REPORT and DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

DATE OF DECISION: April 2, 2008

PLAT/ PROJECT NAME: THYRA’S CORNER

OWNER/ APPLICANT: Wendell Scott Development, Inc.

FILE NO: 06-126493-000-00-SD

TYPE OF REQUEST: 21-lot subdivision of 4.6 acres using lot size averaging

DECISION (SUMMARY): APPROVE WITH CONDITIONS

BASIC INFORMATION

GENERAL LOCATION: 5110 83rd Avenue NE, Marysville; in the southeast Quarter pf Section 35, Township 30 North, Range 5 East, W.M., Snohomish County, Washington.

ACREAGE: 4.6 acres

NUMBER OF LOTS 21

AVERAGE LOT SIZE: 5,076 square feet

MINIMUM LOT SIZE: 3,777 square feet

DENSITY: 4.5 du/ac (gross)

OPEN SPACE 1.2 acres

COMPREHENSIVE PLAN DESIGNATION:
General Policy Plan Designation: Urban Low Density Residential – Limited (ULDR-L 5-6 DU/Ac Marysville UGA only)

UTILITIES:
Water and Sewer: City of Marysville
INTRODUCTION

The application (Exhibit 1) was originally submitted on August 22, 2006 and determined complete for regulatory purposes but insufficient for further review. The application was resubmitted on June 27, 2007 and August 24, 2007 and, on September 7, 2007, was determined sufficient for further review.

The Deputy Hearing Examiner made a site familiarization visit on January 6, 2008.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record public hearing as required by the County code. Exhibit 16 (Affidavit of Mailing); Exhibit 17 (Affidavit of Notification by Publication); Exhibit 18 (Posting Verification).

A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued on September 5, 2007. (Exhibit 15). No appeal was filed.

The Deputy Examiner held an open record hearing on January 8, 2008. Witnesses were sworn, testimony was presented, and exhibits were entered. Subsequently, with the applicant’s consent, a pro tempore hearing examiner reviewed the audio CD of the hearing and rendered the decision herein.

PUBLIC HEARING

The public hearing commenced on January 8, 2008 at 9:02 a.m.

1. Representing PDS was Robert Pemberton, Senior Planner.

2. Representing the Applicant was Ken Williams, Project Manager, from Insight Engineering.

The hearing concluded at 9:21 a.m.

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

FINDINGS OF FACT

A. General

1. The master list of Exhibits and Witnesses are in the record in this file. All exhibits were considered by the Examiner and are hereby incorporated by reference, as if set forth in full herein.
2. **Summary of the Proposal**: The applicant proposes a 21-lot subdivision on 4.6 acres. The proposed single-family residential lots range in size from 3,777 square feet to 8,496 square feet with 52,269 square feet of open space. Access to all lots is by internal public roads connecting to 83rd Avenue NE. Public water and sewer service will be provided by the City of Marysville. Mitigation fees are to be paid in accordance with Chapters 30.66A, B, and C, SCC, for the project impacts to community parks, nearby road system traffic and to Lake Stevens School District No. 4.

3. **Site Description**: This rectangular 4.6 acre site lies on the west side of 83rd Avenue NE. The majority of the site is flat, with lower areas in the eastern portion. The property contains an existing single-family residence with a driveway and out-buildings. The southern half of the site is forested with immature large trees and underbrush. South of the driveway is a large wetland with a pond.

4. **Adjacent zoning and uses**: At the time of application, this site and surrounding properties were zoned R-7,200. The immediate area is sparsely developed with single-family residences on large lots with some rural and agricultural uses in the vicinity. Since the application was filed, the site has been annexed by the City of Marysville.

**B. Issues of Concern**

5. No extraordinary conditions, neighbor concerns or unresolved issues exist for this proposal. A letter was received from David Huber stating that he is the owner of the parcel immediately to the north. (Exhibit 21) The letter mainly concerns access, but also mentions possible drainage impacts. In response the applicant revised the proposal to provide additional access to the property to the north. This change also fulfills a request of the City of Marysville, allowing future extension of its road system to the east.

