

REPORT and DECISION of the SNOHOMISH COUNTY HEARING EXAMINER PRO TEM

DATE OF DECISION: August 21, 2008

PLAT/PROJECT NAME: **PETERSON REZONE**

APPLICANT/
LANDOWNER: Tracy Peterson
1627 237th Place SW
Bothell, WA 98021

FILE NO.: 08-1030090-LU

TYPE OF REQUEST: Rezone from Residential-9600 (R-9600) to Residential-7200 (R-7200)

DECISION (SUMMARY): Approved

BASIC INFORMATION

GENERAL LOCATION: 1627 237th PI SW, in Section 35, Township 27 North, Range 4 East, W.M., Snohomish County, Washington

ACREAGE: .3 Acres

Avg. Lot Area: 7,249 square feet
Smallest Lot Area: 4,000 square feet

Number of Lots: 2

Gross Density: 6 du/ac
Net Density: 6 du/ac

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

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Low Density Residential

UTILITIES:

08103090.doc

Water: Alderwood Water District
Sewage: Alderwood Wastewater District

SCHOOL DISTRICT: Northshore School District Number 417

FIRE DISTRICT: No. 10

SELECTED AGENCY RECOMMENDATIONS:

Department of:
Planning and Development Services: Approve

INTRODUCTION

The applicant filed the original Master Application on March 26, 2008. (Exhibit 1A2) An amended Master Application was filed on May 28, 2008. (Exhibit 1A1)

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

The Department of Planning and Development Services (PDS) and applicant gave proper public notice of the open record hearing as required by the county code. (Exhibits 6A - Mailing, 6B – Publication and 6C – Posting)

A SEPA determination was made on June 18, 2008. (Exhibit 5B) No appeal was filed.

The Examiner held an open record hearing on August 13, 2008, the 75th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on August 13, 2008 at 10:01 a.m.

1. The Examiner indicated that he has read the PDS staff report, reviewed the file and viewed the area and therefore has a general idea of the particular request involved.
2. Elbert Esparza, planner for PDS, appeared and testified under oath. He presented the staff report.
3. Debbie Rothfus, Peak Engineering, the applicant's agent, appeared and testified under oath. She described the project and its compliance with applicable regulations.
4. No one appeared in opposition to the request.

The hearing concluded at 10:30 a.m.

NOTE: The above information reflects the information submitted to the Examiner summarizing the statements that were made at the hearing. However, for a full and complete record, verbatim audio tapes of these hearings are available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS:

1. The master list of Exhibits and Witnesses which is a part of this file and which exhibits were considered by the Examiner, is hereby made a part of this file, as if set forth in full herein.
2. No public comments in opposition to the project were received.
3. The request is for a rezone from R-9600 to R-7200. A request for a short plat is being processed administratively.
4. The site is a fully developed residential lot with an existing single-family residence, which will remain. There are no critical areas on site, but a recorded 10 foot Critical Area Protection Area (CAPA) easement along a portion of the rear (north) property line exists to protect an existing Category 3 wetland located approximately 40 feet north of the rear property line in an undeveloped parcel zoned R-9600. There is a board fence along the north edge of the property and a paved walking trail to the north and east of the subject parcel.
5. The zoning in the vicinity of the subject parcel is primarily R-9600, however many of the homes are on smaller lots due to lot size averaging to compensate for wetlands and open spaces. To the immediate west of the parcel the zoning is R-7200. The zoning in the vicinity is shown on Exhibit 21. The surrounding area is primarily single-family residences. To the west across Locust Way is a non-conforming mobile home park. Testimony at the hearing indicated that the neighborhood is experiencing growth and transition to more dense housing patterns.
6. The project would comply with park mitigation requirements under Chapter 30.66A SCC (Title 26A SCC) by the payment of \$1,244.49 for each new single-family home. However, as this is not a development application, these fees are not imposed as part of this decision.
7. Snohomish County PDS Traffic reviewed the request with regard to traffic mitigation and road design standards. That review covered Title 13 SCC and Chapter 30.66B SCC as to road system capacity, concurrency, inadequate road conditions, frontage improvements, access and circulation, and dedication/deeding of right-of-way, state highway impacts, impacts on other streets and roads, and Transportation Demand Management. As a result of that review, PDS Traffic determined that the development is concurrent and has no objection to the requests subject to various conditions which will be imposed as part of the administrative short plat process. Sidewalks are currently in place along the property's frontage and between the property and nearby elementary and middle schools to provide safe walking conditions for students.
8. School impact mitigation fees will be imposed as part of the building permit application process.
9. The applicant has submitted the required documents for a rezone, however it was the applicant's choice to submit an official site plan along with the rezone request. Single-family

residences are allowed as permitted uses in this proposed R-7200 zone and the request will satisfy bulk zoning code requirements relating to the dwelling unit allowed on the lot.

