

# DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

DATE OF DECISION: November 16, 2010

PLAT/PROJECT NAME: *Rounder's Meadows RCS*

APPLICANT/

**LANDOWNER:** **Marty and Tamera Glaser**  
8054 Ronald Avenue  
Concrete, WA 98237

FILE NO.: 08-108875 SD

TYPE OF REQUEST: Rural Cluster Subdivision (RCS)

DECISION (SUMMARY): ***APPROVED WITH CONDITIONS***

## **BASIC INFORMATION**

LOCATION: 113 N. Russell Road, Snohomish WA 98290  
(On the east side of Russell Road approximately 2,500 feet north of the intersection of OK Mill Road and Russell Road)

ACREAGE: 26.21 acres

NUMBER OF LOTS: 11

AVERAGE LOT SIZE: 53,893 square feet

MINIMUM LOT SIZE: 19,500 square feet (Lot 9)

GROSS DENSITY: .42 du/ac (gross)

COMPREHENSIVE PLAN DESIGNATION: Rural Residential-5 (1 du per 5 acres, Basic)

ZONING: R-5

UTILITIES:

Water: Snohomish County PUD No. 1

Sewer: On-site individual septic

Electricity: Snohomish County PUD No. 1

SCHOOL DISTRICT: Snohomish School District No. 201

FIRE DISTRICT: Snohomish County Fire District No. 8

PDS STAFF RECOMMENDATION: Approve with conditions

### **INTRODUCTION**

A complete application for an 11-lot Rural Cluster Subdivision (RCS) development was submitted to Planning and Development Services (PDS) on September 25, 2008. The 120-day clock started on October 23, 2008. PDS and the Applicant exchanged various plan sets and review comments from 2008 through 2010. The final submittal was given to PDS on June 21, 2010. However, a review of the record reveals that the SEPA determination was not made until August 27, 2010 for which a required 21-day comment/appeal period must pass before the open record hearing may be heard. Additionally, SCC 30.70.060 requires a 21-day comment period after issuance of the notice of the application prior to the open record hearing for most applications. The open record hearing was held on the next available date, on October 27, 2010. As of the hearing date, 332 days of the 120-day period had elapsed. PDS stated in the Staff Report that the delay was the result of staff transitions in its office, as well as delay in scheduling the hearing. The Examiner finds that this assertion in the Staff Report is incorrect. There was no delay in scheduling the public hearing.

At the open record hearing on October 27, 2010, witnesses were sworn, testimony was presented, and Exhibits A through J-1 were entered into the official record. Witnesses providing testimony included: Ed Caine, PDS, and the applicant's consultants including Laurie Tobiason of Tobiason and Company, Inc., Mark Flury of Flury-Wyrick and Associates, Inc., and Edward Koltonowski of Gibson Traffic Consultants, Inc.

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

### **FINDINGS, CONCLUSIONS AND DECISION**

#### **FINDINGS OF FACT**

Based on all the evidence of record, the following Findings of Fact are entered:

1. The Examiner finds that PDS concurrently gave proper public notice of the open record hearing, SEPA threshold determination, and Traffic Concurrence and Impact Fee Determinations as required by the County Code. (Exhibits F1, F2 and F3)

#### **A. Background Information**

2. Applicant's Proposal: The applicant is requesting an 11-lot Rural Cluster Subdivision on a 26.21 acre parcel. The proposed development will take access from 147<sup>th</sup> Avenue NE north of OK Mill Road with a private road. All lots will access the private road.

3. Site Description: The site is developed with a single-family residence, with outbuildings. The area around the residence is landscaped. The remainder of the site is undeveloped and forested. The western area is flat. The central area rises sharply to a relatively flat plateau on the eastern portion of the site.
4. Adjacent Zoning/Uses: Adjacent zoning is R-5. Neighboring uses are either undeveloped land or single-family residential.

5. Issues of Concern:

- A. Agency Comments. Agency reviews and PDS reviews have identified no issues of concern.
- B. Citizen Comments. No concerns were raised in the single letter that was received from a citizen; only information was requested about the proposed development.

**B. Compliance with Codes and Policies.**

6. Park and Recreation Impact Mitigation (Chapter 30.66A SCC).

The proposal is within Robe Canyon Park Service Area, No. 303, and is subject to Chapter 30.66A SCC. No park mitigation fees are required within the Robe Canyon Service Area. A recommended condition of approval is included because the required park mitigation may be changed in the future, and the determination that no park mitigation fees are required will expire five years from the completeness date (September 25, 2008). Building permits issued after September 25, 2013 will be required to pay any applicable park mitigation fees.

7. Traffic Mitigation and Road Design Standards (Title 13 SCC & Chapter 30.66B SCC).

PDS has reviewed the proposal for compliance with Title 13 and Chapter 30.66B SCC, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures. The subject property is located within Transportation Service Area (TSA) "B." The Applicant has provided traffic analysis for both the subject application of 11 units. (Exhibit C1) This study was used by PDS to determine the Applicant's compliance with Chapter 30.66B SCC and Title 13 SCC.

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

A development must mitigate its impact upon the future capacity of the road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development.