**C. Compliance with Codes and Policies**

6. **Parks Mitigation**: The proposal is within the River Meadows Park Service Area No. 302 and is subject to Chapter 30.66A SCC, which requires payment of $48.82 per each new single-family residential unit, to be paid either prior to plat recording or prior to building permit issuance for each unit. Such payment or contribution of in-kind mitigation is acceptable mitigation for parks and recreation impacts in accordance with county policy.

7. **Traffic Mitigation and Road Design Standards**
   (Title 13 SCC & Chapter 30.66B SCC):
   
   A. **Road System Capacity** [SCC 30.66B.310]

   The impact fee for this proposal is based on the new average daily trips (ADT) generated by 20 lots, which is 9.57/lot. This rate comes from the 7th Edition of the ITE Trip Generation Report (Land Use Code 210). The development will
generate 191.4 new ADT and has a road system capacity impact fee of $46,318.80 ($2,205.66/lot) based on $242/ADT. This impact fee must be paid prior to building permit issuance.

B. Concurrency [SCC 30.66B.120]

The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and the Department of Public Works has made a preliminary determination that the development is concurrent as of 10/09/2006. The expiration date of the concurrency determination is six years from 10/09/2006.

The development has been deemed concurrent on the following basis:

Small or Medium-Sized Development in TSA with no arterial unit in arrears, SCC 30.66B.130(4). 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 generates 15 a.m. peak-hour trips and 20.20 p.m. peak hour trips which is less than the 50 peak-hour trip threshold that would trigger evaluation under SCC 30.66B.035.

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

The subject proposal will not impact any IRC locations identified at this time within TSA “A” with three or more of its p.m. peak hour trips, nor will it create any such locations. 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 Chapter 30.666B SCC.

D. Frontage Improvements [SCC 30.66B.410]

As per EDDS 4222.020(1), full urban frontage improvements are required along the subject parcel’s frontage on 83rd Avenue NE and consist of:

- 23 foot width from roadway centerline to the face of curb with asphalt concrete pavement
- Cement concrete curb and gutter
- Five (5) foot planter
- Five (5) foot cement concrete sidewalk

Construction of frontage improvements is required prior to recording unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development.

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

The Department of Public Works accepts the proposed layout. The 82nd Drive NE culdesac requires a 30-foot paved radius with a 5-foot sidewalk around the culdesac bulb. This will require a right-of-way with a 37 foot radius behind the
sidewalk and 32-foot radius where no sidewalk is proposed. The width of the 82nd Drive NE right-of-way north of the culdesac bulb must also be properly dimensioned. The plat received by PDS on August 24, 2007, does not show correct dimensions for the 82d Drive NE right-of-way. A condition of approval will be added requiring that the correct dimensions of the 82nd Drive NE right-of-way be shown on the plat.

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

83rd Street NE is designated as an urban collector Arterial on the county’s Arterial Circulation Map. This requires a right-of-way width of 35 feet on each side of the right-of-way centerline. 30 feet of right-of-way presently exists on the development’s side of the right-of-way. Therefore, 5 feet of additional right-of-way is required. This is adequately shown on the preliminary plat.

G. State Highway Impacts [SCC30.66B.710]

This development is subject to the Washington Department of Transportation (WSDOT)/County Interlocal Agreement (ILA). Comment from WSDOT (8/30/2006) stated that the development will not impact any WSDOT collection project with three or more p.m. peak-hour directional trips; therefore no traffic mitigation is requested.

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

The Department of Public Works recommends mitigation measures for the development’s direct traffic impact on city, town or other county roads to the approving authority and the approving authority imposes such measures as a condition of approval of the development in conformance with the terms of the ILA referred to in SCC 30.61.230 between the county and the other agency.

