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SNOHOMISH COUNTY
EXECUTIVE OFFICE

JUL 23 1992

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
AMENDED

ORDINANCE NO. 92-075

AMENDING SNOHOMISH COUNTY CODE CHAPTERS 2.02; 18.43; 18.44; 18.53;
18.54; 18.55; 18.56; 18.60; 18.72; 18.73;
19.16; 20.20; 21.16; 23.28; 23.40; 27.16; 28.12 AND 29.16
RELATING TO PUBLIC NOTICE AND APPEAL REQUIREMENTS

RECEIVED
SNOHOMISH COUNTY
EXECUTIVE OFFICE

JUL 23 1992 1447

BE IT ORDAINED:



CO00023701

Section 1. Snohomish County Code section 2.02.165, added by Ordinance 90-174 on November 14, 1990 is hereby amended to read:

2.02.165 Parties of Record - definition. The term "parties of record", (~~for the purposes of this chapter,~~) shall mean for each application/appeal:

- (1) the applicant/appellant;
- (2) all persons who testified at the public hearing;
- (3) all persons who individually submitted written comments concerning the specific matter to the responsible county department and/or to the hearing body prior to the close of the hearing (excluding persons who have only signed petitions or mechanically produced form letters); and
- (4) all persons who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the public hearing.

A person who becomes a party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal; provided, that the county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

Section 2. Snohomish County Code section 2.02.180, last amended by Ordinance 88-041 on June 22, 1988, is hereby amended to read:

2.02.180 Council consideration.

- (1) An examiner decision which has been timely appealed pursuant to SCC 2.02.170 shall come on for council consideration in open public meeting no sooner than twenty-one nor longer than thirty-five calendar days from the date the appeal was filed. The council shall consider the matter based upon the record before the examiner, the examiner's decision, the written appeal statement and any written comments received by the council before closure of the council's office seven days prior to the public meeting date set for council consideration.

(2) At the public meeting the council may concur with the finding and conclusions of the examiner and affirm the examiner's decision; remand the matter to the examiner for further proceedings in accordance with the council's findings and conclusions; or the council may determine to hear the appeal at public hearing. Copies of the decision shall be mailed to all parties of record.

(3) In those instances in which the council determines to conduct a public hearing, notice of the hearing shall be given ~~((by))~~ in the following manner:

(a) publication in the official county newspaper no less than ten days prior to the date set for hearing ~~((and))~~;

(b) written notice shall ~~((also))~~ be given by the council by mail to all parties of record before the hearing examiner as defined in SCC 2.02.165; and

(c) conspicuous posting of the subject property by the applicant no less than fifteen days prior to the date set for the hearing and in accordance with the public notice posting requirements for the underlying application.

(4) All council hearings conducted pursuant to this section shall be de novo and shall be limited to those matters raised in the appeal. The council shall consider the appeal based upon the record before the examiner and all written and oral testimony presented at the council hearing. All testimony at any public hearing shall be taken under oath.

(5) At the conclusion of the public hearing, the council shall enter its decision which shall set forth the findings and conclusions of the council in support of its decision. The council may adopt any or all of the findings or conclusions of the examiner which support the council's decision. The council may affirm the decision of the examiner, reverse the decision of the examiner either wholly or in part, or may remand the matter to the examiner for further proceedings in accordance with the council's findings and conclusions.

(6) The council's decision shall be reduced to writing and entered into the record of the proceedings within fifteen days of the conclusion of the hearing. Copies of the decision shall be mailed to all parties of record.

Section 3. Snohomish County Code section 18.43.070, last amended by Ordinance 86-148 on February 4, 1987, is hereby amended to read:

18.43.070 Alternative Landscape Area Provisions for Auto Wrecking and Junk Yards. Notwithstanding the provisions of SCC 18.43.050, above, the following provide for a reduction in landscape area requirements for autowrecking and junk yards in the LI and HI zones.

(1) A reduction in the width of the landscape area requirement may be applied for on the following basis:

(a) The proposed reduction shall not result in a landscaped area which is less than ten feet from necessary right-of-way boundary of a neighborhood collector or access street as determined by the department of public works;

(b) An alternative landscape area plan designed and certified by a registered landscape architect shall be submitted with a filing fee of \$175.00 to the county;

(c) The alternative landscape area plan shall either (i) provide for thickly-foliaged evergreen plantings of sufficient size and spacing such that they are capable of obscuring a fence and/or wall within two years after planting; or (ii) provide for some other aesthetically pleasing alternative which, for example, may combine elements of attractive privacy fence materials, textures and colors with more open landscaping which, nevertheless, must be capable of eventually obscuring the fence above four feet above ground level;

(d) The landscaped area reduction shall be designed or may be modified so as to not adversely affect traffic sight distances, fire safety, aesthetic views, utilities, or other identifiable police power concerns in the foreseeable future; and

(e) The alternative landscape area plan shall be subject to approval of or modification by the hearing examiner if submitted in connection with any other application requiring his consideration. Otherwise, it shall be subject to approval of or modification by the director of planning and community development, or his/her designees, according to the following procedure:

(i) The applicant shall, within fifteen days of submitting an alternative landscaped area request, conspicuously post (~~at least two signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property~~) two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(ii) The director shall, within twenty days of the receipt of an alternative landscaped area request, notify all taxpayers of record and known site addresses within (~~three~~) five hundred feet of any subject landscaped area. Comments of interested parties must be received by the department within fifteen days of said notification. Said notice shall include a summary of the proposed action and a statement indicating how to become a "party of record" as defined in SCC 2.02.165. Said notice may also contain any other information which the county finds may be of assistance to provide a complete and reasonably understandable summary;

(iii) The determination of the director regarding a requested alternative shall be made within forty-five days of receipt of the request and shall be transmitted in writing to the applicant and all persons receiving public notice as required by SCC 18.43.070(1)(e)(i) above and all (~~interested~~) parties of record as defined in SCC 2.02.165. Said determination shall include findings of fact for approval or denial and requirements for modifications, if any; and

(iv) The determination of the director regarding a requested alternative landscape plan shall be final unless appealed to the hearing examiner under the provisions for administrative appeals in chapter 18.72, SCC;

(2) The notices provided for in the above subsection shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(3) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 4. Snohomish County Code section 18.44.060, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.44.060 FS Zone Requirements.