10. PDS reviewed the drainage and grading proposed for the proposed project and recommended approval. Testimony at the hearing indicated that the concerns of the Park Department regarding drainage had been properly addressed in the applicant's drainage plan. (Exhibit 3B)
11. There is a wetland classified as a critical area to the north of the parcel. Under current county code the buffer extends into the subject parcel, even though there is a board fence and a paved walking trail between the subject parcel and the wetland. The applicant has prepared a study of the critical area. (Exhibit 3E) PDS reviewed the Critical Areas Study and Mitigation Plan and determined that the project complies with the critical areas regulations.
12. Public water and sewer service will be available for this development as well as electrical power.
13. The property is designated Urban Low Density Residential (ULDR 4-6 du/ac) on the General Policy Plan (GPP) Future Land Use Map (FLUM) and is located within an Urban Growth Area (UGA). According to the GPP, the ULDR designation covers various subarea plan designations which would allow mostly detached housing developments on larger lot sizes. Land in this category may be developed at a density of 4-6 du/ac and one of the implementing zones is the R-7200 zone which is the case here.
14. Recent guidance from the Snohomish County Council requires an analysis of proposed rezone applications for more than compliance with density calculations. The applicant produced such an analysis in Exhibit 21. PDS reviewed this analysis and agreed with it. The following is an excerpt from the analysis:

A. Is this area already characterized by urban growth that has adequate existing facility and service capacities to serve such development for the following types of public facilities and services (LU-1)? Please demonstrate.

i. Streets roads and highways

The subject site is located on the north side of 237th PL SW, opposite 17th AVE W. 237th PL SW is designated as a non-arterial urban residential roadway with sufficient right-of-way having been dedicated by the plat of Park at Creekside (PFN 02-109272 SD) which surrounds the subject site. Frontage improvements, consisting of vertical curb, 5-foot planter strip and 4-foot sidewalk, are existing and were installed in conjunction with the construction of the plat of Park at Creekside. Twenty six feet of asphalt roadway also exists. These roadway improvements are typical throughout the surrounding 81 lot plat of Park at Creekside. The Department of Public Works has indicated that no additional right-of-way or roadway improvements are necessary with the exception of the installation of drop curb driveway cut for the future residence on Proposed Lot 2 of the concurrent short plat. DPW deemed the proposed development concurrent as of May 15, 2008.

ii. Sidewalks

Sidewalks, as stated above, exist along the property frontage and roadways within the plat that surrounds the subject site.

iii. Street and road lighting systems

Neither Snohomish County Code nor EDDS require the provision of street lighting for this project. A sight inspection verified street lights exist within the surrounding plat of Park at Creekside.

iv. Traffic signals

Snohomish County review comments have not indicated a need for any improvements to existing signals nor the installation of new signals at any nearby intersections as a result the proposed short plat.

v. Domestic water systems

Domestic water is available to the site and will be provided by Alderwood Water and Wastewater District. A certificate of utility availability has been issued and supplied to Snohomish County Department of Planning and Development Services (PDS).

vi. Sanitary sewer systems

Sanitary sewer service is available to the site and will be provided by Alderwood Water and Wastewater District. A certificate of utility availability has been issued and supplied to PDS.

vii. Public parks and recreational facilities, or useable open space, common areas or other recreational facilities within the development.

No open space is required for this proposed development per county code. Swimming, golfing, boating and fishing are recreational opportunities available in the general South Snohomish County/North King County/Bothell area. Forsgren County Park lies within approximately 0.8 mile of the subject site. Per Title 13 and Chapter 30.66B of the Snohomish County Code, newly approved dwelling units are subject to park impact fees in the amount of \$1,244.49 per unit as mitigation for impacts to the Nakeeta Beach park service area of the County parks system. Payment of said mitigation fee must be paid prior to issuance of a building permit for Proposed Lot 2 of the concurrent short plat.

viii. Storm and sanitary sewer disposal system

Roof runoff from the future single-family residence on Proposed Lot 2 will be directed to splash blocks to disperse flows to the surrounding vegetation and the designated Critical Area Protection Area included within the proposed subdivision. The new driveway for the future residence on Proposed Lot 2 will sheet flow to the existing catch basin located at the center of the proposed driveway. Note: this project meets the criteria for residential small parcel development (SCC 30.63A.100). Less than 5,000 square feet of new impervious area is proposed to be created by this proposed subdivision. This project is exempt from the water quality and quantity control requirements of SCC 30.63A.210.

