



# OFFICE OF HEARINGS ADMINISTRATION

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*BOARD OF EQUALIZATION  
BOUNDARY REVIEW BOARD  
HEARING EXAMINER*

2020-2023

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*Hearing Examiner  
and  
Administrator*

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# I. OFFICE OF HEARINGS ADMINISTRATION

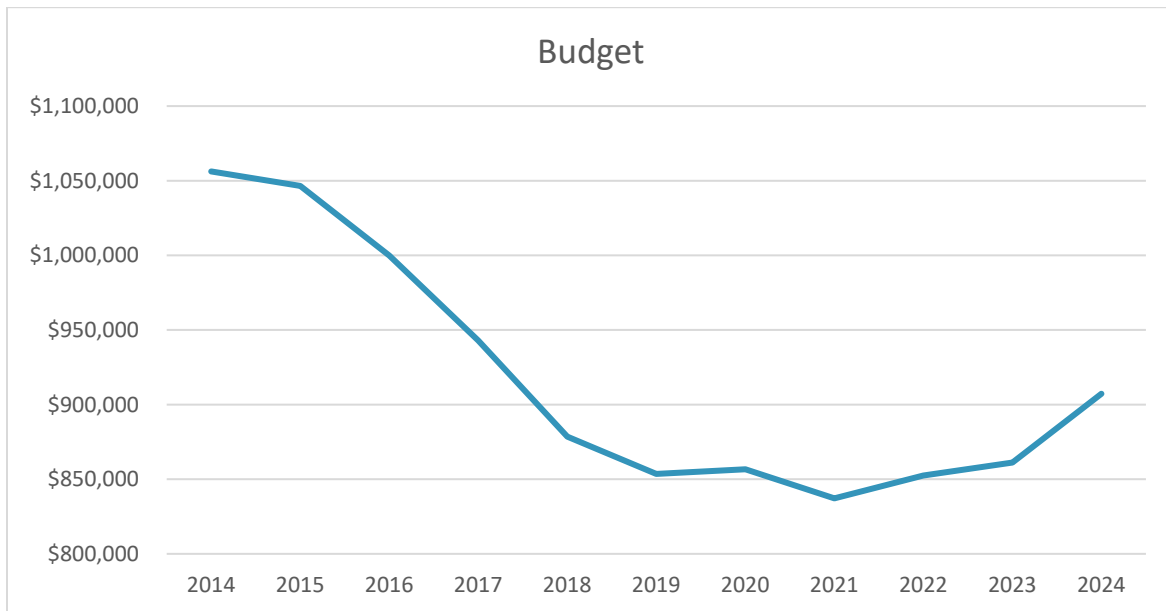
## A. PURPOSE AND ORGANIZATION

In 2013, County Council merged the offices of the Hearing Examiner with the office of Boundary Review Board (BRB) and Board of Equalization (BOE), appointing the Hearing Examiner as the administrator. All three lines of work are quasi-judicial, i.e., neutral decision-makers resolving issues involving county residents consistent with due process principles.

