



DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

Gordon Sivley
Hearing Examiner

M/S 405
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Everett, WA 98201

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DATE OF DECISION: December 5, 2013
PROJECT NAME: **Verizon Wireless - SEA Tulalip**

APPLICANT: Verizon Wireless
15900 Eastgate Way
Bellevue, WA 98008

Contact: Bill North
The North Group
P. O. Box 2449
Snohomish, WA 98291-2449

FILE NO.: 12-105297-LU

TYPE OF REQUEST: **Conditional Use Permit (CUP)** to allow construction of a 120 foot tall non-staffed wireless communications facility, including 12 wireless antennas, a microwave dish, and other supporting infrastructure.

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

LOCATION: 7929 16th Avenue NE, Tulalip.

ZONING: RRT-10.

COMPREHENSIVE PLAN: Rural Residential-10 Resource Transition

PDS RECOMMENDATION: Approve, subject to the recommended conditions

A. BACKGROUND INFORMATION

1. The Record. The official record for this proceeding consists of the Exhibits entered into evidence (Exhibits A.1 through K.2), as well as the testimony of witnesses received at the open record hearing. The entire record was admitted into evidence and considered by the Examiner in reaching the decision herein.

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

2. Parties of Record. The Parties of Record are set forth in the Parties of Record Register and include interested parties who testified at the Open Record Hearing.

3. Public Hearing. The Hearing Examiner held an Open Record Hearing on November 20, 2013. Witnesses were sworn, testimony was presented, and exhibits were entered into the record at the hearing. Notices of the application and public hearing were issued according to the provisions of SCC 30.70.050(5). (Exhibits F.1, F.2, and F.3)

Angela Larsh appeared and testified on behalf of Snohomish County Planning and Development Services Department (PDS). Appearing and providing testimony for the Applicant was Bill North.

No other parties of record or interested citizens appeared at the public hearing.

B. FINDINGS OF FACT

The following Findings of Fact are supported by a preponderance of the evidence presented in the record pertaining to this matter.

1. Application Request. The Applicant, Verizon Wireless, requests approval of a Conditional Use Permit (CUP) to locate a Wireless Telecommunications Facility on the subject property pursuant to Chapter 30.42C SCC. Verizon Wireless proposes to construct a 120-foot monopole tower, antenna, and associated ground equipment. Supporting improvements include the installation of equipment cabinets and an emergency generator within a 30 foot by 30 foot secured, fenced area.
2. Site Description. The subject site consists of a 9.77 acre parcel that is rectangular in shape. While located within the Tulalip Reservation, it is owned in fee by non-tribal members and is subject to the County's land use regulatory jurisdiction. The subject site is currently zoned RRT-10 and it is heavily wooded with a mixture of deciduous and coniferous trees, shrubs and understory vegetation. The property has road frontage on 16th Avenue NE, within the boundary of the Tulalip Indian Reservation. Access to the site is proposed to be taken from an existing driveway that connects to 16th Avenue NE near the intersection with Turk Drive. The site has a gentle slope from the west to the east in the area of the proposed development activity. Mission Creek is located off site to the east more than 1000 feet from the proposed development area.
3. Adjacent uses. Properties located near the subject site to the north, south and west are all currently zoned RRT-10. A small property located to the northeast of the northeast corner of the site is zoned F (Forestry). Properties immediately adjacent to the east and those lying northwest of the site, north of Turk Drive, are Tribal owned lands and do not have zoning or land use restrictions imposed by Snohomish County. In the larger surrounding area, properties are zoned in a similar manner, RRT-10, F or R-5 further to the west.
4. Project Chronology. The Applicant made its initial formal submittal to PDS on June 29, 2012. First review was completed on November 15, 2012 (Day 139) including a request for additional information from the Applicant. The Applicant made a resubmittal on April 19, 2013 and the review process recommenced at that time. PDS provided a second review letter identifying additional insufficiencies to the Applicant on June 4, 2013 (Day 186). A second resubmittal

was presented to PDS on June 29, 2013, eliciting a third review of the application. A third review letter was issued on September 9, 2013 (Day 259), again asking for additional information. A fourth and final submittal was made by the Applicant on September 26, 2013. On September 26, 2013, the application was determined sufficient for further review. As of the hearing date, 315 days of the 120-day review period had elapsed but the Applicant raised no objection to completion of review outside the 120 day review period.