The impact fee for this proposal is based on the new average daily trips (ADT) generated by 10 new lots, which is 9.57 ADT/lot. This rate comes from the 7<sup>th</sup> Edition of the ITE Trip Generation Report. The development will generate 95.70 new ADT and has a road system capacity impact fee of \$37,992.90 (\$3,799.29/lot) based on \$397.00/ADT, the current fee rate for residential developments outside the urban growth area for TSA "B." These figures do not include credit for on-site TDM measures. Consistent with SCC 30.66B.340, payment of this road system impact is required prior to building permit issuance. The Hearing Examiner has included a condition requiring payment of traffic impact fees to the County.

B. Concurrency [SCC 30.66B.120 and SCC 30.66B.130(4)]

The County makes a concurrency determination for each development application to ensure that the development will not impact a county arterial unit in arrears. The subject development is located in TSA "A", which as of the date of submittal of the application had no arterial units in arrears. The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and is concurrent as of November 26, 2008. The expiration date of the concurrency determination is six years from this date or November 26, 2014.

The concurrency determination is for a development generating 50 or fewer peak-hour trips in TSA with one or more arterial unit in arrears, SCC 30.66B.160(2)(a). The subject development is located in TSA "B" which, as of the date of submittal, had the following arterial units in arrears: Unit 238, 20<sup>th</sup> St SE, from SR 2 Westbound Trestle Entrance to SR 9.

According to the Traffic Study, based on peak-hour trip distributions, the subject development was found not to add three (3) or more directional peak-hour trips to this arterial unit in arrears. (Exhibit C1) Pursuant to SCC 30.66B.160(2)(a), the development is deemed concurrent. The development generates 7.50 a.m. peak-hour trips and 10.10 p.m. peak-hour trips which is not more than the threshold of 50 peak-hour trips in which case the development would also have to be evaluated under SCC 30.66B.035.

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

Regardless of the existing level of service, any development which adds three or more PM peak hour trips to a location in the road system determined to have an existing inadequate road condition (IRC) at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC.

According to the Traffic Study, the subject proposal will not impact any IRC locations identified at this time within TSA B with three or more of its p.m. peak hour trips, nor will it create any. (Exhibit C1) Therefore, mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under this section of Chapter 30.66B SCC.

D. Frontage Improvements [SCC 30.66B.410]

All developments are required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable. Here, DPW determined that the existing improvements on 147<sup>th</sup> Avenue NE include adequate travel lane and shoulder meeting EDDS standards. Therefore no frontage improvements are required.

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

According to SCC 30.66B.420, all developments are required to: (a) Provide for access and transportation circulation in accordance with the comprehensive plan and provisions of Chapter 30.66B SCC, applicable to the particular development, (b) Design and construct such access in accordance with the EDDS, and (c) Improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with Chapter 30.66B.430 SCC.

In addition, access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.

Finally, all developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director of public works in accordance with Chapter 30.66B.430 SCC.

In the present case, analysis of the road system was provided by PDS and the Public Works Department. Their findings are set forth in the record at Exhibit I (pages 4 through 6) and supported by the Traffic Analysis provided in Exhibits C1. Their findings are hereby adopted by the Examiner as Findings of Fact and incorporated herein as if set forth in full.

The Examiner further finds that the applicant proposes to build the internal plat roads, including the road grades, vertical and horizontal curves, in accordance with the County's regulations and road standards set forth in EDDS. The Hearing Examiner further finds that the applicant has made adequate provisions for public access, road circulation and connection, adequate site distances and emergency response vehicle access and turnaround by dedicating proposed right-of-way and constructing a new road to serve the development lots, along with the other proposed road improvements described in Exhibits I and C1.

F. Extent of Improvements [SCC 30.66B.430]

In determining the extent of improvements required, the Director of Public Works considers, among other relevant factors, the criteria set forth in SCC 30.66B.430(a) through (p). The Hearing Examiner has reviewed those factors as set forth in the Staff Report (Exhibit J, pages 12 through 14), which analysis is adopted herein by this reference as if set forth in full, and finds that the recommended extent of improvements are consistent with the Department's analysis of the factors required in SCC 30.66B.430 and the facts set forth in the entire record.

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

A development shall be required to dedicate, establish, or deed right-of-way to the county for road purposes as a condition of approval of the development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance

of the road system serving the development. The road serving this development, 147<sup>th</sup> Avenue 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, 20 feet of right-of-way exists on the development's side of the right-of-way adjacent tax parcel # 29061500300600. The County Engineer determined that the proposed development requires the following dedication of right-of-way: The development is required to dedicate 10 feet of additional right-of-way fronting tax parcel # 29061500300600.

Based on the foregoing and the information in the record at Exhibits B1a and B2, the Hearing Examiner finds that the right-of-way is adequately shown on the preliminary plat. A condition has been included to require the dedication of additional right-of-way as described above.

H. Impacts to State Highways [SCC 30.66B.710]

This development is subject to SEPA and thus is subject to the Interlocal Agreement (ILA) with the Washington State Department of Transportation (WSDOT) and Snohomish County effective December 21, 1997, and as amended. When a development's road system includes a state highway, mitigation requirements are established using the County's SEPA authority consistent with the terms of the ILA between the County and the Washington State Department of Transportation (WSDOT). This is consistent with the County's SEPA policy SCC 30.61.230(9), through which the county designates and adopts by reference the formally designated SEPA policies of other affected agencies for the exercise of the County's SEPA authority.