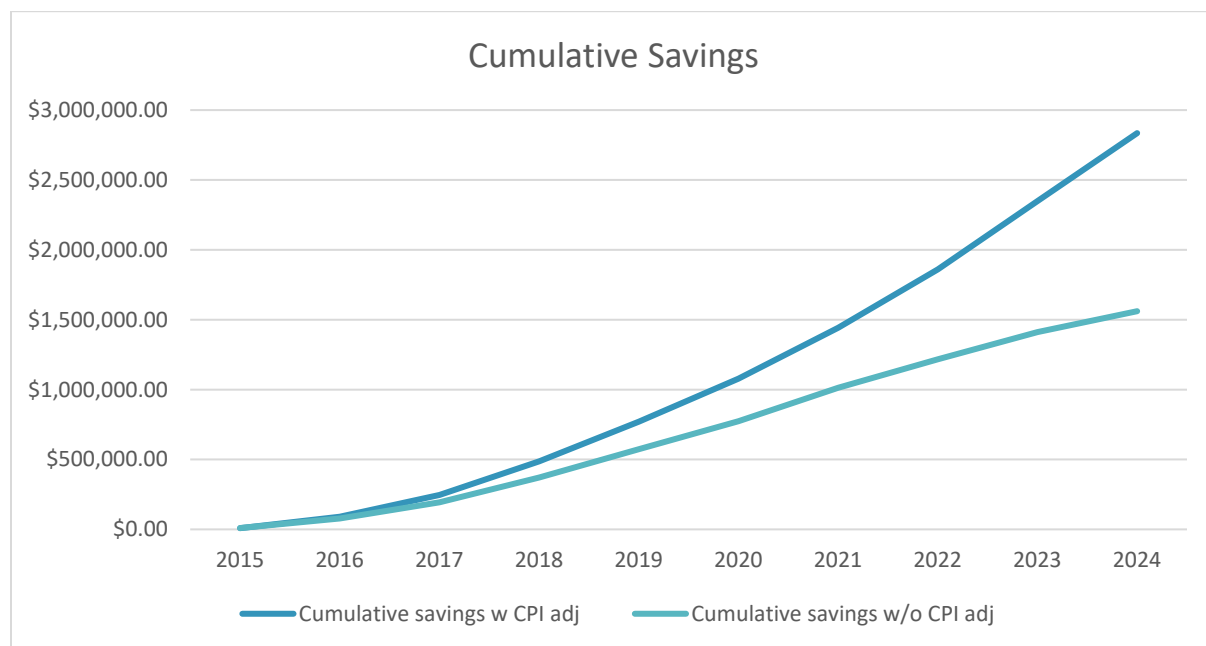
When OHA began in 2014, it was authorized to have 5.75 full-time equivalent employees (FTEs). Due to the hard work of the staff, the needed and authorized headcount has been reduced by almost a third to 4.0 FTEs.

## B. BUDGET

The annual office budget in 2014 was \$1,056,215. Careful management reduced the office budget by 21% over the next seven years. The 2024 office budget of \$907,226 is still significantly less than the 2014 budget of \$1,056,215.



Comparing the actual budgets with the 2014 budget (had it been carried forward and increased by inflation), the office cumulatively saved between \$1.56 million<sup>1</sup> and \$2.835 million from 2014 to 2024.<sup>2</sup>



## C. OFFICE NEEDS

### 1. RECLASSIFICATION

During its review of the county's classification and compensation of employees, Segal Partners (the county's outside personnel consultant) noted disparities between job descriptions and compensation for office staff. Council's vision in creating the office included creating resiliency by having all staff be able to handle the work of any other staff. In the second smallest office/department in county government, each person needs to be able to fill in for a team member who may be absent due to illness, family emergencies, or even just a flat tire on the way to work. Although each is expected to do the same work of all the others, two are classified as Administrative Hearing Clerks and one is classified as an Administrative Specialist at a higher rate of pay. One of the three staff resigned to work for another government agency, citing the lack of appropriate compensation as a main factor in her decision to leave.

The administrator compared existing county job descriptions with the work of office staff members and found the work most closely fits the description of a Municipal Hearing Clerk. The Municipal Hearing Clerk job description does not include back-office work such as budget, payroll, and accounts payable, however, which is expected of all staff. The administrator

<sup>1</sup> Assuming the 2014 authorized budget amount of \$1,056,215 was carried forward each year without increase.

<sup>2</sup> Assuming the 2014 authorized budget amount of \$1,056,215 carried forward each year with an increase based on the Consumer Price Index.

therefore asked that the staff be reclassified with appropriate job descriptions and a pay grade aligned with the Municipal Hearing Clerks' pay grade. This realignment would increase the 2025 annual budget by approximately \$31,000, which is approximately 3.5% of the current office budget. The request is pending and will be reviewed by the Executive and then Council as a priority package during the budget process.