Public sanitary sewer service is available to the site and will require installation of a sanitary sewer stub.

ix. Fire and police protection suppression

Fire protection will be provided by Fire District No. 10. An existing fire hydrant is located immediately opposite the site at the intersection of 237th PL SW and 17th AVE W.ST SW. The County fire marshal's office had no objections to the proposal.

x. Law enforcement

Police protection will be provided by the Snohomish County Sheriff's department. The applicant is not aware of any comments from the Sheriff's office objecting to the proposed subdivision.

xi. Public Health

No potential health issues have been identified regarding the proposed subdivision.

xii. Education

The proposed short subdivision is located within the boundaries of the Northshore School District No. 417. The district has communicated that elementary and middle school students within this short subdivision will walk to school and high school students would walk to the bus stop located at 237th PL SW and Locust Way. Sidewalks are in place along the development frontage, to the high school bus stop and to both the elementary and middle schools. Safe walking therefore exists. In addition, school impact mitigation fees are required for new homes within the proposed short plat. Said school mitigation fees will be determined according to the Base Fee-Schedule in effect for the Northshore School District at the time of building permit submittal and collected at the time of building permit issuance for the future single-family residence on Proposed Lot 2. Credit is to be given to Proposed Lot 1 for the existing residence on site.

xiii. Other Services

No other services have been identified as being necessary to serve the proposed subdivision.

B. Will the rezone help to establish development patterns that use urban land more efficiently? How? (Goal LU-2)

Yes. The subject property is located within the Southwest County Urban Growth Area (UGA). The area has historically been categorized by suburban sized lots (1/2 acres and larger). However, this area has been rapidly developing over the past 20 years or so with new subdivisions being approved and developed. According to the General Policy Plan (GPP) related Ordinances and Amended Ordinances, new residential subdivisions are required to achieve a minimum net density of 4-6 dwelling units per acre in all unincorporated UGA's (except in the UGA's of Darrington, Index and Gold Bar – until such time that those cities have sanitary sewer systems; in areas without sanitary

sewers; in areas where steep slopes would require reduced dwelling unit yields; and where a lower density is necessary due to the existence of critical areas). The subject property is designated Urban Low Density Residential (ULDR: 4-6 DU/Acre) on the GPP Future Land Use Map and is not located within a mapped Growth Phasing Overlay. Implementing zones in this category include the R-7,200, PRD-7,200, R-8,400, PRD-8,400, R-9,600, PRD-9,600 and WFB zones. The subject rezone proposes 6 dwelling units per acre and is consistent with the GPP. Approval of said rezone to R-7,200 achieves the desired density outlined and planned for by the Snohomish County GMA within the UGA, which is a more efficient use of land than historically seen in the past when lots were more "suburban" in size and character.

- C. Does the development concentrate and intensity development at an appropriate location? Why? (Objective LU-2.A)

Yes. As noted above, the County has designated this area for low density residential development. The comprehensive plan designation for the property is Urban Low Density Residential (ULDR). The proposal is to rezone the property from the current R-9,600 zoning to R-7,200 zoning, which is identified as one of the implementing zones for this comprehensive plan designation. Other properties in the area have been rezoned to R-7,200, PRD-9,600 and subdivided or utilized lot size averaging in the R-9,600 zone to achieve a density of 4-6 dwelling units per acre. The surrounding plat of Park at Creekside was approved in 2003 with a net density of 4.6 du/acre and a gross density of 6.5 du/acre. The smallest lot size within the plat is approximately 3,380 square feet. Platted lots within the Park at Creekside that immediately surround the proposed subdivision range from 3,400 to 4,300 square feet in area. The applicant therefore claims that the proposed rezone is consistent with development in the surrounding area.

- i. Is the development carefully sited?

- (a) Critical areas/shorelines

- (i) Describe the type and location of any critical areas on or in close proximity to the site (if any). (Policy LU 2.A.3)

No critical areas exist within the site, however, a Category 3 Wetland located lies approximately 35 feet north of the subject side within Tract 997 of Park of Creekside.

