three residences. All traffic impacts will be assessed at the time of development application as will the need for further frontage improvements.

10. School mitigation requirements under Chapter 30.66C SCC (Title 26C SCC) was not reviewed by the staff report. However, the applicant brought the potential impact up in the DNS checklist. (Exhibit 11, page 13) The applicant's written narrative in support of the rezone application, Exhibit 10 page 3, indicates that it has not been determined whether the parks and schools in the area are sufficient. The comments received from PDS, as a result of the call for additional comments, indicates that PDS is not aware of any problems with schools in Snohomish County being able to accommodate additional students. Comments received from the Edmonds School District show that Beverly Elementary School, Meadowdale Middle School and Meadowdale High School serve the project. This rezone is not part of a development and therefore the Examiner does not need to impose school or park mitigation fees at this time.
11. PDS (Engineering) will review any future grading and drainage concepts at the time of development application. Future development will address impacts to downstream drainage problems identified by Surface Water Management.
12. There are no critical areas on or within 100 feet of this site. The proposal is located outside of any shoreline environment.
13. The issue of sewer service availability is detailed in Exhibits 30 and 31. The parcels are located within the Picnic Point Sewer Basin. Sewer service is provided to the neighborhood and the existing residence is currently connected to sewer. At this time there is a moratorium on the issuance of sewer availability certificates for new hookups. However, the parcel is number 10 on the sewer allocation waiting list. A certificate of sewer service is required for preliminary short plat approval and for building permit issuance. Sewer facilities will be provided for any future development.
14. Other utilities can be provided to the parcels covered by this rezone application.
15. The issues brought up by members of the public are detailed above. The findings regarding these issues follow:
 - A. The side and back setbacks of potential new single-family houses will be the same in R-9600 and R-7200, i.e. five feet. Thus, the change of zoning will not force these houses closer to existing homes.
 - B. The increase in traffic is a main concern expressed in citizen comments. Currently, one new single-family residence would be allowed on the vacant lot without a rezone or short plat. Approval of the rezone request would result in the potential to create one additional lot resulting in a total of three residences. All traffic impacts will be assessed at the time of development application as will the need for further frontage improvements.
 - C. Traffic would be increased during the construction of a new residence on a newly created lot and a new residence on the existing vacant lot; however, there is no site development proposed with this rezone request. Impacts to traffic from construction will be reviewed with a future development application.
 - D. Regarding parking, if lot size averaging provisions are utilized in the short plat process, the front setbacks may be reduced to 15 feet with an 18-foot garage setback. Assuming each residence includes a two-car garage, along with the driveway length required by code requirements, parking for four vehicles per new residence will be provided. Thus, the parking concerns can be adequately addressed.

- E. As previously found, impact fees for schools and parks shall be imposed during the development phase. The fees which will be imposed will address the impacts from the potential additional single-family residence to be allowed by this rezone.
16. The proposed rezone is in compliance with the GMA. The subject property is designated Urban Low Density Residential on the General Policy Plan (GPP) Future Land Use Map and is located within an Urban Growth Area). Land in this category may be developed at a density of four to six dwelling units per acre. The minimum density in UGAs may not be less than 4 dwelling units per acre. Implementing zones for this designation include R-7200, PRD-7200, R-8400, PRD-8400, R-9600, PRD-9600 and WFB zones. The requested rezone to R-7200 will be consistent with the General Policy Plan designation of the property.
17. With approval of the rezone, this project will meet zoning code requirements for lot size, bulk regulations and other zoning code requirements. The proposal is consistent with the density provisions of Snohomish County's GMA-based zoning regulations under Subtitle 30.2.
18. The following are the relevant Goals and Policies of the GPP that apply to this application.

Land Use

The GMA requires that 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. (LU-1)

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

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.

The subject property is located in an area that is in essence "...already characterized by urban growth that have adequate existing public facilities and service capacities...". Public facilities such as, but not limited to, roads, walkways, water, sewer and storm collection currently exist or are being constructed throughout the general vicinity. Services and utilities including electrical power, telephone, and cable television are in place. Fire protection and law enforcement services are available.

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.
- Objective LU 2.A Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations.
- 2.A.7 Rezones and subdivisions in areas designated Other Land Uses shall only be allowed when a detailed UGA plan and, if required by the General Policy Plan, a master plan has been adopted for the area.
- GOAL LU 5 Encourage land use patterns that create connected, identifiable neighborhoods and communities in UGAs through a consolidated system of past and future neighborhood plans.
- Objective LU 5.A Revitalize or create identifiable, pedestrian-oriented neighborhood areas with focal points, mixed-use centers, and employment areas that are linked with each other.