Here, the Traffic Study shows that the proposed development will not impact State Highways. WSDOT concurred in a letter dated September 25, 2008. (Exhibit G2) Accordingly, no impact fees or traffic mitigation for impacts to state highways shall be required.

I. Impacts to City Streets and Roads [SCC 30.66B.720]

Mitigation requirements for impacts on streets inside cities and roads in other counties will be established consistent with the terms of ILA between the County and the other jurisdictions. However, in the present case, there are no jurisdictions that have an interlocal agreement with the county that will be significantly impacted by the subject development. As such, no additional mitigation for impacts to city streets and road is required.

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

This proposal lies outside of the Urban Growth Area (UGA). Therefore, the provisions of SCC 30.66B.630 do not apply.

8. 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 subdivision, as well as the adequacy of pedestrian or bicycle

facilities. None of the roads in the area between the development and SR 531 are on the County's adopted bicycle plan. The need for safe pedestrian facilities have been analyzed.

Comments from the Snohomish School District were received in a letter dated October 8, 2008. (Exhibit G8) The District stated that elementary students will walk to Machias Elementary, which is located approximately 1,000 feet to the south of the subject development on 147<sup>th</sup> Avenue SE (Russell Road). Middle and high school students will ride the bus and will be picked up along the subject parcels frontage. DPW has determined that adequate pedestrian facilities already exist along Russell Road that provide a safe walking conditions for elementary students walking to school. As such, no off-site pedestrian improvements are required.

The Examiner finds that existing facilities are consistent with the County Code, EDDS and will provide safe walking conditions for school children and will provide for the general public health, safety and welfare.

9. Mitigation for Impacts to Schools. [Chapter 30.66C SCC]

Chapter 30.66C SCC provides for collection of school impact mitigation fees at the time of building permit issuance based upon certified amounts in effect at that time. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Snohomish School District No. 201, 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 five (5) existing lots. Payment of school impact fees has been included as a condition of approval of the development.



10. Drainage and grading.

Drainage. Stormwater runoff from the site is proposed to be fully infiltrated (a low impact development technique) in accordance with the 2005 Department of Ecology Stormwater Manual for Western Washington (BMP T5.30). PDS reviewed the Targeted Drainage Report and drainage concept offered and approved a drainage waiver to accomplish full dispersion. (Exhibit C2) In accordance with the recommendations found in the LID Technical Guidance Manual for Puget Sound, the applicant proposes to retain 55% of the native vegetation onsite, and will limit impervious surfaces to 8.5% of the site, and 45% of the site to lawn and landscaping. Full dispersion is possible on all lots except for Lot 2. Basic dispersion will be used there. (Exhibit C2)

Drainage from new homes, driveways and most of the new road will be fully dispersed into native vegetation areas reserved as Native Growth Protection Areas (NGPA). (Exhibits B.2 and C.2) Roof drains will be connected to rooftop runoff dispersion trenches that will allow for infiltration and dispersion of runoff. Infiltration and dispersion will provide water quality through filtration and biological uptake of pollutants. The new private road will be super-elevated to one side to collect and contain drainage from running onto the steep slope, thereby minimizing erosion. A majority of the stormwater runoff from Road A will be dispersed on Lot 2 and discharged into a NGPA using a level spreader, although some portion of the runoff from Road A will be dispersed adjacent to Lot 3 in an area west of Road A and discharged into a NGPA using a level spreader. Runoff from Road B is proposed on Lot 3 and will be dispersed into a NGPA using a level spreader. Planning and Development Services (Engineering) has reviewed the concept offered recommends approval of the project, subject to conditions which would be imposed during full drainage plan (construction) review pursuant to Chapter 30.63A SCC.

Grading. Grading quantities are anticipated to be approximately 9,000 cubic yards of cut and 18,000 cubic yards of fill, primarily for road, drainage facilities, and home site construction. The grading volumes require a grading permit and a stormwater pollution prevention plan (SWPPP) according to Chapter 30.63A SCC. The Examiner has included conditions of approval requiring completion of a full drainage plan, a SWPP plan and a grading permit.

11. Critical Areas Regulations.

There are 8 wetlands either partly or entirely located on the site. Four are located on the lower lying northwest half of the site and 4 located on the higher southeast half. The wetland areas are separated by a steep slope that runs diagonally across the site from the southwest to the northeast ends of the property.

The buffers on the wetlands are variable, ranging between 40 and 70 feet, depending on the category of the wetland. Except as provided below, where the standard buffer lands on a slope exceeding 33%, the buffers must extend to the top of the sloping area, plus an additional 25 feet as required according to 30.62A.320(1)(b) SCC.

The applicant has proposed reducing the wetland buffers adjacent to the steep slopes on lots 9, 10 and 11 by 25 feet or 15%. This buffer reduction is allowed pursuant to SCC 30.62A.320(1)(e)(i), which allows up to a 15% buffer reduction when critical areas and their buffers are put into separate tracts. In no case will the buffers be reduced below the top of the steep slopes.

The applicant has proposed temporarily clearing of 17,704 square feet of buffer resulting from grading for the access road that connects the northwest half of the site to the southeast portion of the site. The buffer area will be fully re-vegetated using native trees and shrubs. All of the wetlands and their buffers will be established into separate tracts as required by 30.62A.160(3) SCC and designated as Critical Area Protection Areas (CAPA).