- (ii) Describe how impacts to critical areas will be avoided. (Policy LU 2.A.3)

The site is subject to establishment of a critical area protection area due to the existence of the Category 3 Wetland within Tract 997 of Park at Creekside. A 25 foot buffer was recorded on the face of the plat of The Park at Creekside, however, since recordation of said plat, implementation of a new critical area ordinance deemed the 25 foot recorded buffer insufficient. A critical area study and buffer mitigation plan was completed in conjunction with the concurrent subdivision application and was reviewed/approved by Snohomish County Planning and Development Services staff. A 25% buffer reduction will result in a 10 feet permanent critical area protection easement over a

portion of Proposed Lot 1 and the northerly 10 feet of Proposed Lot 2. An existing 6 foot solid board fence and existing asphalt trail will continue to separate the on-site portion of the buffer from the wetland and will result in little to no loss in wetland/buffer functions and values.

- (iii) Describe any shoreline environment that the proposed rezone/development is located within and how the rezone complies with goals and policies of the Snohomish County Shoreline Master Program.

The site is not within any shoreline environment regulated under the County's Shoreline Master Program.

- (b) Is the rezone or development proposed in an area within walking distance of transit access or designated transit corridor, medical facility urban centers, parks and recreational amenities? (Policy LU 2.A.5)

The nearest transit stop is located approximately 1/2 mile from the site on 61st PL NE near 62nd AVE NE. The site is located within an area that is predominantly residential. The nearest urban center(s) are located approximately 3 miles south in the Kenmore area and approximately 4 miles north in the Lynnwood area. Shopping, dining opportunities and medical/dental offices also exist within both the Kenmore and Lynnwood communities. Forsgren County Park is located approximately 0.8 mile from the site.

- (c) How will the development made possible by the requested rezone tend to lessen dependence on private automobiles and promote the use of alternative forms of transportation? (Page LU-15)

The Kenmore Park and Ride is located approximately 2.2 miles to the south which provides an excellent opportunity for commuters who wish to utilize public transportation. In conformance with SCC 30.66B.630, the subject project has agreed to pay Transportation Demand Management fees for the proposed development to promote alternative forms of transportation.

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

- (a) What is the character of the existing neighborhood? How would the requested rezone or development proposal be appropriate in the context of the existing neighborhood, keeping in mind that the GPP calls for a mix of housing types in medium density areas? (LU-15, Policy 2.A.4) *The recorded plat of The Park of Creekside surrounds the subject site. The proposed development will closely resemble the lot and house sizes of neighboring properties. Please note: the site is located in a low density area.*

- (b) Does the rezone/development proposal help to provide a mix or variety of affordable housing types, if the area is in a medium density area? (Policy

LU 2.A.4) *The subject site is not located in an area designated for medium density development but rather is designated for low density residential development. Housing types in the immediate area are primarily single-family residential with homes constructed on suburban lots or newer platted lots in subdivisions developed under the R-7,200 or R-9,600 zones.*

- (c) Is the requested rezone/development close to a city that is likely to annex it in the future? Is so, what comments, if any are in the record regarding the proposed rezone/development? (Policy I.C.2) *The project site is located within the Southwest County UGA for the City of Bothell. No comments were solicited from the City of Bothell.*

iii. If known at the time of submittal of rezone, is the development well designed? (LU-15)

- (a) Even if density is at a higher level, are efforts made to have the character fit into the existing community? If so, what is the character of the existing community and how will the development maintain it? (See LU-15)

The “character of the existing community” has been changing from single-family homes on suburban lots to single-family homes on smaller urban lots. Larger parcels in the area are slowly being subdivided and rezoned to allow for smaller lot sizes. It is anticipated that future homes on the site will be in keeping with the size, aesthetic appearance and market price of the recently developed and constructed plat of the Park at Creekside, which surrounds the site.

- (b) How specifically will the building design integrate into the existing neighborhood? Are structures of a size, height, mass and separation to be consistent with vicinity homes and the surrounding neighborhood? Describe in detail. Will the development be at the same elevation as the rest of the existing neighborhood? How will the elevation affect the perception of the development? (LU-15)

The site carries with it the same comprehensive plan designation as adjacent parcels and is therefore subject to the same density – both in terms of minimum and maximum requirements and constraints. This entire area is subject to the same or similar bulk regulations in terms of building height, setbacks from property lines and right-of-ways, whether zoned R-7,200, R-9,600 or PRD-9,600. A trend towards lot size averaging has allowed for some variance in lot widths and areas which may allow for some flexibility in footprint size. The project site is generally flat, meaning that there is no significant change in elevation across the site, such that will change the perception of the development or adjacent homes.