The county has ILA’s with the cities of Arlington and Marysville. Pursuant to the ILA and SCC 30.66B.055(4), a written traffic mitigation offer of $51,308.00 was submitted by the applicant for impacts on the City of Marysville. In comments dated April 27, 2007, Marysville accepted the applicant’s offer. Pursuant to the same authorities, a written traffic mitigation offer of $4,153.62 was made to the City of Arlington. The City of Arlington did not respond. Because there was no response, the traffic mitigation offer to the City of Arlington is waived. No other city jurisdictions that have an ILA with the county will be significantly impacted by the subject development.

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

Sufficient TDM measures must be provided to indicate the potential for removing a minimum of five percent of a development’s p.m. peak hour trips from the road system. This requirement can be met by the provisions by voluntary payment in lieu of site design, in accordance with SCC 30.66B.610 and SCC 30.66B.625.

The cost of removing one peak hour trip from the road system is approximately
$1,500. This is based on the average cost of one stall in a park and ride lot and the average cost of one "seat" in a 15-passenger van. The TDM obligation equals $1,500 times the required trip reduction percentage times the development's peak hour trip generation [SCC 30.66B.615].

The trip reduction percentage for this development is five percent. The TDM obligation for this development is therefore equivalent to 5% of the 20.20 new p.m. peak hour trips x $1,500 which equals $1,515.00 ($72.14/lot). A written payment of this TMD obligation, dated August 3, 2007, has been submitted by the applicant.

J. Pedestrian Facilities [RCW 58.17.110]

The county is required to make findings regarding safe walking conditions for school children that may reside in the subject development. Comments have been received from the Lake Stevens School District #4, dated August 26, 2006. All school children will be picked up at the entrance to the development. No Offsite improvements are required.

8. Mitigation for Impacts to Schools (Chapter 30.66C SCC)

Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Lake Stevens Schools District No. 4, 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 one existing lot.

9. Drainage and Grading (Chapters 30.63A and 30.63B SCC)

Stormwater runoff from the proposed roads, driveways, houses and other impervious surfaces will be collected by a system of catch basins and pipes and directed to a detention vault to be located in the southeast corner of the site. The outflow from the vault will be discharged into the existing ditch on 83d Ave. Water quality will be maintained by a stormfilter installed upstream of the detention vault. PDS (Engineering) has reviewed the concept offered and is recommending approval of the project, subject to conditions which would be imposed during full drainage plan review pursuant to Chapter 30.63A SCC. Grading quantities are anticipated to be approximately 20,000 cubic yards of cut and 20,000 cubic yards of fill, primarily for road, drainage facility, and home site construction. Water quality will be controlled during construction by use of silt fences and straw bales in accordance with a Temporary Erosion and Sedimentation Control Plan (TESCP) required by Chapter 30.63A SCC.

10. Critical Areas Regulations (Chapter 30.62 SCC)

There are two Category 3 wetlands located in the eastern portion of the site, one containing a pond. The northern portion, containing a driveway, has been historically degraded. The southerly wetland is small and will be filled with mitigation in the form of buffer enhancement for the larger wetland. The larger existing wetland, containing the pond, will be preserved with minimum 25-foot-wide Native Growth Protection Area buffers. PDS has reviewed the Critical
Areas Study and Mitigation Plan (Exhibit 12) and determined that the project complies with the critical areas regulations. The Examiner concurs.

11. Consistency with GMA Comprehensive Plan

This application was complete on August 22, 2006 and has been evaluated for consistency with the version of the GMA Comprehensive Plan which became effective on December 12, 1996, as revised through the completeness date of the application.