PDS reviewed the Critical Areas Study and Mitigation Plan (Exhibit C5 and C6) and determined that the application is in conformance with Chapter 30.62 SCC (critical areas regulations) and is consistent with the purpose and objectives of the chapter to safeguard the public health, safety and welfare. All critical areas and buffers are proposed to be permanently protected as NGPA/Es or in separate tracts as NGPA.

Based on the foregoing, the Hearing Examiner finds that the proposed Mitigation Plan requiring the protection of critical areas meets the requirements of the County Code and should be imposed as a condition of development approval.

12. Consistency with the GMA Comprehensive Plan.

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

The subject property is designated Rural Residential - 5 (RR-5: 1 du/5 ac). This designation identifies all lands which are currently designated as Rural on existing subarea comprehensive plans and have subsequently been zoned to Rural 5. As the result of a joint planning effort between the county and the Tulalip Tribes, the RR-5 designation also applies to certain lands on the Tulalip reservation that were previously designated Rural Residential. This designation also includes some areas which were previously designated and zoned agriculture. It also includes lands for which the pre-GMA subarea comprehensive plan indicates as higher density but which were zoned R-5 by the county subsequent to the plan adoption date. The implementing zone in this designation will continue to be the R-5 zone. The 11 lots proposed are consistent with the density provisions of Snohomish County's GMA-based zoning regulations under Subtitle 30.2 SCC as modified by Chapter 30.41C SCC.

13. Utilities.

- A. Sewer. Sewer will be supplied individual septic systems. Snohomish Health District recommended approval of the preliminary plat on November 19, 2008. (Exhibit G4)

- B. Electricity. On October 8, 2008, the Snohomish County PUD No. 1 notified the County that they can provide electrical service to the development. (Exhibit G5)
  
- C. Water. The source of water supply for the development will be from the Snohomish County PUD No. 1. The PUD issued a Preliminary Certificate of Water Availability on May 5, 2008. (Exhibit G7) Accordingly, the Hearing Examiner finds that for purposes of achieving preliminary plat approval, the applicant has sufficiently demonstrated that preparatory arrangements have been made to provide potable water through a public water supply system.

14. Zoning (Chapter 30.2 SCC)

This project meets zoning code requirements for lot size, including RCS provisions, bulk regulations and other zoning code requirements. (Exhibit I)

15. State Environmental Policy Act Determination (Chapter 30.61 SCC--SEPA)

PDS issued a Determination of Nonsignificance (DNS) for the subject application on August 27, 2010. (Exhibit E2) Notice was properly given of the SEPA determination. The DNS was not appealed. The requirements of SEPA have been met.

16. Subdivision Code (Chapter 30.41A SCC)

The proposed plat also meets Chapter 30.41A SCC requirements. A complete application for the proposed plat was received by PDS on August 3, 2006. The proposed plat as conditioned also meets the general requirements under Section 30.41A.100 with respect to health, safety and general welfare of the community. As proposed, the subject lots will not be subject to flood, inundation or swamp conditions. The lots as proposed are outside of all regulated flood hazard areas. As conditioned, the plat will meet all SCC 30.41A.210 design standards for roads. The following general subdivision standards have been met:

- A. Roads. The Examiner finds that based on the information provided in the file, the PDS staff report and in the public hearing, the design standards for roads are met. Finding of Fact 8 above, addresses how the Applicant meets County road requirements. See, SCC 30.41A.210.
- B. Flood Hazard. The Examiner finds that with the exception of Lot 2, all other lots as proposed are outside of all regulated flood hazard areas and that none of the lots are proposed in areas that are subject to flood, inundation or swamp conditions. (SCC 30.41A.110) With respect to Lot 2, the western half of the lot falls within the flood hazard area, as determined by the County's zoning map (Exhibit D2) and Flood insurance rate maps (FIRMS). The Examiner takes official notice of the FIRMS. To the extent that Lot 2 is determined to be a special flood hazard area within meaning of Chapter 30.65 SCC, no grading or building permit shall be issued for such lot unless the applicable requirements of the Chapter 30.65 SCC have been met. The Examiner finds that with the application of the protections found in Chapter 30.65 SCC, the development meets the requirement of SCC 30.41A.110.
- C. Fire Code Compliance. (Ch. 30.53A SCC) PDS sent a request for review to Fire District No. 8 (Lake Stevens) on September 29, 2008. Fire District No. 8 did not respond to the request. Additionally, the Office of the Fire Marshall within PDS reviewed the project for compliance with the fire code and emergency vehicle access. Based upon the Fire Code (Chapter 30.53A SCC), the preliminary plat plan (Exhibit B1a), and the civil plans

sheets, the Fire Marshall recommended that the following conditions be required as part of preliminary plat approval:

- (1) **Fire flow and fire hydrants shall be provided in accordance with Snohomish County Code 30.53A.514 through 30.53A.520.** Fire hydrants serving single-family dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a hydrant. Hydrant locations shall be depicted on the face of the plat, and locations for new hydrants shall be approved by this office.
- (2) The minimum required fire flow for this project has been determined to be 750 GPM at 20 psi for a two-hour duration. Prior to final plat approval, in order to assure consistency with the applicable provisions of Chapter 30.53A.300 SCC, the developer shall provide the required fire hydrants and written confirmation from the water purveyor that the minimum required fire flow of 750 gpm at 20 psi for a 2-hour duration can be provided. If the required fire flow cannot be provided the new dwellings shall be provided with NFPA 13-D fire suppression systems.
- (3) If there are dwellings that exceed 3,600 square feet the required fire flow shall be determined using Appendix B of the 2006 edition of the International Fire Code.
- (4) Gradient for roads shall not exceed 15%.
- (5) Fire apparatus access shall not be obstructed in any manner including the parking of vehicles. Signage or pavement striping shall be provided, stating "NO PARKING – FIRE LANE" to ensure access availability. If pavement striping is used the curbs shall be painted yellow with black lettering.