5. State Environmental Policy Act (SEPA) Compliance. PDS issued a Mitigated Determination of Nonsignificance (MDNS) for the subject application on October 11, 2013. (Exhibit E.2) The MDNS was not appealed. Accordingly, the Examiner finds that compliance with the substantive and procedural requirements of SEPA have been met.

6. Issues of Concern.

(a) Public Agency Review. The Tulalip Tribes submitted written comments (Exhibit G.1) expressing concerns that the proposed facility will not be co-located on an existing communications tower about 1.5 miles from the proposed site, that the proposal will have detrimental impacts on aesthetics and that the Applicant must complete an FCC mandated engagement process with the Tribes.

(b) Citizens. The primary issues of concern about the instant proposal relate to the visual impact of the proposal, as well as the noise associated with the equipment serving the proposed cell tower.

Bill Zhang submitted a written comment (Exhibit H.2) expressing concern about the proposal regarding potential reduction of property values, visual effects and the reduction of the possibility for future residential development of the site.

William Viehmann submitted a letter (Exhibit H.1) indicating support for the proposal due to the lack of a strong and reliable cell phone signal in the area.

7. Applicable Regulations.

(a) Approval Criteria. The proposal must meet the requirements of the CUP regulations found in SCC 30.42C.100. SCC 30.42C.100 provides that the Hearing Examiner may approve, or approve with conditions, a CUP only when all the following criteria are met:

- The proposal is consistent with the comprehensive plan;
- The proposal complies with applicable requirements of [Title 30 SCC];
- The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
- The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

Each criterion is analyzed below.

- (b) The proposal is consistent with the comprehensive plan.
- (i) This application has been evaluated for consistency with the version of the GMA Comprehensive Plan (GMACP), which became effective on December 12, 1996, as revised through the completeness date of the application. The subject property is designated Rural Residential-10 (Resource Transition) (RR-10RT: One dwelling unit per 10 or more acres). The Examiner finds that the application is consistent with the GMACP designation for the subject property.
 - (ii) The implementing zone is the RRT-10 zone. On the Tulalip Reservation only, lands designated RR-10-RT are zoned RRT-10. The RRT-10 zone requires a minimum lot size of 10 acres for each house in a new subdivision. The subject proposal is not a new subdivision nor does it propose residential uses. As such, these implementing zoning restrictions do not apply.
 - (iii) The PDS analysis relating to the consistency of the requested proposal with the GMACP is set forth in Exhibit J at page 4. The Applicant also prepared an analysis of GMACP consistency. (Exhibit A.3) Having reviewed the GMACP and the PDS and Applicant analyses relating to whether the proposal is consistent with the GMACP, the Examiner concurs with said analyses and hereby adopts and incorporates by this reference the analyses in Exhibits J and A.3 herein as if set forth in full. Accordingly, the Examiner finds that the proposal is consistent with the County's adopted comprehensive plan.
- (c) The proposal complies with applicable requirements of Title 30 SCC.

As shown in the Staff Report (Exhibit J) and Exhibits in the record, the proposal meets the applicable requirements of the Snohomish County Code, including:

- (i) Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC). PDS (Engineering) reviewed the concept offered and recommends approval of the project. Grading quantities are anticipated to be less than 100 cubic yards of cut and fill, and the total impervious surface proposed is less than 2,000 square feet in area.

Pursuant to SCC 30.63A.200(4), since the development will result in less than 2,000 square feet of new impervious surface area, it is exempt from all stormwater management requirements of this chapter except MR2. Therefore a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Volume 2 of the Drainage Manual is required. Based on the preliminary findings made by the staff of PDS's Engineering Section relating to drainage and grading, this project will meet the requirements the SCC 30.63A and SCC 30.63B and the Drainage Manual.

- (ii) Critical Areas Regulations (Chapters 30.62, 30.62A, 30.62 B, and 32.62C SCC). There are no critical areas within the regulated area of the proposed development activity. The closest critical area is Mission Creek located approximately 1,325 feet east of the development area.
- (iii) Fire Code (Chapter 30.53A SCC). There are no specific requirements or recommendations related to fire protection.
- (iv) Zoning and Development Standards (Chapters 30.21, 30.22, 20.23 and 30.28A SCC). This project meets zoning code requirements for lot size, bulk regulations and other zoning code requirements. The proposal facility is located a minimum of 50 feet from all property lines. The construction is not within any buffer zone for birds listed as priority species by the Washington State Department of Fish and Wildlife's Priority Species Volumes IV: Birds (May 2004), or listed as endangered or threatened species under the federal Endangered Species Act. The proposed construction is located more than 100 feet from adjacent forest lands. The proposed structures are not within 200 feet of property designated as forest lands, therefore the requirements for a record of survey, as specified in SCC 30.32A.110 do not apply. All existing residential structures in the vicinity of the project are located more than 120 feet from the base of the proposed tower.