(1) Each individual FS business is allowed to erect signs under the following conditions:

((1))a) One wall-mounted sign identifying the business conducted therein may be permitted. The sign must be solely supported by the attachment and the uppermost portion shall not extend more than five feet higher than the building at its highest point, subject further to the overall height regulation of this zone. Such sign may be an attached, single-face sign or a back-to-back, double-face sign and shall have a surface area not to exceed one hundred fifty square feet per face;

((2))b) One additional business identification sign, having a surface area not in excess of fifty square feet, may be permitted when attached flat to one wall of the building, but not to extend above the exterior wall top plate line to which attached;

((3))c) One freestanding sign for business identification may be permitted in place of the sign provided in subparagraph (1) only if it can be proven that such sign attached to the building cannot be made visible to any motorist approaching the interchange on the limited access highway;

((4))d) Application for approval of a freestanding sign shall be submitted to the hearing examiner, who may regulate type, size and location subject to the following conditions:

((a))i) Where a sign attached to the building would be concealed by natural vegetation, the freestanding sign structure may be permitted only if the applicant agrees in writing to preserve, in full, such vegetation and replace it if destroyed. In such case, the applicant shall submit a drawing showing the location, height and diameter of each tree comprising the natural buffer;

((b))ii) Where permitted, the uppermost portion of the freestanding sign shall be a height not greater than thirty-five feet above the ground as measured from the average finished grade at the front face of the principal building;

((c))iii) Such freestanding sign shall be located no farther than one hundred feet from the principal building; and

((d))iv) Freestanding, single-face identification signs, or back-to-back, double-face identification signs, shall have a surface area not to exceed one hundred fifty square feet per face.

A V-shaped, double-face sign with an interior angle of sixty degrees or less shall have a total surface area not to exceed three hundred square feet, with no single face to exceed one hundred fifty square feet;

(2) The Hearing Examiner shall hold a public hearing on an application for the approval of a freestanding sign. Said hearing shall be conducted pursuant to SCC 2.02. Notice for said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050, EXCEPT that all notices shall be sent to taxpayers of record and known site addresses within five hundred feet of any boundary of the proposed site. The decision of the hearing examiner shall be final and conclusive with right of appeal to the county council pursuant to SCC 2.02.170;

((5))3) In addition to the business identification sign, advertising displays or signs may be permitted subject to the following limitations:

(a) Such signs shall not identify the business, as such, but shall be limited to advertising the product and/or service offered;

(b) The total surface area of all such signs shall not exceed fifty square feet, and no single surface area shall exceed twenty-five square feet;

(c) No business shall divide its display into more than four single sign faces or display surfaces;

(d) In no case shall the top of any display surface be more than seven feet above the ground as measured from the sign base;

(e) No advertising sign shall be located as to be readable primarily from a limited access highway; and

((6))4) Signs may be illuminated, but no rotating sign, flashing beacon or variable intensity light shall be permitted.

Section 5. Snohomish County Code section 18.53.050, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.53.050 Approval period. In the event construction has not commenced within four years after the date of approval of a rezone to the townhouse zone or issuance of a conditional use permit for townhouses, the hearing examiner shall hold a public hearing to determine whether the rezone or conditional use permit should be revoked or whether the site plan should be revised or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050. The decision of the hearing examiner shall be final and conclusive with right of appeal to the county council pursuant to SCC 2.02.170.

Section 6. Snohomish County Code section 18.54.060, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.54.060 Procedure for revoking excavation permit. The enforcement provisions of chapter 18.80 SCC shall apply and in addition the excavation may be revoked or suspended for violations which jeopardize the health, safety or welfare of the public. The county may suspend or revoke said permit, such suspension or revocation to be effective immediately upon notification of the operator in writing by the county. A public hearing shall be held by the hearing examiner before a suspension or revocation may be permanent. Notice of such hearing shall be provided in accordance with the notice requirements in SCC 18.72.160(b); ~~((Written notice of such hearing shall be published and shall also be served upon the permittee either personally or by registered mail and shall state:~~

~~(1) The grounds for complaint or reasons for the revocation or suspension;~~

~~(2) The time and location of the hearing.))~~

PROVIDED, That ((§)) such notice shall be served by registered mail or personally served on the permittee at least fifteen days prior to the date set for said hearing. The permittee shall be given the opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. The public shall also be afforded an opportunity to be heard and present evidence. Upon conclusion of such hearing, the hearing examiner shall determine whether or not the permit shall be permanently suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal said decision as provided in SCC 18.72.070. Once a permit has been revoked the burden of proof that the deficiencies for which it was revoked have been corrected rests with the permittee.