With inclusion of the recommended conditions, the Examiner finds that the fire apparatus access as depicted meets the minimum requirements of Snohomish County Code 30.53A.150.

17. Rural Cluster Subdivision Code Design Standards (Former Chapter 30.41C SCC)

The subject development application is vested to the *former* provisions of Chapter 30.41C SCC, which was later amended by Ordinance No. 08-087 in November, 2009, effectively repealing and replacing the earlier regulations with new standards. The standards applicable to the subject development are reviewed below:

A. Rural Cluster Subdivision Lot Yield Calculations

The application complies with the provisions Chapter 30.41C.010 SCC by clustering the lots on the most buildable and least environmentally sensitive portion of the site while retaining approximately 47% (12.32 acres) of the property in restricted open space.

The application complies with the provisions of Chapters 30.41C.230 and 30.41C.240 SCC based on the following analysis:

$$\text{Basic lot yield: } 1,142,058 \text{ square feet} / 100,000 \text{ square feet} = 11.4 \text{ lots}$$

Lot yield-rounded = 11 lots  
Total lots proposed = 11 lots

B. Former SCC 30.41A.200 (1) -- Critical Areas Compliance

This Code provision states that when environmentally sensitive areas such as wetlands, fish and wildlife habitat conservation areas, areas of unique vegetation or wildlife species, steep slopes, and other critical areas are present, and when such areas are identified and protected pursuant to Chapters 30.62 SCC and/or other applicable County ordinances or policies, the areas shall be designated as critical area protection areas. Analysis of critical area impacts and mitigation requirements is described in Finding of Fact No. 12. All critical areas are designated as either NGPA/E or as NGPA and located within separate Tracts 999, 997, 996, and 995 (Exhibit B1a). The downstream areas from the individual dispersion facilities on lots 2-7 are placed in a native growth easement, but not designated as CAPA. Temporary buffer impacts will occur on 17,704 square feet of buffer, and the area will be fully restored with plantings of native vegetation. No other impacts will occur to either critical areas or to critical area buffers. PDS has determined that the project complies with the relevant critical areas codes, rules, and policies. Based on the foregoing, the Hearing Examiner finds that this provision has been met.

C. Former SCC 30.41C.200 (2) – Vegetated Sight Obscuring Buffers

This Section states:

*... (2) The transition from any proposed residences within the rural cluster subdivision or short subdivision to uses on adjoining property or adjoining public roadways classified as an arterial (any type) or a non-arterial collector, according to the Snohomish County Arterial Plan and the EDDS, shall be provided with a sight obscuring buffer of native vegetation, or where no native vegetation exists, landscape screening comprised of fast growing, low maintenance, native trees and shrubs in accordance with the requirements of SCC Table 30.41C.210(1). Existing wind resistant vegetation providing such a screen shall be preserved. Between proposed residences and any adjoining natural resource lands, a setback shall be established consistent with the setback shown in SCC Table 30.41C.210 (1);*

A landscape plan is a required component of the submittal documents for a rural cluster subdivision (Chapter 30.41C.040(8) SCC). The applicant has provided Exhibit B1a (Sheet 3), which is the approved landscape plan for the project. The sight obscuring buffer is proposed to be a minimum of 35 feet in width and located within Tracts 999, 996, and 995 and on lots 2, 3, 4, 5, 6, and 8. The Landscape Plan (Exhibit B1a, Sheet 3) has planting specifications for the sight obscuring buffers. The transition from residences and adjoining properties and from specified roads has been provided (Exhibit B1a). Existing landscaping currently provides the intended function of the vegetated sight obscuring buffer in all areas. Should any impacts to the areas that are designated as sight obscuring buffer, supplemental plantings will be required. The Landscape Plan (Exhibit B1a Sheet 3) contains the planting specifications for the sight

obscuring buffer. PDS has determined that the vegetated sight obscuring buffer has been appropriately located, the buffer is of the required size, and that the landscaping plan provides adequate requirements for installation of the plants. PDS has determined that the project meets this requirement. PDS has recommended a condition of approval to implement the supplemental planting requirement.

The Examiner finds that the provisions of SCC 30.41C.200(2) have been met. A condition of approval has been added to require implementation of the supplemental plantings within the site obscuring landscape buffer where appropriate.

D. Former SCC 30.41C.200 (3)—Access Roads

This Section states:

*(3) All roads, whether public or private, shall be provided in accordance with the EDDS. Access to the boundary of a rural cluster subdivision by a private road may be permitted pursuant to SCC 30.41A.210 (1) and (8). Location of public or private roads and access points to the existing public roadway system shall be carefully controlled, with no more than two access points allowed per cluster unless specifically requested by the county engineer;*

The access road is proposed to be a private road within an easement and will be built to EDDS standards. PDS has determined that the project meets this requirement. The Examiner concurs and finds that these requirements are set forth in detail above.