The subject parcel is surrounded by and connected to an established neighborhood of single-family residences on large lots with new single-family developments in the near vicinity. A mix of urban commercial/business park facilities are located to the south and east along Highway 99. Approval of this rezone proposal would allow the integration of higher density and infill into the existing neighborhood with the negligible impact by the addition of one new residence. There are no critical areas. The property is located within the Southwest County UGA. This proposal meets these policies.

Housing

The Housing Element relates closely to many elements of the Comprehensive Plan. The Land Use Element determines the 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.

The Housing Element is also closely tied to the County's land capacity evaluation program, particularly efforts to use urban land more efficiently (RCW 36.70A.215). Residential land uses are analyzed to assure that there is sufficient land devoted to the more dense housing types where low and moderate cost housing development typically takes place.

The Housing Element and Economic Development Element are closely related. Affordable, well-planned housing located with good accessibility to employment is an essential part of a healthy economy. The Housing Element is related to Utilities, Capital Facilities and Transportation, as well as education and government services. All these facilities and services are necessary to support households directly, or support their ability to connect to jobs and government support programs.

- GOAL HO 1 Ensure that all County residents have the opportunity to obtain safe, sanitary, and affordable housing.
- Objective HO 1.D Maintain an adequate supply of appropriately zoned developable land.

HO Policies 1.D.1 The County shall establish a mix of densities in residentially zoned land that is served with adequate infrastructure based on the public’s housing preferences, demonstrated need for low and moderate income households, fair-share housing allocations, preservation of critical areas, and coordination with the transportation system.

1.D.2 The supply and mix of residentially zoned developable land that is served with adequate infrastructure shall be sufficient to accommodate the County’s fair-share housing allocation and support an efficient and competitive market for non-assisted housing.

1.D.3 The County shall encourage expeditious and efficient infill development in urban growth areas.

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.

With the regulations for building setbacks and height restrictions that are consistent with the current zone of R-9600, the rezone to R-7200 of this property would allow for infill and more housing while maintaining the character of the existing neighborhood. This proposal meets the goals and objectives for the Housing Element.

Utilities

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

Snohomish County is not a provider of public water, wastewater or electric power infrastructure, but it is well suited to play a leadership role in overall coordination of the provider agencies. The County is also ultimately responsible for water service (water supply) if a water district fails or becomes financially insolvent. The GMA calls upon counties to be regional service providers and inter-jurisdictional infrastructure planning coordination is one such service. The County has assumed this role by managing the preparation of the Coordinated Water System Plan which involved over 25 water system operators in north and east Snohomish County and through its compilation of the countywide sewer and water system inventory.

GOAL UT 1 Enhance the efficiency and quality of service from utility providers through the review of utility, land use, transportation and natural environment planning documents.

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.

UT Policy 2.A.1 The County shall review new residential projects requiring land use or construction permit approval for the availability of an adequate water supply.

UT Policy 3.A.1 The County shall review new residential project within urban growth areas requiring land use or construction permit approval for the availability of an adequate public wastewater and treatment system.

Electric Power All electric power in Snohomish County is provided by Snohomish County Public Utility District #1. (page UT-7).

As indicated in the correspondence received from the Alderwood Water and Wastewater District (Exhibit 30), water will be available to serve proposed development resulting from this rezone. A certificate for sewer availability cannot be issued for new development at the current time. However, the District has given opportunities to connect to the sewer system prior to completion of the treatment facilities portion of the Picnic Point Wastewater Treatment Facility Upgrade. This property has been allocated the 10th position on the Picnic Point Sewer Basin Allocation Waiting List (Exhibit 31). Because no site development is proposed with this rezone application and sewer facilities will be provided in the future, this proposal meets this element.

Transportation

The transportation element has to be consistent with and supportive of the land use element of the comprehensive plan. The GMA provides detailed guidance on what the transportation element should present, including:

- land use assumptions used in estimating travel, and an inventory of transportation facilities and services;
- level of service standards and actions necessary to allow transportation facilities and services to meet the standards;
- identification of transportation system needs to meet current and future travel demand;
- a multi-year finance strategy that balances needs against available funding,
- strategies for intergovernmental coordination and transportation system impact assessment; and
- strategies for reducing travel demand.