## 2. SOFTWARE

Unlike other departments and offices,<sup>3</sup> the Office of Hearings Administration lacks any software tools more sophisticated than Excel spreadsheets and Outlook calendar appointments. The office presently tracks and manages caseloads for the Hearing Examiner and Boundary Review Board using only these tools. The Board of Equalization uses an Access database. The absence of modern software tools for managing exhibits, hearings, etc. creates numerous problems and substantially saps productivity—staff spend many, many hours performing tasks that could easily be automated. Too, manual processing creates the opportunity for errors and mistakes. The lack of tools to automate routine work impairs the office's ability to serve the public. For example, a public comment emailed to the office takes 20 minutes per comment to add to the record and requires dozens of manual steps to mark the comment with the appropriate exhibit and file numbers.<sup>4</sup> Neither parties nor the public can view the record and determine whether they wish to make an informed comment.

The Assessor's Office acquired and is implementing Aumentum software, including an appeals module. The appeals module has some functionality that can be used by the Board of Equalization but does not include important functions such as the ability for property owners to submit their appeal petitions and supporting documents.

The adopted 2024 budget contained \$250,000 to acquire court management software. Six vendors responded to the request for proposals. With the assistance of Purchasing, Information Technology, and Operational Excellence, a vendor will be selected in the summer or early fall of 2024 and a solution implemented by early 2025. The office is optimistic that the solutions proposed will be adaptable and useful for the Hearing Examiner, Boundary Review Board, and the Board of Equalization. Automating routine tasks and maximizing the public's ability to interact electronically increases productivity, transparency, and the opportunity for public participation.

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<sup>3</sup> The courts use Odyssey, PDS uses AMANDA, Council and the Executive use Legistar, the Public Advocate uses a customer relations database, the Office of Public Defense uses a case management system, the Prosecutor's Office uses a case management system, the Assessor is transitioning from ProVal to Aumentum, Public Works has an asset management system, etc.

<sup>4</sup> This is but one example of the many time-consuming, arduous, labor-intensive activities necessary to prepare for a hearing. See appendix B below at page 42.

## **D. RELOCATION**

Facilities advises that the offices of Hearings Administration and the Public Advocate will relocate in late 2024 from its current home on the second floor of the Drewel Building (Administration East) to the first floor of the Administration West building.

## **II. HEARING EXAMINER**

### **A. GENERAL**

#### **1. PURPOSE**

The office of Hearing Examiner provides a quasi-judicial forum to hear and decide matters assigned to the office by ordinance.<sup>5</sup> The office of Hearing Examiner is independent from the County Executive and County Council to assure due process and the fact and appearance of fairness. The Hearing Examiner is appointed by County Council for a two-year term. Council reappointed the incumbent Hearing Examiner in 2021 and 2023.<sup>6</sup>

The Hearing Examiner has jurisdiction over such diverse issues as: approvals of preliminary subdivisions, rezones, and conditional use permits; environmental (SEPA) appeals; appeals from administrative code enforcement determinations by the department of Planning and Development Services (PDS); and appeals from administrative determinations by the health department and the Snohomish County Auditor's animal services officers and the business license manager.

#### **2. LAND USE DECISIONS (TYPE 2)**

The Hearing Examiner decides whether to approve, reject, or remand land use applications characterized as type 2 decisions.<sup>7</sup> These include: conditional use permits and major revisions to such permits; site plans for developments in certain zones; flood hazard area variances; preliminary subdivision approvals and revisions (including rural cluster subdivisions); planned residential developments; short subdivisions that include a public road dedication; boundary line adjustments; urban center developments; and, where requested by PDS, substantial shoreline developments, shoreline conditional uses and shoreline variances.