E. Former SCC 30.41C.200 (4)—Utilities

This Section states:

*(4) Electric, telephone, and other utility lines shall be designed, located, and screened so as to minimize their visibility from adjacent properties and the site or shall be located underground;*

All utilities are to be located underground, and PDS has determined that the project complies with this requirement. PDS has recommended a condition of approval to require utilities to be located underground. The Hearing Examiner concurs. Such condition will be included by the Examiner.

F. Former SCC 30.41C.200 (5)—Unbuildable land

This Section states:

*(5) All unbuildable lands shall be designated as native growth protection areas unless designated as natural resource lands within restricted open space;*

“Unbuildable land” is defined as “[s]teep slope areas exceeding 40 percent; designated floodways; and land which is below the mean high water mark of lakes, rivers or year-round ponds and streams under the jurisdiction of Chapter 90.58 RCW.” SCC 30.91U.060. Here, there are approximately 3.7 acres of unbuildable lands that meet the definition of Chapter 91U.060 SCC. These areas are located within Tracts and are designated as CAPA. The amount of unbuildable land constitutes approximately 30% of the restricted open space, meeting the requirement of SCC 30.41C.210(1). The Examiner also finds that the project complies with the requirement of SCC 30.41C.200(5).

G. Former SCC 30.41C.200 (6)—Buffers for Resource Land

This Section states:

*(6) When agricultural, forestry or mineral uses are proposed for open space area(s), adequate buffers to minimize conflicts between resource and residential uses shall be provided;*

The Examiner finds that this provision is not applicable to the present development proposal.

H. Former SCC 30.41C.200 (7)—Disclosure Statement Required

This Section states:

*(7) When agricultural, forestry, or mineral uses are proposed within an open space tract within a rural cluster subdivision or a short subdivision, a disclosure statement, as described in SCC30.41C.200(8), shall be placed on the final plat or final short plat in a location determined by the department. The disclosure statement shall apply to the real property that is subject to the final subdivision or final short subdivision as of the date of approval and may not be applicable thereafter if the agricultural, forestry, or mineral uses are discontinued.*

The Examiner finds that neither agricultural nor forestry uses are proposed for any of the tracts within the RCS. Therefore, no disclosure statement is required.

I. Former SCC 30.41C.200 (8)—Mineral Resource Land Disclosure Statement

This Section states:

*The following notice statements shall constitute the notice required for notice of resource uses within required or optional open space:*

*...*

*(b) Notice for mineral uses within required or optional open space:  
Lots within a rural cluster or short subdivision, and adjacent to or within 2,000 feet of mineral uses located in a designated open space tract may be subject to inconvenience or discomforts arising from mineral operations, including but not*



*limited to noise, vibration, odors, fumes, dust, smoke, the operation of machinery of any kind, heavy truck traffic, hours of operation, and other mineral related activities.*

Here, no mineral resource uses are proposed for any of the open space tracts within the RCS. Therefore, no disclosure statement is required. The Examiner finds that the project complies with this requirement.

J. Former SCC 30.41C.200 (9)—Physical Separation of Clusters

This Section states:

*(9) Where practicable, open space tracts within a rural cluster subdivision or short subdivision shall be located contiguous to open space tracts on adjacent properties;*

The northern border of this project abuts with the plat of Hazelnut Grove (08-108940-SD), which received preliminary approval on December 6, 2009. Tract 999 of this project is contiguous with the sight obscuring buffer and with Tracts 999 and 998 within the plat of Hazelnut Grove. As such, the Examiner finds that the development proposal meets the requirements of SCC 30.41C.200(9).

K. Former SCC 30.41C.200 (10)—Open Space Management Plan

This Section states:

*(10) A management plan which details the required maintenance and management tasks and responsibilities may be required by the department for all restricted open space and other open space areas which require continuing maintenance or management;*

An Open Space Management Plan has been provided in the record (Exhibit A4), which has been reviewed by PDS and they found that it meets the requirements of the Code. The Examiner concurs and has included a condition to require compliance with the Open Space Management Plan.

L. Former SCC 30.41C.200 (11)—Physical Separation of Clusters

This Section states:

*(11) Each rural cluster subdivision or short subdivision shall be divided into physically separated clusters with a maximum of 30 residential lots per cluster. The minimum physical separation shall consist of a buffer of wind resistant native vegetation with an average width of 75 feet and a minimum width of 50 feet (see SCC Table 30.41C.210(1));*

For the current development, only 11 lots are proposed. The Examiner finds that the project complies with this requirement.

M. Former SCC 30.41C.200 (12)—Lots abut open space or buffer

This Section states:

*(12) At least 75 percent of the residential lots within a rural cluster subdivision or short subdivision shall abut a required buffer or open space tract;*

Here, all of the lots abut either required buffers or restricted open space tracts, exceeding the County's requirement. The Examiner finds that the project complies with this requirement.