The County provides for different types and levels of transportation services to urban areas versus rural areas. People living in low density areas traveling to employment dispersed throughout the county tend to use the automobile over other modes of transportation. It is very difficult to serve these types of trips with traditional, fixed route, public transportation (i.e., bus or rail). Ridesharing services such as vanpools and personalized ride-matching for carpools may be the most appropriate form of mass transportation for rural areas. Public transportation is most effective in moving people where population and employment are concentrated in denser neighborhoods and Activity Centers. Urban site design needs to accommodate public transportation by allowing efficient access and circulation of transit vehicles.

TR 1.C.2 Adequate access to and circulation within all developments shall be maintained for emergency service and public transportation vehicles.

TR 1.C.4 Local residential streets shall be designed that link neighborhoods and complementary land uses for efficient circulation and discourage high speed vehicular traffic.

TR 1.C.5 Roadway networks shall be designed with direct routing and connections to avoid concentrating the burden of traffic flow on a few roadways.

TR 1.C.8 Access to a single roadway shall be limited as determined necessary to protect public safety and minimize traffic conflicts and delay.

- TR 1.C.9 Existing roadways shall be improved to meet adopted design standards in order to enhance the safety and mobility of pedestrians, transit users, bicyclists and motorized traffic as part of construction of frontage improvements by developments and by the County as funding allows within the County's capital improvement program.
- TR 1.C.10 Developments taking access from existing roadways shall be required to make offsite improvements to improve them to at least minimum standards for vehicular access based upon such factors as the volume and other characteristics of existing and newly-generated traffic.
- TR 1.C.12 The County shall require that development make access and/or circulation provisions for arterials designated by the comprehensive plan and for needed local roadways to include, but not be limited to: (a) dedication of right-of-way, (b) reservation of right-of-way, (c) design for potential way of access, (d) recording of easements, (e) location of public or private roads, (f) design and construction of public or private roads (including stub-roads), and/or (g) improvements to existing roads.

The subject property is served with existing streets and roads with street lighting and a stop sign at the intersection of 56th Avenue West and 153rd Place SW. Extended asphalt shoulders with striping currently provide safety and mobility for pedestrians, transit users, bicyclists and motorized traffic. The need for further urban frontage improvements will be analyzed during the review of an application for development. Community Transit bus service for public transportation is available on 52nd Ave W, approximately 1/3 mile from the site. The impacts of the future development on the County road system will be negligible and all applicable mitigation will be required.

The proposed rezone is consistent with the General Policy Plan statement for encouraging and broadening the mix of urban housing types, promoting more efficient utilization of land within UGAs and reducing consumption of rural lands.

Future approval of construction permits, and final plat consistent with such evaluation and administrative short plat approval will substantiate GMA code compliance prior to permit issuance. Such approvals will sufficiently mitigate for future impacts associated with development patterns, site design and sensitively integrating site development into the immediate community.

- 19. Under SCC 30.42A.100, the hearing examiner may approve a rezone only when all the following decision 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.

Specific findings required for the rezone application are as follows:

- A. The rezone proposal is consistent with the Comprehensive Plan. The subject property is located within an Urban Growth Area (UGA) and is designated Urban Low Density Residential (ULDR: 4-6 DU/Ac) on the GPP Future Land Use map. The GPP states that R-7,200 is an implementing zone for lands designated ULDR and that housing of various types should be directed to the UGA. Therefore, based on the finding that the subject property is designated Urban Low Density Residential (ULDR: 4-6 DU/Ac) on the GPP Future Land Use map the requested rezone is consistent with the adopted comprehensive plan.
- B. The requested rezone bears a substantial relationship to the public health, safety, and welfare. The requested rezone conforms to the Comprehensive Plan, and through detailed review by PDS, adequate provisions will be made to ensure compliance with the County's

development codes in the UDC. Therefore, the rezone implements public policy and advances the public health, safety and welfare.

C. The minimum zoning criteria found in Chapters 30.31A through 30.31F SCC are NOT applicable to this application.

19. 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 short plat portion of the application shall be handled administratively by PDS and this decision does not address that issue.
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 24th day of April, 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 5, 2008**. There is no fee for filing a petition for reconsideration. **“The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing.” [SCC 30.72.065]**

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

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner’s jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner’s decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

Appeal

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file

a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **MAY 7, 2008** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.

Staff Distribution:

Department of Planning and Development Services: Dorothy Crossman

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.