Section 7 Snohomish County Code section 18.55.010, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.55.010 Mobile home parks - Establishment. Where permitted mobile home parks shall meet the following minimum requirements:

(1) Minimum site size shall be five acres and maximum density shall be up to eight dwelling units per acre;

(2) Compliance with the standards established herein and issuance of a conditional use permit precludes the necessity to plat within any mobile home park; provided that said park remains completely under single ownership;

(3) Any applicant shall submit, along with the application, plans, drawings and other information sufficient to enable the planning division to determine whether the mobile home park complies with the performance regulations contained in SCC 18.55.020 of this title. The submittals shall include the following:

(a) Overall site development plan showing location of all mobile home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulation. Such plans shall include at least the following:

- (i) Project staging and expected completion time;
- (ii) Location, width and typical cross-sections of internal circulation streets;
- (iii) Dimensions and areas of the mobile home park;
- (iv) Location and size of all mobile home pads;
- (v) Location and size of all parking and bulk storage areas;
- (vi) Location and size of open space areas required by SCC 18.55.020(8); and
- (vii) Existing and proposed topography at contour intervals of no more than five feet;

(b) Storm drainage study with plans showing existing vegetation, slopes and drainage conditions, as well as proposed alterations and drainage control devices;

(c) General landscape plans showing location of buffer strips, open spaces, existing trees and plant materials to be preserved, proposed interior major tree plantings, berms and other landscape features. Detailed landscape plans must be submitted to, and approved by, the planning division prior to initial site work; and

(d) Other maps, plans or documentation as deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal;

(4) The site plan, as approved by the hearing examiner, shall become the official site plan of the mobile home park. In order to insure development as per the approved plan, one or more of the following may be required by the hearing examiner:

- (a) A performance bond or other security acceptable to the hearing examiner, sufficient to cover the estimated cost of required improvements;
- (b) Construction or development of all, or a portion of, the improvements shown on the official site plan prior to occupancy; provided, that any improvements for which a bond is established, as provided for in subsection (1) above, shall not also be subject to this subsection.

A maintenance bond or other security acceptable to the hearing examiner and securing to the county the successful operation of required improvements for an appropriate period of time up to two years from construction and installation shall be required upon completion of said improvements to the satisfaction of the hearing examiner;

(5) Plans which are approved by the hearing examiner may, upon request of the property owner, be amended by the planning division as an administrative act. This authority shall be limited to amendments of a minor nature which cause not increase in intensity of use and which do not reduce performance standards below those set forth when approved and which do not increase the detrimental impact of the park on adjoining properties, and which do not substantially alter the design of the official site plan.

The planning division shall make a record of any such requested amendment, its action thereupon, and the findings it determines to be controlling on its action; all such records and findings shall become a part of the permanent file of the subject mobile home park. No changes in points of vehicular access to the property shall be approved without written concurrence from the director of public works. Disagreements over amendments may be appealed by an aggrieved party to the hearing examiner. Requested amendments, which are deemed by the planning division to exceed the authority granted by the paragraph, shall be submitted to the hearing examiner for consideration in the manner provided in chapter 18.72 SCC of this title for the issuance of a conditional use permit; and

(6) In the event construction has not commenced within eighteen months after the date of approval by the hearing examiner, the hearing examiner shall hold a public hearing conducted pursuant to SCC 2.02 to determine whether the mobile home park permit shall be revoked or whether the site plan should be modified or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements for conditional use permits in SCC 18.72.160. The decision of the hearing examiner shall be final and conclusive with right of appeal to the county council pursuant to SCC 2.02.170.

Section 8. Snohomish County Code section 18.56.030, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.56.030 Issuing building permits. Prior to the issuing of the building permit for any structure in an FS zone, a binding site plan for the zone, indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways; curbing, internal traffic circulation and parking; the location of structures, and the floor area devoted to accessory uses must be reviewed and approved by the hearing examiner. Where only partial development of the zone is involved, the hearing examiner will evaluate the partial development plans as they contribute to or limit the possible ultimate development of the zone. Prior to the approval of a binding site plan the hearing examiner shall hold a public hearing conducted pursuant to SCC 2.02. Notice of said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050. The decision of the hearing examiner shall be final and conclusive with right of appeal to the county council pursuant to SCC 2.02.170.

Section 9. Snohomish County Code section 18.60.030, last amended by Ordinance 87-008 on March 4, 1987, is hereby amended to read:

18.60.030 Rezone procedures.

(1) General procedures. The PCB, BP, and IP zones require a two-step approval process:

(a) The preliminary plan and rezone applications are considered together through the normal rezone process; and

(b) A final plan is reviewed administratively after the rezone has been approved. No development permits shall be issued until a final plan has been approved in accordance with the provisions of this chapter;

(2) Alternative procedure-concurrent rezone, preliminary plat, and final plan. Concurrent applications for rezone, preliminary plat, and final plans may be made, provided that all items required by SCC 18.60.040 and SCC 18.60.050 are submitted for the entirety of the rezone site at the time application is made. The rezone application, preliminary plat, and final plans shall be processed as a Master Application in accordance with the procedures set forth in 2.02.120 SCC;

(3) County initiated rezone alternative procedure for BP. When recommended by the county comprehensive plan, Snohomish county may initiate rezoning to BP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020(1)(2)(3) and (4) shall be waived, this includes that portion of SCC 18.42.020 that establishes minimum lot size for BP. Prior to development of the BP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to SCC 2.02. Notice of said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050;

(4) County initiated rezone alternative procedure for IP. When recommended by the county comprehensive plan, Snohomish county may initiate((d)) rezoning to IP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of 18.60.020(1)(2)(3) and (4) shall be waived. Prior to development of the IP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to SCC 2.02. Notice of said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050.