N. SCC 30.41C.200 (13)—Design fits with natural features and maintains rural character

This Section states:

*(13) The rural cluster subdivision or short subdivision shall be designed, to the greatest extent possible, to configure the residential lots in accordance with the natural features of the site and minimize topographic alteration, to maintain rural character, and to maximize the visibility of the open space tracts from adjoining collector roads, arterials, or state and federal highways;*

The subject property has two relatively flat areas, the eastern portion and the western portion. There are steep slopes in the middle. Lots on the western portion of the site are on the flat, lower portion of the site. Lots on the eastern half of the site are set back from the ridge to the maximum extent feasible. Accordingly, the Examiner finds that the natural features of the site and the site design maintain its natural features and maintain rural character to the greatest extent feasible.

O. SCC 30.41C.200 (14)—Sanitary Sewers

This Section states:

*(14) Rural cluster subdivisions or short subdivisions shall not be served by public sanitary sewers unless the Snohomish Health District requires the development to connect to a public sewer system to protect public health;*

All lots in the plat will be served by individual septic systems, which have been approved by the Snohomish Health District. (Exhibits G4)

P. SCC 30.41C.200 (15)—Location of clusters

This Section states:

*(15) Each cluster of lots within the subdivision or short subdivision shall be located near the interior of the site, if feasible, and also located where the cluster and/or the building sites are within existing forested areas of the site; except individual clusters shall be sited as far as possible from adjacent natural resource lands as permitted in chapters - 30.32C SCC. Individual clusters shall not be located on ridgelines and other prominent topographic features visible to adjacent and vicinity properties when other locations are available;*

As noted above, the subject property has two relatively flat areas, the eastern portion and the western portion. There are steep slopes in the middle. Lots on the western portion of the site are on the flat, lower portion of the site. Lots on the eastern half of the site are set back from the ridge to the maximum extent feasible. The Examiner finds that the proposal complies with this requirement.

Q. SCC 30.41C.200 (16)—Fire District

This Section states:

*(16) Rural cluster subdivisions or short subdivisions shall be located in a rural fire district;*

The development is located within the service boundaries for Fire Districts No. 8. The Examiner finds that the project complies with this requirement.

R. SCC 30.41.C.200 (17)—Rural Concurrency Standards

This Section states:

*(17) Rural cluster subdivisions or short subdivisions shall meet applicable rural concurrency standards.*

DPW and PDS determined the project is concurrent as of November 26, 2008. The concurrency determination is valid for 6 years from that date. The Examiner finds that the project complies with this requirement.

18. Rural Cluster Subdivision Standards—General

The subject RCS application has been reviewed for conformance with the RCS standards in Chapter 30.41C SCC. The applicant has provided the information required on an RCS development plan and preliminary plat (Exhibit B1a), and an Open Space Management Plan (Exhibit A4). The RCS application meets all of the criteria required for preliminary approval listed in SCC 30.41C.200 as further discussed in Finding of Fact 18. All utilities shall be located underground. The proposal meets requirements for restricted open space and bulk regulations, lot yield, and bonus residential density.

The proposal complies with the provisions of SCC 30.41C.010 by clustering the lots on the most buildable and least environmentally sensitive portion of the site while retaining over 47% of the property in restricted open space; the proposal is considered preferable to traditional lot-by-lot development through its efficient use of the most buildable portion of the site together with the retention of environmentally sensitive areas in permanent open space tracts; the use of the clustering concept provides greater compatibility with the surrounding development by providing buffers between adjoining properties; the use of the clustering concept has reduced the need for impervious surfaces resulting in the protection of groundwater and potential water pollution from erosion and other drainage related problems; the project complies with critical areas regulations, thereby minimizing the loss of the county's environmentally sensitive areas.

19. Plats – Subdivisions – Dedications (Chapter 58.17 RCW)

The subdivision has been reviewed for conformance with criteria established by RCW 58.17.100, .110, .120, and .195. The criteria require that the plat conform with applicable zoning ordinances and comprehensive plans, and make appropriate provisions for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students.

The proposed subdivision conforms generally with the development regulations of the UDC. There is open space provided within the subdivision in the form of wetland, and buffer areas, the single-family homes on will be in character with the existing area. Provisions for adequate drainage have been made in the conceptual plat design which indicates that the final design can conform to Chapter 30.63A SCC and Chapter 30.63C SCC. The plat, as conditioned, will conform to Chapters 30.66A, 30.66B and 30.66C SCC, satisfying county requirements with respect to parks and recreation, traffic, roads and walkway design standards, and school mitigation. Adequate drinking water will be provided by the PUD and sewage disposal will be provided by individual wastewater septic systems.

20. Any Finding of Fact in this Order, which should be deemed a Conclusion, is hereby adopted as such.

**CONCLUSIONS OF LAW**

1. The Examiner has original jurisdiction over RCS applications pursuant to Chapter 30.72 SCC and Chapter 2.02 SCC.
2. The Examiner must review the proposed RCS application under RCW 58.17.110, the legal standard for approval of a preliminary subdivision. The Examiner must find that:

The proposed subdivision complies with the established criteria therein and makes the appropriate provisions for public, health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students . . . .

RCW 58.17.110. The Examiner concludes the applicant has met its burden in showing the established criteria have been met.