The project has been reviewed for conformance with the requirements of SCC 30.28A. The project complies with SCC 30.28A.070. The site is not a federal, state or county recognized historic register, state or local wildlife refuge or a permanently protected archaeological site. It is also not a resource protection area. The Applicant submitted documentation relating to its efforts to co-locate on existing towers in the vicinity of the site. (Exhibit I.3) Additionally, the Applicant submitted materials needed to comply with the site selection criteria outlined in SCC 30.28A.110. (Exhibits A.2, C.6) The Applicant has provided documentation identifying compliance with SCC 30.28A.120 – Priority of locations. The subject site is private property zoned RRT-10 which is priority 6 of 7. (Exhibit A.2) The area of need did not present any of the higher priority zoning/public property opportunities specified in the code. The Applicant has submitted a Non-Ionizing Electromagnetic Radiation report demonstrating compliance with SCC 30.28A.140(1) (Exhibit C.7) and an Acoustical Report demonstrating compliance with SCC 30.28A.140(2). (Exhibit C.5) The constructed tower will be required to comply with all the Federal Communication Commission (FCC), FAA standards and regulations.

The Applicant submitted a letter, photographs of a "balloon study" and graphic representations of the views and how they will be altered by the construction of the proposed tower. This analysis is contained in Exhibit I.1 and provides adequate evidence that the proposal will comply with the applicable provisions of SCC

30.28A.150. This is further supported by the narrative contained in Exhibit A.2.

The proposed antenna tower is proposed to be shorter than the maximum of 180 feet outside of Urban Growth Areas (UGA).

The proposed support facilities will be screened by the existing dense vegetation located on site, a solid fence surrounding them and landscape screening meeting the requirements of SCC 30.25.025. As such they will meet the provisions of SCC 30.28A.170.

The landscaping plan (Exhibit C.1) meets the requirements of SCC 30.25.025.

- (v) Land Use Permit Binder. (SCC 30.42C.200). The Applicant will be required to file a Land Use Permit Binder (LUPB) prior to the initiation of any site work. A condition of approval has been added to ensure that a LUPB is recorded.

- (d) The proposal will not be materially detrimental to uses or property in the immediate vicinity.

The area surrounding the site contains a mix of medium and large residential lots along with medium and large forested undeveloped lots. The area is heavily treed and gently varies in topography. The proposal meets the development standards and siting process for personal wireless telecommunications services facilities in SCC 30.28A. The Applicant has provided evidence (Exhibits A.2, C.6 and I.3) that shows that the proposed location has been chosen and evaluated based on needed coverage and propagation maps. The Applicant provided visual simulations of the facilities (Exhibit I.1) to demonstrate the visual impact on the view of the neighboring properties.

Having reviewed the entire record, the Examiner finds that the proposed construction and use of a wireless telecommunication tower and attendant equipment and facilities will provide a material benefit to the uses and properties in the immediate area. The Noise Study concludes that the proposal will meet the County's noise regulations. Impacts to aesthetics and views, such as those raised by Mr. Zhang will be shielded by the heavily wooded area. Accordingly, the Examiner finds that the proposal will not be materially detrimental to uses or properties in the immediate vicinity.

- (e) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

The proposed tower is being proposed on a site that is heavily treed, and located on a portion of the subject property that would take advantage of the existing trees. The proposed project meets and exceeds the required setbacks for a wireless communications facility from all property lines and existing structures. No signals, lights or signs will be permitted on the tower unless required by the

FCC or FAA. The tower and antennas will be painted, as a recommended condition of approval, to minimize the visual impact and there will be little noise and no odors from the proposed development. The Applicant has demonstrated through analysis that the tower and antenna height is not greater than the minimum height required to function satisfactorily. The tower and associated ground equipment will be surrounded by a six foot tall fence, landscaping and existing vegetation.