Section 10. Snohomish County Code section 18.72.160, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.72.160 Notice of hearing - variance - conditional or special use permits. Upon the filing of an application for a variance, conditional use or special use permit by a property owner, the planning division of the department of planning and community development shall set the time and place for a public hearing to consider the application, as provided for in the examiner's rules of procedure. Notice of the first public hearing for such an application shall be as set forth below:

(1) For all variance applications:

(a) The applicant shall conspicuously post at least fifteen days prior to the first hearing (~~at least two signs, one sign on each frontage abutting a public right of way or at the point of access to the property~~) two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(b) The county, at least fifteen days prior to the first public hearing, shall mail a notice of the hearing to (~~each property owner~~) all taxpayers of record and known site addresses within three five hundred feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030;

(c) The county shall provide notice by one publication, at least fifteen days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;

(2) For all conditional or special use permit applications:

(a) The applicant shall conspicuously post at least fifteen days prior to the first hearing (~~at least two signs, one sign on each frontage abutting a public right of way or at the point of access to the property~~) two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(b) The county, at least fifteen days prior to the first public hearing, shall mail a notice of the hearing to (~~each~~) all taxpayers of record and known site addresses within five hundred feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030;

(c) The county shall provide notice by one publication, at least fifteen days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;

(3) The notices required in this section shall contain the information required in SCC 18.73.050;

(4) The notices required in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(5) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 11. Snohomish County Code section 18.72.170, last amended by Ordinance No. 86-037 on May 7, 1986, is hereby amended to read:

18.72.170 Notice of hearing - administrative appeals.

(1) Upon the filing of an appeal from an administrative determination, the (~~planning division~~) hearing examiner shall set the time and place for a public hearing as provided for in the examiner's rules of procedure. At least fifteen days notice of such time and place together with one copy of the written appeal shall be given by the hearing examiner to the official whose decision is being appealed, to the appellant and to other (~~known interested~~) parties (~~in the case~~) of record as defined in SCC 2.02.165. All hearing notices required by this section shall include the information required pursuant to SCC 18.73.050(4). The official from whom the appeal is being taken shall forthwith transmit to the examiner all of the records pertaining to the decision being appealed from, or copies thereof, together with such additional written report as he deems pertinent;

(2) The notices provided for in the above subsection shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(3) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the hearing examiner to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 12. Snohomish County Code section 18.72.175, last amended by Ordinance 92-___ on _____, 1992, is hereby amended to read:

18.72.175 Notice provisions - accessory apartments and temporary uses.

(1) Notice of the director's decision approving an accessory apartment or temporary use permitted under the provisions of SCC 18.72.155 shall be mailed to ~~((property owners))~~ all taxpayers of record and known site addresses within five hundred feet of any boundary of the subject property, which notice shall state the manner of administratively appealing such a determination pursuant to SCC 18.72.100;

(2) The notices provided for in the above subsection shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(3) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 13. Snohomish County Code section 18.73.050, last amended by Ordinance 86-037 on May 1, 1986, is hereby amended to read:

18.73.050 Notice. Notice of the first public hearing on the following described actions shall be as set forth below:

(1) Amendments to Title 18 SCC. Notice shall be given by one publication at least ~~((ten))~~ fifteen days before the hearing in the official county newspaper;

(2) County initiated rezones:

(a) Notice shall be ~~((given by one publication,))~~ published at least fifteen days before the hearing in the official county newspaper and in a newspaper of general circulation in the affected area;

(b) In addition to the notice required by subsection ~~((1))~~ (a) of this subsection, at least fifteen days before the date of the first public hearing before the planning commission or hearing examiner, the county shall endeavor to mail a notice of hearing to each taxpayer of record and known site addresses within the rezone area and to each taxpayer of record and known site addresses within five hundred feet of any boundary of the proposed rezone area; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the existing zoning of the proposed rezone area is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030; ((Notice under this subsection shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record.))

(c) At least fifteen days prior to the date of the first hearing, the county shall conspicuously post two or more signs throughout the area. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(3) Other than county-initiated rezones:

(a) Notice shall be given by one publication, at least fifteen days before the hearing in a newspaper of general circulation in the area affected and in the official county newspaper;

(b) In addition to the notice required by subsection ((1)) (a) of this subsection, at least fifteen days before the date of the first public hearing before the hearing examiner, the county shall ~~((endeavor to))~~ mail a notice of the hearing to each taxpayer of record and known site address within the rezone area and to each taxpayer of record and known site address within ((a)) five hundred ~~((feet radius from the))~~ feet of any boundary of the proposed rezone area; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the existing zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030; ((Notice under this subsection shall be deemed adequate where a good faith effort has been made to identify and mail notice to each taxpayer of record.))

(c) At least fifteen days prior to the date of the first hearing the applicant shall conspicuously post on the subject property ~~((at least two signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property))~~ two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county((+)). Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(4) Notice required by all subsections of SCC 18.73.050 shall contain at a minimum the following information:

(a) The time, place, and purpose of the public hearing;

(b) The formal identification or citation of the proposed action and a descriptive title;

(c) A summary of the provisions of the proposed action;

~~((d) Any other information which the county finds necessary to provide a complete and reasonably understandable summary to the general public, and))~~

(d) A statement indicating how to become a "party of record" as defined in SCC 2.02.165; and

(e) A statement indicating where the full text and/or map may be obtained;

(f) Said notice may also include any other information that the county finds may be of assistance in providing a complete and reasonably understandable summary;

(5) The division may prescribe additional methods for providing notice through its administrative procedures; ~~and~~

(6) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address; and

((6))7) Notices mailed to taxpayers of record and known site addresses pursuant to ((this section)) the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 14. Snohomish County Code section 18.90.760, last amended by Ordinance 86-037 on May 7, 1986, is hereby amended to read:

18.90.760 Sign. "Sign" means a structure for the display of advertising or identifying the owner or occupant of the premises, but not including:

(1) real estate signs advertising the sale or rent of the property upon which it is located;

(2) public notice signs required by law.