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<sup>5</sup> Chap. 2.02 Snohomish County Code (SCC). The county established its hearing examiner pursuant to the county's constitutional home rule charter authority, not the state's Planning Enabling Act. SCC 2.02.010 (2014). *See also Saldin Securities, Inc. v. Snohomish County*, 80 Wn. App. 522, 533–34, 910 P.2d 513, 519 (1996), *aff'd*, 134 Wn.2d 288, 949 P.2d 370 (1998) (footnote omitted).

<sup>6</sup> Motions 21-019 and 23-022.

<sup>7</sup> SCC 30.72.02 (2012).

### 3. ENVIRONMENTAL, LAND USE, AND CODE ENFORCEMENT APPEALS (TYPE 1)

The Hearing Examiner also hears appeals from administrative decisions by PDS characterized as “type 1” permits and decisions. SCC 30.71.070 (2003). Appeals from threshold determinations under the State Environmental Policy Act (SEPA) are the most common Type 1 appeals. These appeals are relatively complex and take the most hearing time. SEPA appeals are usually coupled with an appeal from an underlying land use application, such as a subdivision application or land disturbing activity permit. The Hearing Examiner conducts a single open record hearing for both the underlying land use application and a related SEPA appeal. The Hearing Examiner also hears appeals from notices and citations of violation of county land use regulations (code enforcement). Chap. 30.85 SCC.

### 4. OTHER APPEALS

The Hearing Examiner also hears appeals of:

- Denial or revocation of licenses for commercial kennels
- Declarations of potentially dangerous and dangerous animals
- Leash law violations
- Livestock at large
- Solid waste flow control ordinance violations

## **B. COMMENTS**

### 1. PUBLIC CONCERNS

Public comments regarding land use development applications commonly express concerns about traffic, parking, drainage, wildlife, trees, and enforcement of approval conditions and code requirements.

Neighbors often complain that development will worsen traffic in their neighborhood. Most are unaware that county code evaluates concurrency of transportation infrastructure with development by establishing level of service standards for arterial units as the basis for evaluating concurrency, not neighborhoods, intersections, or non-arterial residential roads. The Hearing Examiner explains concurrency in the decision and, if time allows, explains the concurrency evaluation standards during hearings.

Neighbors also complain about the lack of parking enforcement on public roads and the lack of adequate parking in developments, resulting in roads congested by parked vehicles and impairing vehicular and pedestrian traffic. Not all developments are required to provide guest parking. For example, county code does not mandate any guest parking in townhouse developments. SCC 30.26.030(1) (table) (2021). The Hearing Examiner requires applications to conform with county code requirements but does not have the authority to require an



applicant to exceed code requirements. Recently, the Fire Marshal advised that it will issue notices of fire lane parking violation and recipients may appeal to the Hearing Examiner.

The Hearing Examiner often hears concerns about drainage. Many commenters do not know that county code and the drainage manual require computer modeling established by the Washington State Department of Ecology and that stormwater must be infiltrated if feasible or, if not, stormwater must be collected, detained, treated, and discharged to the historic flowpath at a rate and volume mimicking undeveloped conditions. The Hearing Examiner explains this in decisions and, if time allows, during hearings.

The public also worry about developments' impact on wildlife, such as coyotes, squirrels, and birds. Unless a protected species will be affected by the proposed development, the Hearing Examiner lacks authority to condition or deny the land use application.

Trees are beloved in the Pacific Northwest, and the Hearing Examiner often receives requests to deny or modify a project to avoid the loss of trees. The Hearing Examiner does not have such authority. State law does not protect a tree from damage to its roots that extend on to adjacent property. *See Mustoe v. Ma*, 193 Wn. App. 161, 168, 371 P.3d 544, 547 (2016).<sup>8</sup> The Hearing Examiner therefore does not believe he has the authority to reject a development proposal because of such potential impact. The Hearing Examiner reviews development applications for compliance with the county's tree canopy ordinance, however. SCC 30.25.016 (2014).

## 2. COUNTY CODE

### ***a. Religious Worship Facility Definition***

County code defines any religious worship facility as a "church."