A Non-Ionizing Electromagnetic Radiation (NIER) report has been submitted for review. (Exhibit C.7) Each year after the facility becomes operational, the facility operator will be required to conduct a safety inspection and file a report with PDS within 60 days of the inspection. A report documenting that the facility complies with FCC NIER limits shall be submitted with the report when any modifications of the facility have been made subsequent to any previous NIER report submittal.

The proposed building setbacks, retention of vegetation, landscape screening, painting of the tower itself dark green in color, fencing, and sound buffering mitigation all provide extensive features, conditions and revision to respond to the concerns relating to the character, appearance and quality of development of the surrounding community.

The Examiner finds that the proposal is consistent with the provisions of SCC 30.28A and 30.42C. The Examiner further finds that the proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

(f) The Applicant has addressed the concerns raised by the Tulalip Tribes.

The Applicant has demonstrated that co-location of its facility on the existing tower identified by the Tribes would not address the coverage objective of the proposal and would interfere with the function of other wireless towers in the area. As detailed above, the Applicant has taken appropriate measures to address the aesthetic concerns raised. The Applicant also submitted evidence of its efforts to satisfy the FCC's tribal engagement requirements (see Exhibit I.4).

8. Any Finding of Fact in this decision which should be deemed a conclusion is hereby adopted as such.

C. CONCLUSIONS OF LAW

The Examiner having fully reviewed the entire record and testimony provided at the public hearing and being fully informed hereby enters the following Conclusions of Law:

1. The Hearing Examiner has jurisdiction over the issuance of a CUP pursuant to SCC 30.72.020. The Examiner concludes that the application is consistent with the requirements of SCC 30.42C.100.
2. The proposed CUP with the recommended conditions of approval will be consistent with the comprehensive plan and comply with the applicable

- requirements of Title 30 SCC. Adequate public services exist to serve the proposal.
3. If approved with the recommended conditions, the proposal would make adequate provisions for the public health, safety and general welfare.
 4. The CUP, with recommended conditions of approval, will not be materially detrimental to uses or properties in the immediate vicinity.
 5. The CUP, with recommended conditions of approval, will respond to as well as maintain compatibility with surrounding uses and incorporate specific features, conditions, or revisions that ensure it responds appropriately to the character, appearance, quality of development, and physical characteristics of the site and surrounding properties.
 6. Based upon the entire record and the Findings of Fact herein, the Examiner concludes that the proposal meets all of the requirements of the County's CUP and wireless telecommunication facility regulations, provides for the public health, safety and welfare and should be approved, subject to the conditions set forth herein.
 7. In issuing a CUP, the Examiner has broad discretion to impose conditions of approval. The Examiner may:
 - (a) Increase requirements in the standards, criteria, or policies established by Title 30 SCC;
 - (b) Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
 - (c) Require structural features or equipment essential to serve the same purpose set forth in 30.42C.100 (2)(b);
 - (d) Impose conditions similar to those set forth in items 30.42C.100(2)(b) and 30.42C.100(2)(c) as may be deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The Hearing Examiner may not in connection with action on a CUP, reduce the requirements specified by Title 30 SCC as pertaining to any use nor otherwise reduce the requirements of Title 30 SCC in matters for which a variance is the remedy provided;
 - (e) Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
 - (f) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
 - (g) Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
 - (h) Impose any requirement that will protect the public health, safety, and welfare.

8. Any Conclusion of Law which should be deemed a Finding of Fact is hereby adopted as such.

D. DECISION

Based on the Findings of Fact and Conclusions of Law entered above, the request for a **CONDITIONAL USE PERMIT** is hereby **APPROVED**, subject to the following **CONDITIONS**:

CONDITIONS

1. The site plan received by PDS on Septemberth 19, 2013 (Exhibit B.1) shall be the approved configuration.
2. Revisions to the official site plan are governed by SCC 30.42.110 and SCC 30.28A.
3. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition 1, above.
4. Prior to final inspection/certificate of occupancy:

(a) Noise mitigating measures shall be constructed in accordance with the recommendations of the Acoustical Report prepared by SSA, dated October 7, 2011 and shall include the following project specific conditions:

(i) Construct a stand-alone section of noise barrier directly north of the Emerson cabinets that is 14 feet long and intersects with the proposed wooden fence to the east. The barrier shall be as tall as the equipment cabinets, at a minimum. The barrier shall be as close to the equipment as possible for maximum effectiveness. See Figures 1 & 2 of the above referenced report for this configuration.