- (c) If applicable, what selective and innovative land use measures will be used to preserve the character of the stable residential neighborhood? (Policy HO 2.A.4)

The character of the stable residential neighborhood is for the construction of 2,000 to 3,000 square foot homes on smaller residential lots, ranging from 3,400 to 10,000 square feet in area. The previous character of similarly (or slightly smaller) sized homes is disappearing as older suburban lots are subdivided into new smaller lots due to the rising land values and need for affordable housing.

- (d) If the proposed rezone/development will have negative impacts on the character of the surrounding neighborhood, describe whether the developer plans on using features such as landscaping, fencing, setbacks or other design features to soften or eliminate those impacts.

The proposed rezone/development is not anticipated to have negative impacts on the character of the surrounding neighborhood.

- (e) Will the development be designed to provide for adequate fire and medical emergency access through the provision of adequate resident and guest parking, cul-de-sac radii and building separation? Has the opinion of both the County Fire Marshal and any local Fire District been placed in the record? (LU-15)

The County's Office of the Fire Marshal has reviewed the proposed subdivision and had no objections. Adequate fire protection is available – a fire hydrant lies immediately opposite the site at the intersection of 237th PL SW and 17th PL W. Snohomish County Code requires the provision of 2 off-street parking stalls per lot which will be provided at a minimum. Curb side or on-street parking is permitted along 237th PL SW. The existing cul-de-sac at the terminus of 237th PL SW was constructed with a radius to safely allow for maneuvering of emergency vehicles. Building separation will meet those specified for the zone, as outlined in the bulk regulations contained in the Snohomish County Code. The applicant trusts that the memo from the County Fire Marshal, stating that there were no objections, has been placed in the file by PDS staff.

- (f) Is the public health, safety and welfare adequately provided for (examples are safe pedestrian access, safe place for children to wait for school bus, adequate off street parking so that a fire truck can access development)? (LU-15)

Public health, safety and welfare issues have been addressed for this proposal by means of the previous responses stated herein. Sidewalks along the project frontage are existing. The Northshore School District has commented that all elementary and middle school students will walk to school and high school students will walk to the bus stop located at the intersection 237th PL SW and Locust Way. Sidewalks/walkways are in place from the site to the bus stop as well as to both the elementary and middle schools. Adequate off-street parking will be provided in the form of garages and/or driveways on each of the lots. 237th PL SW is of sufficient width to allow both on street parking and passage by emergency vehicles.

15. Since this request involves rezoning only, any details or conditions which would normally come from DPW, Fire Marshall and PDS will be done at the time of administrative plat approval or building permit application and are not required here.
16. The request for a rezone was based upon the information and impacts submitted in the Determination of Nonsignificance.
17. Exhibit 4C is an aerial photograph which very clearly shows the property itself and the surrounding area and its compatibility in this area.
18. Chapter 30.42A SCC covers rezoning requests and applies to site specific rezone proposals that conform to the Comprehensive Plan. The decision criteria under SCC 30.42A.100 provides as follows:

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

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

It is the finding of the Examiner that the request meets these requirements generally and should be approved.

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

CONCLUSIONS

1. The Examiner has jurisdiction to hear this application and render this decision thereon.
2. The request is for a rezone and, therefore, must be consistent with the GMACP and GMA based county codes. In this regard, the request is consistent with those plans and codes. The type and character of land use permitted on the project site is consistent with the General Policy Plan (GPP) ULDR designation of the property and meets the required regulatory codes as to density, design and development standards.
3. The request would allow for change of zoning from R-9600 to R-7200.
4. The request is for a rezone and therefore must comply with Chapter 30.42A SCC. This is a site specific rezone that conforms to the Comprehensive Plan and since no evidence was submitted contrary to the requirements of Chapter 30.42A SCC, the evidence is presumed to meet these requirements.
5. The request should be approved as submitted.

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

DECISION

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

Decision issued this 21st day of August, 2008.

James A. Densley, Hearing Examiner Pro-Tem

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

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

Reconsideration

Any Party of Record may request reconsideration by the Examiner. A Petition for Reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **SEPTEMBER 2, 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 **SEPTEMBER 4, 2008** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

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

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

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

Staff Distribution:

Department of Planning and Development Services: Elbert Esparza

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.