Section 15. Snohomish County Code section 19.16.040, last amended by Amended Ordinance 91-114 on August 29, 1991, is hereby amended to read:

19.16.040 Notice of application.

Notice of the public hearing to be held before the hearing examiner shall be given in each of the following manners not less than fifteen calendar days prior to the hearing:

(1) The applicant: conspicuously post on the subject property ((at least two signs, one sign on each frontage abutting a public right of way or at the point of access to the property)) two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(2) The planning division ((of the department of planning and community development)) shall provide notice of hearing in the following manner:

(a) Publication of one notice in the official county ((a)) newspaper of general circulation within the county;

(b) Publication of one notice in a newspaper of general circulation within the area where the real property which is proposed to be subdivided is located;

(c) Mailed notice to each taxpayer of record and known site address within five hundred feet of any portion of the boundary of the proposed subdivision and contiguous property owned by the applicant; PROVIDED, That mailed notice to each taxpayer of record and known site address within one thousand feet of said boundaries when the existing zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030; ((PROVIDED,

~~That owners of real property located within five hundred feet of any portion of the boundaries of such adjacently located parcels of real property that are owned by the owner of real property proposed to be subdivided shall also be notified,))~~ PROVIDED, FURTHER, That mailed notice required by this subsection shall be increased to 1500 feet for subdivision applications where each lot is 20 acres or larger, or one thirty second of a section or larger if described as a fraction of a section;

(d) Mailed notice to any city or town whose municipal boundaries are within one mile of the proposed subdivision; to the department of transportation on every proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and to any other federal, state or local agency as deemed appropriate by the department;

(3) All hearing notices required by this section shall include the information required in SCC 18.73.050(4) (~~(date, time and place of the public hearing)~~) and a description of the location of the proposed subdivision in the form of either a vicinity location sketch or a written description, other than a legal description;

(4) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 16. Snohomish County Code section 19.40.010, last amended by Ordinance 90-209 on January 9, 1991, is hereby amended to read:

19.40.010 Procedure for filing.

(1) For purposes of filing a final plat, the subdivider shall submit to the planning division one dark line print thereof; and one dark line print and stable base polyester film or other approved material (hereinafter referred to as mylar) to the community development division. Both agencies shall examine the plat for compliance with the provisions of this title;

(2) Each filing of a final plat shall be accompanied by final plat filing fee in the amount of seven hundred fifty dollars which shall be paid to the community development division;

(3) After receiving a copy of the final plat, the community development division shall examine, or have examined, the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions with this title, and with the conditions of approval.

Traverse sheets (computation of coordinates), and work sheets showing the closure of the exterior boundaries and of each irregular lot and block, and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form, and the matters shown thereof are sufficient, the community development division shall obtain the signature of the department of public works on the mylar of the plat map, and submit such map to the planning division who, upon confirmation of compliance with the conditions of approval, will schedule final consideration of the plat map before the council. Each formal plat map shall be accompanied by an updated certificate of title showing the names of all persons firms or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the purposes of this section, an updated title report is a title report or supplemental title report which as been prepared no more than thirty days prior to submittal of the final plat;

(4) Each preliminary plat submitted for final approval of the county council shall be accompanied by the following agencies' recommendations for approval or disapproval:

(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;

(b) Department of planning and community development, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) Department of public works;

(d) Other relevant federal, state or local agencies;

None of the agencies listed in subsections (a) and (c) of this section shall modify the terms of its recommendation without the consent of the applicant;

(5) The planning division shall coordinate the final plat review process among the appropriate county departments and other agencies and, after compliance with the public notice provisions of subsection (6) below, shall transmit a recommendation for final plat action to the council;

(6) Public notice of the planning division recommendation for final plat action shall be provided by:

(a) mailing to all taxpayers of record and known site addresses (~~within five hundred feet of the subject property~~) according to the requirements of SCC 19.16.040(2)(c) and to those official parties of record listed in the hearing examiner and county council decisions, as appropriate, on the subject preliminary plat application;

(b) Publication in the official county ((a)) newspaper ((of general circulation in the county, or)) and in a newspaper of general circulation in the area where the proposal is located;

(c) Conspicuous ((P))posting by the applicant on the subject property of ((at least two signs, one on each frontage abutting a public right-of-way or at the point of access to the property two or more signs as determined by the department.

Signs and instructions for posting shall be provided to the applicant by the county. Posting shall be evidenced by submittal of a verified statement confirming date and location of posting; and

(d) Mailing to all parties that have provided written comments on the preliminary plat;

(e) Notices required in the above subsections shall contain the information required in SCC 18.73.050(4) and shall (~~The public notice shall~~) solicit comments on the final plat recommendation. All comments shall be submitted to the planning division within fifteen days of the mailing or publication of public notice, whichever occurs later;

(7) The county council shall consider the final plat for final action at a public meeting. Public testimony shall be allowed at the public meeting, but shall be limited to whether the final plat is consistent with the conditions of preliminary plat approval;

(8) Public notice of the time, date and location of the council's public meeting for final plat action shall be given by:

(a) Mailing to the applicant;

(b) Mailing to all parties of record listed in the hearing examiner and county council decisions, as appropriate, on the subject preliminary plat application; and

~~((c) Mailing to all parties who individually wrote and submitted letters concerning the subject plat application; and))~~

((d)c) Publication in the official county newspaper and in a newspaper of general circulation in the general area where the proposal is located. Said notice shall specify that the plat is scheduled for final action and shall be given at least seven days prior to the date of the public meeting;

(9) After finding that the final plat has been completed in accordance with the provisions of this title, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of preliminary plat approval have been met, and that the interests of the county are fully protected, the council, upon consideration of the final plat at a public meeting, will sign the final plat accepting such dedications as may be included thereon.

Written notice of the council decision to approve shall be given by:

(a) Mailing to the applicant;

(b) Mailing to all parties of record listed in the hearing examiner and county council decisions, as appropriate, on the subject preliminary plat application;

(c) Mailing to all parties who individually wrote and submitted letters concerning the subject plat application;

(d) Mailing to all parties who testified at the public meeting on final action;

(e) Mailing to the department of ecology; and

(f) Publication in the county official newspaper.