(ii) Incorporate a section of noise barrier into the proposed fence located to the west, south and east of the Emerson cabinets. See Figure 1 of the above referenced report for this configuration. The barrier shall be as tall as the equipment cabinets at a minimum. The barrier shall be as close to the equipment as possible for maximum effectiveness. This section should be constructed on the inside of the cedar fence. There should be no gaps between the cedar planks in the fence material.

(iii) Construct the noise barriers of a solid material that has a surface mass of 2.5 lbs/square foot. One (1) layer of 3/4" exterior grade plywood or one (1) layer of 16-gauge sheet metal is approximately 2.5 lbs/square foot. For the section of barrier added to the proposed fence, the cedar planks cannot replace the required mass of 2.5 lbs/square foot.

(iv) The inside of the barriers shall be lined with a sound absorbing material that has a minimum NRC rating of 0.50. All of the inside of the barrier shall be lined. Weather resistant materials that meet this requirement include: (A)

two-inch thick product called the Q-panel, or (B). two-inch thick Quilted Fiberglass Absorber (QFA-11).

(v) All joints in plywood barrier shall be caulked with acoustical sealant, in order to construct a continuous envelope that will not leak noise.

(b) Upon installation of the noise attenuation barrier and all of the mechanical equipment associated with the proposed use, but prior to final inspection of the building permit, a noise test shall be conducted by SSA to determine the actual noise levels generated by the proposal, as measured at the receiving properties in accordance with County Code. If the noise levels, at any time, are found to exceed the standards of Snohomish County Code, the Applicant shall be responsible for immediately providing compliance through mitigation or discontinue operation of the equipment causing the noise standard violation.

(c) The tower and all proposed and future antenna/attachments, for all carriers, shall be painted dark green and such painting shall be completed prior to the final inspection for the building permit and/or activation of the facility. All antennas and attachments for all carriers shall be painted the same color as the other carriers on the structure.

(d) Any and all proposed mitigation offered by the Applicant in the reports/documents prepared by SSA, dated October 7, 2011 (Exhibit C.5), KDC Architects and Engineers report, dated October 5, 2011 (Exhibit C.7) and the SEPA Environmental Checklist dated August 14, 2013 (Exhibit E.1) are incorporated herein by reference.

(e) The preliminary landscape plan (Exhibit C.1) shall be implemented, constructed, installed and inspected.

(f) All fencing and gates as depicted in Exhibit B.1 shall be installed.

5. All development activity shall conform to the requirements of Chapter 30.63A SCC.
6. Each year after the facility becomes operational; the facility operator shall conduct a safety inspection and file a report with the County within 60 days of the inspection. A report documenting that the facility complies with FCC Non-Ionizing Electromagnetic Radiation (NIER) limits shall be submitted with the report when any modifications of the facility have been made subsequent to any previous NIER report submittal.
7. As required by SCC 30.42C.200, a Land Use Permit Binder, on a form provided by PDS, shall be executed by the Applicant and recorded with the County Auditor.
8. The conditional use permit approval shall expire after five years if construction of the proposed tower has not been started.

9. Nothing in the permit/approval shall excuse the applicant, owner, lessee, agent, successor or assigns from full compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project. In particular, no clearing, grading, filling, construction or other physical alteration of the site may be undertaken prior to the issuance of the necessary permits for such activities.

Decision issued this 5th day of December, 2013.


Gordon Sivley, Hearing Examiner

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 **within 10 calendar days** from the date of this decision. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA 98201) **on or before December 16, 2013**. 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 is discovered which could not reasonably have been produced at the open record hearing and which is material to the decision; 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 **within 14 days from the date of this decision**. 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 at the Public Assistance Counter of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: 3000 Rockefeller Avenue M/S 604, Everett, WA 98201) **on or before December 19, 2013**, and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00) for each appeal filed; PROVIDED, that the fee shall not be charged to a department of the County. The filing fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing under SCC 30.72.075.

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.

The Land Use Permit Binder, which must be executed and recorded as required by SCC 30.42C.200, will be provided by PDS. The Binder should not be recorded until all reconsideration and/or appeal proceedings have been concluded and the permit has become effective.

Staff Distribution:

Department of Planning and Development Services: Angela Larsh

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.

PARTY OF RECORDS REGISTER
12-105297 LU VERIZON WIRELESS
SEA TULALIP
HEARING: Nov 20, 2013
Time: 9:00 AM

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