At the time the application was submitted, the subject property was designated Urban Low Density Residential – Limited (ULDR-L 5-6 DU/Ac Marysville UGA only) on the General Policy Plan (GPP) Future Land Use map, and was then located within an Urban Growth Area (UGA). It is not located within a mapped Growth Phasing Overlay. The Urban Low Density Residential – Limited (5-6) Designation “allows mostly detached housing developments on large lot sizes. It is applied to portions of Sunnyside area in the Marysville UGA. Land in this Category may be developed at a density of five to six dwelling units per acre. Implementing zones include R-8,400, R-7,200, and PRD-7,200.” The zoning at the time of application was R-7,200. The requested subdivision is consistent with the GPP’s Urban Low Density Residential designation of the property. Pending annexation, the City of Marysville requested that the project comply with City zoning, critical areas and subdivision requirements. The proposal, as conditioned, will meet the City’s standards.

12. Utilities

A. Water and Sewer

Public water and sewer will be supplied by the City of Marysville. (Exhibit 28)

B. Electricity

On September 11, 2006, the Snohomish County Public Utility District No. 1 provided correspondence indicating that they can provide electricity to the proposal. (Exhibit 27)

13. Zoning (Chapter 30.2 SCC)

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

The proposal was evaluated for compliance with the lot size averaging (LSA) provisions of SCC 30.23.210, which provide that the minimum lot area of the applicable zone is deemed to have been met if the area in lots plus critical areas and their buffers, and areas designated as open space or recreational uses, if any, divided by the number of lots proposed, is not less than the minimum lot area requirement.

Lot coverage for this proposed subdivision is a maximum of 55%. The LSA calculation is as follows:
Area in Lots (106,601 square feet) + Critical Areas and Buffers (30,727 square Feet) + Open Space (21,542 square feet) = 158,820 square feet divided by 21 (lots proposed) = 7,565 square feet per lot

The minimum zoning requirement is 7,200 square feet. No lot is less than 3,000 square feet and all lots comply with minimum lot width and setback requirements. The proposal is consistent with the lot size averaging provision of SCC 30.23.210. The 21 lots proposed are consistent with the applicable density provisions.

14. **State Environmental Policy Act**

PDS issued a DNS for the subject application on September 25, 2007 (Exhibit 15). The DNS was not appealed nor specifically commented upon.

15. **Subdivision Code** (Chapter 30.41A SCC)

The proposed plat meets the requirements of Chapter 30.41A SCC. The proposal is consistent with the general requirements under SCC 30.41A.100 with respect to health, safety and general welfare of the community. As proposed the lots will not be subject to flood, inundation or swamp conditions. The lots are outside of all regulated flood hazard areas. (See RCW 58.17.120.) As conditioned, the plat will meet all SCC 30.41A.210 design standards for roads.

16. **Plat – Subdivisions – Dedications** (Chapter 58.17 RCW)

RCW 58.17.100, 110, 120 and 195 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 plat conforms with the applicable zoning standards and the comprehensive plan. Open space is provided in the form of wetland and buffer areas. The single-family homes on small lots will be in character with the existing neighborhood. 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 State Department of Ecology drainage standards. The Plat, as conditioned, will conform to Chapters 30.66A, B, and C SCC, satisfying county requirements with respect to parks and recreation, traffic, roads and walkway design standards, and school mitigation. Public water and sewer are to be provided by the City of Marysville municipal system.

17. Any conclusion herein which may be deemed a finding is hereby adopted as such.

**CONCLUSIONS OF LAW**

1. The Examiner has original jurisdiction over preliminary subdivision applications
pursuant to Chapters 30.72 and 2.02 SCC.

2. The proposal is consistent with the GMA-Comprehensive Plan and with applicable development regulations. RCW 58.17.100, 195.

3. The proposal, as conditioned, makes “appropriate provisions” for the public health, safety and general welfare, and for applicable items of design and infrastructure as required by RCW 58.17.120. Adequate public services exist to serve the proposal.

4. The public use and interest will be served by the platting of the subdivision.

DECISION

Pursuant to the authority granted under SCC 30.72.060 and SCC 2.02.155(2), the application for preliminary subdivision approval is hereby GRANTED, subject to the following CONDITIONS.