The final plat may be denied upon findings and conclusions that the conditions of preliminary plat approval have not been met. If approved, the final plat shall then be returned to the subdivider for

filing for record with the county auditor and must be filed within thirty days from the date of approval by the council. If the council does not approve the final plat, it may grant the project proponent a period of time, not to exceed four months, to bring the final plat into compliance with the conditions of preliminary plat approval and set a specific time and date for the council to reconsider the final plat. Notice of a council decision extending the time period for compliance with the conditions of preliminary plat approval shall be given as prescribed in SCC 19.40.010(8), and to all parties who have requested notification of the council's decision;

(10) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(11) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 17. Snohomish County Code section 20.20.045, last amended by Ordinance 90-200 on November 21, 1990, is hereby amended to read:

20.20.045 Public notice and commenting.

(1) Public notice shall be given for preliminary short plat applications. Such notice shall solicit comments on the preliminary short subdivision; shall contain a summary of the proposed action; shall contain a statement indicating how to become a party of record as defined in SCC 2.02.165; and may contain any other information which the county finds may be of assistance in providing a complete and reasonably understandable summary. Said notice ((and)) shall be given within fifteen days after application submittal as follows:

(a) Mailing to all taxpayers of record and known site addresses within five hundred feet of the subject property and contiguous property owned by the applicant and, where the application is located adjacent to a right-of-way of a state highway, to the state department of transportation; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the existing zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030;

(b) Publication in the official county ((a)) newspaper of general circulation in the county, ((or)) and in a newspaper of general circulation in the area where the proposal is located; and

(c) The applicant shall conspicuously ((P)) post((ing)) on the subject property ((by the applicant at his/her own expense, of at least two signs, one on each frontage abutting a public right-of-way or, where no public right-of-way exists, at the point of access to the property)) two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the

county. Posting shall be evidenced by submittal of a verified statement confirming the date and location of posting. The signs shall remain posted on the property through the comment period provided for in subsection (3) of this section;

(2) Public notice may be given at the discretion of the department to community organizations of record. Such notice shall solicit comments on the preliminary short subdivision and shall be given within fifteen days after application submittal;

(3) Comments on the preliminary short subdivision shall be returned to the planning division within fifteen days of the notice given pursuant to subsection (1) ~~((b))~~ above;

(4) Public notice of preliminary short subdivision approval, and final short subdivision approval where no preliminary approval is given, shall be as follows:

(a) Mailing to all parties of record, as defined in SCC 2.02.165, ((that have provided written comments)) on the preliminary short ~~((plat))~~ subdivision ((or requested such notification)); and

(b) Conspicuous ((P)) posting on the subject property by the applicant ((, at his/her own expense, in a manner consistent with subsection (1)(e) above)) of two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county;

(5) Public notice of short subdivision denial shall be given pursuant to subsection (4)(a) above, and shall also be mailed to the applicant;

(6) The notices provided for in subsections (4) and (5) above shall specify the appeal process available and deadline for filing appeals pursuant to SCC 20.20.090;

(7((6))) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(8((7))) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 18. Snohomish County Code section 21.16.040, last amended by Ordinance No. 85-078 on August 14, 1985, is hereby amended to read:

21.16.040 Notice requirement.

(1) Upon receipt of a complete and proper application for a substantial development, conditional use, or variance permit, the planning division shall instruct the applicant to:

(a) Publish notices thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within Snohomish county at least thirty days prior to county action; and

(b) Mail notice at least thirty days prior to county action to (~~the latest~~) all taxpayers of record and known site addresses, as shown by the records of the county assessor, within five hundred feet of the boundary of the property upon which the substantial development, conditional use, or variance is proposed; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030. At the discretion of the planning division, posting of the notice in at least three conspicuous places in the area under consideration may be substituted for mailed notice;

(2) An affidavit that the notice has been properly published and deposited in the U.S. mail or posted as applicable, shall be submitted by the applicant to the planning division prior to county action on the permit application;

(3) Notice forms shall be supplied by the planning division. In accordance with WAC 173-14-070, all notices of application for substantial development, conditional use, or variance permits shall be in the following form:

NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE OR VARIANCE PERMIT
(use appropriate permit)

NOTICE IS HEREBY GIVEN that _____, (state full name), who is _____, (describe relationship to property, such as owner, lessee, etc.) of the below described property has filed an application for a _____ (substantial development, conditional use, or variance) permit for the development

of (describe development, including uses) located at _____ (street address, if known, or

distance and direction to nearest town) within the _____ quarter section of Section _____, Township _____ N, Range _____ E, W.M., in the county of Snohomish, Washington. Said development is proposed to be within _____ (name of water area) and/or its associated wetlands. Any person desiring to express their views or be notified of the action taken on this application should notify the planning division, in writing, within thirty days of the final date of publication of this notice which is _____.

Publication dates of this notice are _____ and _____.

Section 19. Snohomish County Code section 21.16.070, last amended by Ordinance No. 88-076 on September 7, 1990, is hereby amended to read:

21.16.070 County action on permit applications requiring public hearing.

(1) The planning division shall notify the applicant, in writing, of the requirement for a hearing as soon as possible following the receipt of a complete and proper application for a substantial development, conditional use, or variance permit and, in no case, later than thirty days following the publication of the second notice described in Section 21.16.040, unless a longer period is agreed to, in writing, by the applicant;

(2) Within a reasonable time following the determination of the planning division that a public hearing should precede the issuance or denial of a substantial development, conditional use, or variance permit, the planning division shall schedule the application for public hearing before the hearing examiner. Said hearing shall not be scheduled until the requirements of the state environmental policy act and Snohomish County environmental policy ordinance have been fulfilled, and fees according to Section 21.16.030(2) have been paid;