3. Given the information provided in the record and the Findings of Fact made above, the Examiner also concludes that the applicant has met its burden in showing that the rural cluster preliminary subdivision application should be approved as outlined in Chapter 30.41C SCC.
4. Adequate public services exist to serve this proposal.
5. If approved with the recommended conditions, the proposal will make adequate provisions for the public health, safety, and general welfare.
6. Any Conclusion in this Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

### **DECISION**

Pursuant to the Examiner's authority under SCC 30.72.060 and 2.02.155(2), the application for preliminary plat approval of a **RURAL CLUSTER SUBDIVISION** is hereby **GRANTED** subject to the following **CONDITIONS**:

#### **CONDITIONS**

- A. The preliminary plat received by PDS on February 16, 2010 (Exhibit B1a) shall be the approved plat configuration. Changes to the approved plat are governed by SCC 30.41A.330.
- B. Prior to initiation of any site work; and/or prior to issuance of any development/construction permits by the county:
  - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
  - ii. The applicant shall mark with temporary markers in the field the boundary of all Critical Area Protection Areas (CAPA) required by Chapter 30.62A SCC, or the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable to PDS.

- iii. A final mitigation plan based on the Exhibits C5 and C6 shall be submitted for review and approval by PDS.
- iv. Construction plans shall be submitted for review and approval.
- v. A grading permit shall be obtained.
- vi. A Stormwater Pollution Prevention Plan shall be submitted for review and approval.

**C. The following additional restrictions and/or items shall be indicated on the face of the final plat:**

i. "The dwelling units within this development have no current park impact fees for Robe Canyon No. 302, pursuant to Chapter 30.66A SCC, provided that the building permit has been issued within five years after the application is deemed complete. After September 25, 2013, park impact fees shall be based upon the rate in effect at the time of building permit issuance."

ii. "Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:

\$3,799.29 per lot for mitigation of impacts on county roads paid to the county. Credit for certain expenditures may be allowed against said payments to the extent authorized by County code. Any reduction of the per lot amount shall be documented in the RECORDS OF DEVELOPER OBLIGATIONS FORM.

These payments are due prior to or at the time of building permit issuance for each single family residence. Notice of these mitigation payment obligations shall be contained in any deeds involving this subdivision or the lots therein."

iii. "The lots within this subdivision will be subject to school impact mitigation fees for the Snohomish School District No. 201 to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for 5 existing parcels. Lots 1 through 5 shall receive credit."

iv. "All CRITICAL AREA PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in section 30.91N.010 SCC are allowed when approved by the County. The Native Vegetation Retention Easements on Lots 2-8 shall be protected as CAPA areas with appropriate signage."

- v. "The landscape plan (Exhibit B1a, Sheet 3), including the sight obscuring buffer, shall be fully implemented and maintained."
- vi. "The Open Space Management Plan (Exhibit A4) shall be fully implemented, including all maintenance responsibilities."
- vii. "All utilities shall be placed underground."
- viii. The development is required to dedicate 10 feet of additional right-of-way fronting tax parcel # 29061500300600.
- ix. "The minimum required fire flow for this project has been determined to be 750 GPM at 20 psi for a two-hour duration. Prior to final plat approval, in order to assure consistency with the applicable provisions of Snohomish County Code 30.53A.520 (16), the developer shall provide the required fire hydrants and written confirmation from the water purveyor that the minimum required fire flow of 750 gpm at 20 psi for a 2- hour duration can be provided. If the required fire flow cannot be provided the new dwellings shall be provided with NFPA 13-D fire suppression systems."
- x. "If there are dwellings that exceed 3,600 square feet the required fire flow shall be determined using Appendix B of the 2006 edition of the International Fire Code."
- xi. "Fire apparatus access shall not be obstructed in any manner including the parking of vehicles. Signage or pavement striping shall be provided, stating "NO PARKING – FIRE LANE" to ensure access availability. If pavement striping is used the curbs shall be painted yellow with black lettering."
- xii. For lots or tracts within special flood hazard areas, no grading or building permits shall be issued unless the applicable requirements of Chapter 30.65 SCC have been met.

**D. Prior to recording of the final plat:**

- i. Sight distance for the new access location onto 147<sup>th</sup> Ave SE shall have been corrected to the satisfaction of the County.
- ii. Critical Area Protection Area boundaries (CAPA) shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The applicant may use other permanent methods and materials provided they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.
- iii. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the CAPA. Minimum placement shall include one Type 1 sign per critical area feature,

and at least one Type 1 sign shall be placed in any lot that borders CAPA, unless otherwise approved by the county biologist. The design and proposed locations for the CAPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

- iv. The buffer mitigation shall have been completed and inspected by PDS.
- v. The final wetland mitigation plan shall be completely implemented.
- vi. Fire flow and fire hydrants shall be provided in accordance with Snohomish County Code 30.53A.514 through 30.53A. 520. Fire hydrants serving single-family dwellings shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a hydrant. Hydrant locations shall be depicted on the face of the plat, and locations for new hydrants shall be approved by this office.
- vii. Gradient for roads shall not exceed 15%.

Nothing in this approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

Preliminary plats which are approved by the county are valid for five (5) years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted pursuant to SCC 30.41A.300.

Decision issued this 16th day of November, 2010.



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Millie Judge, Hearing Examiner

<b>EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES</b>
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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, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **November 29, 2010**. 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, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **DECEMBER 2, 2010** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

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

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

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

Staff Distribution:

Department of Planning and Development Services: Ed Caine

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.