CONDITIONS

A. The preliminary plat received by PDS on August 24, 2007 (Exhibit 14) shall be the approved plat configuration, except as to the dimensions for the 82nd Drive NE right-of-way. (See Condition C(v) below.)

B. Prior to initiation of any further 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, except that the 82nd Drive NE right-of-way shall be correctly dimensioned. (See Finding 7(E).)

   ii. The platter shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPAs) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the county.

   iii. A final mitigation plan based on the Critical Areas Study and Wetland Mitigation Plan prepared by Wetland Resources, revised March 22, 2007 (Exhibit 12) shall be submitted for review and approval during the construction review phase of this project.

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

   i. “The lots within this subdivision will be subject to school impact mitigation fees for the Lake Stevens School District No. 4 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 33.66C.010. Credit shall be given for one existing parcel. Lot one shall received credit."

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

$2,205.66 per lot for mitigation of impacts on county roads paid to the county.
$74.14 per lot for transportation demand management paid to the county.
$2,443.24 per lot for mitigation of impacts on the City of Marysville’s streets paid to the city.

These payments are due prior to or at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein. Once a building permit has been issued on a lot, all mitigation payments for that lot shall be deemed paid.

iii. All Critical Areas shall be designated Native Growth Protection Areas (unless other agreements have been made) with the following language on the face of the plat:

“All NATIVE GROWTH 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 SCC 30.91N.010 are allowed when approved by the County.”

iv. The developer shall pay the county $48.82 per new dwelling unit as mitigation for parks and recreation impacts in accordance with Chapter 30.66A SCC; provided, however, the developer may elect to postpone payment of the mitigation requirement until issuance of a building permit for that lot. The election to postpone shall be noted by a covenant placed on the face of the recorded plat and included in the deed for each affected lot within the subdivision.

v. The correct dimensions for the 82nd Drive NE right-of-way shall be shown on the face of the final plat.

D. Prior to recording of the final plat:

i. Urban frontage improvements shall be constructed along the parcel’s frontage on 83rd Avenue NE to the satisfaction of the county.

ii. Native Growth Protection Area (NGPA) boundaries shall have been permanently marked on the site prior to final inspection by the county, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The platter may use other
permanent methods and materials, provided they are first approved by the county. Where in NGPA boundary crosses another boundary (e.g.: lot, tract, plat, roads, etc.), a rebar marker with surveyor’s cap and license number must be placed at the line crossing.

NGPA signs shall be placed no greater than 100 feet apart around the perimeter of the NGPA. Minimum placement shall included one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the NGPA, unless otherwise approved by the county biologist. The design and proposed locations for the NGPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

iii. The final wetland mitigation plan (wetland and buffer enhancement) shall be completely implemented.

E. All development activity shall conform to the requirements of Chapter 30.63A SCC.

Nothing in this permit/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.

Order issued this 2nd, day of April, 2008

Wick Dufford, Hearing Examiner Pro Tempore

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**EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES**

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

**Reconsideration**

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd
Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address:  M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **APRIL 14, 2008**. There is no fee for filing a petition for reconsideration. **“The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing.” [SCC 30.72.065]**

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

The grounds for seeking reconsideration are limited to the following:

(a) The Hearing Examiner exceeded the Hearing Examiner’s jurisdiction;

(b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner’s decision;

(c) The Hearing Examiner committed an error of law;

(d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the record;

(e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or

(f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

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

**Appeal**

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address:  M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **APRIL 16, 2008** and shall be accompanied by a filing fee in the amount of five hundred dollars ($500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and
Provided further, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

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

(a) The decision exceeded the Hearing Examiner’s jurisdiction;

(b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;

(c) The Hearing Examiner committed an error of law; or

(d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

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

Staff Distribution:

Department of Planning and Development Services: Robert Pemberton

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.