(3) The planning division shall publish notice of the date, time, place, and purpose of the hearing in a newspaper of general circulation in the county, and in a newspaper of general circulation in the affected area, at least fifteen calendar days prior to the hearing. In addition, at least fifteen days prior to the hearing the planning division shall mail notice of the hearing to all taxpayers of record and known site addresses within five hundred feet of the property considered; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within one thousand feet of said boundaries when the zoning of the subject property is categorized as a Resource, Rural, R-20,000 or Rural Use zone according to SCC 18.12.030. (~~In addition the applicant shall post the notice in at least three conspicuous places on the subject property at least fifteen days prior to the hearing.~~) In addition, at least 15 days prior to the hearing the applicant shall conspicuously post on the subject property at his/her own expense, two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(4) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

NOTICE OF PUBLIC HEARING
SHORELINES CONDITIONAL USE, OR VARIANCE PERMIT

NOTICE IS HEREBY GIVEN that the SNOHOMISH COUNTY HEARING EXAMINER will hold a PUBLIC HEARING on _____ (date), at _____ (time) _____ (meeting room name), _____ (number) Floor, County Administration Building, Everett, Washington at which time and place the following will be considered: _____ (type of permit - substantial development, shoreline variance or shoreline conditional use)

File No. ZA _____ (state full name of applicant) has filed an application for a _____ (type of permit - substantial development, shorelines variance or shoreline conditional use) to/for _____ (description of proposed use, development, activity, etc.). The proposed project is located within _____ (name of water area) and/or its associated wetlands. The property, comprised of approximately _____ (number) acres is described as follows:

Legal Description

The property is generally located

_____. A _____ ((mitigated) Determination of Non-Significance) (existing environmental document) (Final Environmental Impact Statement) (use applicable terms) has/have been issued for this proposal by the lead agency, _____ (name of lead agency), in accordance with the Snohomish County Environmental Policy Ordinance, Title 23. Any person desiring to become a party of record for this application shall:

- (1) notify the planning division in writing prior to the public hearing date;
- (2) testify at the hearing; or
- (3) sign a party of record register at the hearing.

Said document(s) and a complete text and map of the subject request can be reviewed at the planning division. Contact _____ (planner's name, phone).

PUBLISHED: _____ (date)

BY: _____
SCHEDULING OFFICIAL
PLANNING DIVISION

(4) The hearing examiner shall consider the proposed substantial development, conditional use, or variance permit based on information from the application; observations from a site inspection; written comments from interested persons; the advice of the various county departments; and views expressed during a public hearing. The hearing examiner may request that an applicant furnish information concerning a proposed substantial development, conditional use, or variance permit, in addition to information required in an application. The decision of the hearing examiner shall be final and conclusive. Review of the examiner's decision shall be provided by SCC 21.16.090.

Section 20. Snohomish County Code section 23.28.040, last amended by Ordinance No. 90-098 on August 15, 1990, is hereby amended to read:

23.28.040 Public notice requirement - general.

(1) Snohomish county shall give public notice of the issuance of a DNS (WAC 197-11-340 [2]), DS (WAC 197-11-300 [3]), draft EIS (WAC 197-11-455 [5]), and draft supplemental EIS (WAC 197-11-620), as follows:

(a) Publishing notice in the official county ((a)) newspaper ((of general circulation in the county, or)) and in a newspaper of general circulation in the area where the proposal is located;

(b) Conspicuous ((P)) posting of the property by the applicant with ((at least two signs provided by the county, one sign on each frontage abutting public right-of-way, or at the point of access to the property for site-specific proposals;)) two or more signs, as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Posting shall be evidenced by submittal of a verified statement confirming the date and location of posting;

(c) Mailing of written notice to all ((property owners)) taxpayers of record and known ((residents)) site addresses within a five hundred foot radius of the external boundary of the proposal site; PROVIDED, That the mailing radius for written notice shall correspond to the mailing radius required for the notice of hearing of any discretionary permit or action associated with the issuance of a DNS, DS, draft EIS or draft supplemental EIS where such mailing radius is greater than 500 feet; and

(d) Notifying public or private groups which have expressed interest in a certain proposal or geographic area or in the type of proposal being considered;

(2) The county may provide additional public notice by one or more of the following methods:

(a) Notifying the news media;

(b) Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and

(c) Publishing notice in agency newsletters.

Section 21. Snohomish County Code section 23.40.021, last amended by Ordinance No. 90-098 on August 15, 1990, is hereby amended to read:

23.40.021 Appeals of threshold determinations and final EIS adequacy for administrative permits.

(1) For administrative permits for which no other administrative appeal procedure is provided by county code, a final threshold determination or the adequacy of a final EIS may be appealed by any aggrieved person within fifteen days of either the posting of the subject property, or publication of notice, whichever occurs later, of a DNS, Mitigated DNS, DS, or Final EIS. For a DNS, Mitigated DNS or DS requiring a comment period and public notice pursuant to sections 23.28.040 and 23.28.160 SCC, the appeal may be filed within fifteen days of the end of the comment period;

(2) Appeals shall be filed in writing with the department of planning and community development, be accompanied by a filing fee of one hundred dollars, and be processed in the manner prescribed for appeals of administrative determinations under chapters 2.02 and 18.72 SCC and SCC 23.40.010(5);

(3) Appeals shall contain:

(a) The name and mailing address of the appellant and the name and address of his/her representative, if any;

(b) A copy of the environmental document which is appealed;

(c) The grounds upon which the appellant relies, including a concise statement of the factual reasons for the appeal, and, if known, the identification of statutes, codes, or regulations that the appellant claims are violated;

(d) A specific listing of the environmental elements found to be lacking or inadequately addressed in the environmental document, and the reasons why such elements are determined to be deficient;

(4) The appellant may submit additional materials supporting the appeal as originally filed (no new appeal elements or issues may be submitted), of a period not to exceed fifteen days from the date of filing of the appeal;

(5) The filing of any appeal of a threshold determination or adequacy of a final EIS shall stay the effect of such determination or until the appeal is finally disposed by the hearing examiner. A decision to reverse the determination of the responsible official and uphold the appeal shall stay any decision, proceedings, or actions in regard to the proposal;

(6) The responsible official shall respond in writing to the appellant's objections. Such response shall be transmitted to the hearing examiner and appellant no later than seven days prior to hearing. Response shall be made to each specific and explicit objection as set forth in the appeal;

(7) When an appeal of a DNS which requires a comment period pursuant to WAC 197-11-340(2) is filed, the lead agency shall transmit to the appellant, a copy of any modified DNS prepared after the filing of the appeal;

(8) When a DNS for which an appeal has been filed is modified, and the appeal is subsequently withdrawn; the appeal filing fee shall be refunded to the appellant;

(9) The hearing examiner may summarily dismiss an appeal in whole or in part without hearing when the examiner determines that the appeal is without merit on its face, frivolous, beyond the scope of his jurisdiction, brought merely to secure a delay, or that the appellant lacks legal standing to appeal;

(10) Notice of appeal hearings conducted pursuant to this section shall be mailed (~~not less~~) at least (~~than~~) fifteen days prior to the hearing to the appellant, agencies with jurisdiction, and to all (~~property owners~~) taxpayers of record and known site addresses within (~~a~~) five hundred (~~foot radius~~) feet of (~~the external~~) any boundary(ies) of the property subject to appeal. Said notice shall contain at a minimum the information required in SCC 18.73.050(4);

(11) The appeal hearing and hearing examiner consideration of the appeal shall be limited solely to the issues identified by the appellant in the written appeal filed pursuant to SCC 23.40.021(3).

Section 22. Snohomish County Code section 27.16.090, last amended by Ordinance 86-092 on September 10, 1986, is hereby amended to read:

27.16.090 Appeals. The decision of the department to grant, grant with conditions or deny a flood hazard zone permit shall be final and conclusive unless, within fifteen calendar days from the date of the department's decision, the applicant appeals the decision to the Snohomish County hearing examiner pursuant to the procedure established for administrative appeals in title 18, SCC 18.72.090, 18.72.110, 18.72.120, 18.72.125, 18.72.130, 18.72.140, (~~and~~) 18.72.150 and 18.72.170.

Section 23. Snohomish County Code section 28.12.060, last amended by Ordinance 85-107 on May 1, 1985, is hereby amended to read:

28.12.060 Appeals.

(1) Any person aggrieved by the order of a director may, upon payment of a filing fee in accordance with SCC 17.02.070, request in writing within ten days of the service of the notice and order an appeal hearing before the Snohomish county hearing examiner. The request shall cite the notice and order appealed from and contain a (~~brief~~) detailed statement of the reasons for seeking the appeal hearing;

(2) A record shall be made at the appeal hearing and the hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by chapter 2.02 SCC. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least (~~ten~~) fifteen days prior to the date of the hearing to each appealing party, to the director whose order is being appealed and to (~~other interested persons who have requested in writing that they be so notified~~) parties of record as defined in SCC 2.02.165.

The director whose order is being appealed ((may)) shall submit not less than seven days before the hearing a report and other evidence indicating the basis for the enforcement order;

(3) Each party shall have the following rights, among others:

(a) To call and examine witnesses on any matters relevant to the issues of the hearing;

(b) To introduce documentary and physical evidence;

(c) To impeach any witness regardless of which party first called him to testify;

(d) To rebut evidence against him;

(e) To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so;

(4) Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. He shall reverse the order if he finds that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested to ~~((all the parties))~~ the applicant and by postage prepaid mail to other parties of record;

(5) Whenever possible, the appeal from a director's order shall be combined with any other appeal from county enforcements actions relating to the same subject matter and falling within the jurisdiction of the hearing examiner.

Section 24. Snohomish County Code section 29.16.020, last amended by Ordinance No. 89-092 on August 16, 1989, is hereby amended to read:

29.16.020 Appeal of the director's decision.

(1) The examiner shall have the authority to hear and decide appeals from any decision or determination made by the director or his designee in the administration and enforcement of provisions of this title;

(2) Appeals may be taken to the examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of the director or his designee. The appeal shall be filed in writing, in duplicate, with the planning division within fifteen days of the date of the action being appealed. The appeal shall contain a detailed statement of the grounds for appeal and the facts upon which the appeal is based. Upon filing an appeal, a place and time for the hearing within a reasonable time, not to exceed ninety days from such notice of appeal shall be set by the ~~((planning division))~~ hearing examiner. At least fifteen days notice of such time and place together with one copy of the written appeal shall be given to the official whose decision is being appealed, to the appellant, and to other parties of record as defined in SCC 2.02.165. All hearing notices required by this section shall include the date, time, place and purpose of the public hearing; and may include any other

information which the county finds may be of assistance in providing a complete and reasonably understandable summary to the general public;

(3) The examiner may, in conformity with this title or other applicable ordinances, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and may rule on the order, requirement, decision or determination as necessary. To that end, the examiner shall have all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned;

(4) The decision of the examiner on an appeal shall be final and conclusive. The examiner's decision shall be reviewable for unlawful or arbitrary and capricious action or non-action by writ of review before the Superior Court of Snohomish County. An action for writ of review may be brought by any person aggrieved by the examiner's decision by making application to the court for such writ within fifteen days of the date of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the applicant for writ of review.

PASSED THIS 22nd day of July, 1992.

APPROVED AS TO FORM

Greg V. A. G. 4/15/92
Deputy Prosecuting Attorney

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

[Signature]
Chairman

ATTEST:

Sheila McAllister
Clerk of the Council, *asst*

() APPROVED
() VETOED
() EMERGENCY

ATTEST:

Marilyn B. Abel

Dated:

7/26/92
[Signature]
County Executive