"Church" means a building, including all accessory buildings, or meeting place intended primarily for the performance of religious services and/or where persons regularly assemble for religious worship. This includes synagogues, temples, mosques, and reading rooms or other places for religious worship and religious activity. This definition does not include facilities for training of religious orders, denominations, or sects.

SCC 30.91C.085 (2015). Although the definition of "church" includes synagogues, temples, mosques, etc., "church" usually refers to Christian religious worship facilities.<sup>9</sup>

Snohomish County is diverse and welcomes residents of any or no religious faith. Other religions do not refer to their worship facilities as "churches." *E.g.*, temples (Buddhism, Confucianism, and Zoroastrianism); reading rooms (Christian Science); mandirs (Hindu);

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<sup>8</sup> The rule is different for boundary trees, however. Boundary trees have trunks that stand on the common property line and adjoining parcels have undivided property interests in boundary trees. *Herring v. Pelayo*, 198 Wn. App. 828, 837, 397 P.3d 125, 129 (2017)

<sup>9</sup> Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/church>.

mosques (Islam); derasars (Jain); synagogues (Judaism); shrines (Shinto); gurudwaras (Sikh); and gongs (Taoism). The Hearing Examiner believes the using a word associated with one religion when referring to other religions' worship facilities is inappropriate. The Hearing Examiner recommends amending title 30 SCC to use a neutral term not associated with a particular religion, e.g., "religious worship facility," "worship facility," or "religious assembly facility."

#### ***b. Clerical Error Correction Impact on Deadlines***

Although county code allows the Hearing Examiner to correct clerical errors in decisions, county code does not address what impact, if any, such correction has on deadlines for reconsideration or appeal. SCC 2.02.185 (2022) reads:<sup>10</sup>

Clerical mistakes and errors arising from oversight or omission in examiner, council decisions and board of health decisions and/or orders issued pursuant to this chapter may be corrected by the examiner at any time either on the examiner's own initiative or on the motion of a party of record. A copy of each page affected by the correction, with the correction clearly identified, shall be mailed to all parties of record.

The Hearing Examiner recommends amending code to clarify that clerical corrections do not affect or change deadlines for reconsideration or appeal because they are not material, substantive changes to the decision.<sup>11</sup> The Hearing Examiner will submit an amendment for consideration through the normal legislative process.

#### ***c. Concurrency Review***

County code allows parties of record to ask the Hearing Examiner to review Public Works' concurrency determination, but code does not establish the manner and timing for requesting review.

Any aggrieved person may request the hearing examiner to review a concurrency determination that is associated with an underlying Type 2 application at the open record hearing for the Type 2 application, except as provided in SCC 30.66B.175(9).

- (a) The department of planning and development services shall provide notice of the concurrency determination. The notice shall be combined with the notice of public hearing for the underlying application provided pursuant to SCC 30.72.030 and shall reference the standard for review of a concurrency determination in SCC 30.66B.185.

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<sup>10</sup> The 2022 amendment only added "board of health decisions." Amended Ord. 22-062, Oct. 26, 2022, eff. date Dec. 31, 2022.

<sup>11</sup> The incumbent Hearing Examiner titles decisions containing non-substantive clerical corrections as "corrected decisions" and decisions containing substantive changes as "amended decisions." Amended decisions reset the deadlines for reconsideration (unless the amendment is due to reconsideration) and appeal.

- (b) The aggrieved person must provide written documentation to the hearing examiner demonstrating why the concurrency determination fails to satisfy the requirements of this chapter.
- (c) The decision of the hearing examiner is final and conclusive with an optional right of reconsideration as provided in SCC 30.72.065 and may then be appealed by an aggrieved party of record to the county council pursuant to SCC 30.72.070 together with an appeal of the underlying permit or approval decision.

SCC 30.66B.180(2) (2006). The lack of a deadline to request review raises the specter of a request for concurrency review occurring as late as during the open record hearing, likely causing the hearing to be continued to allow additional evidence from county staff and applicant subject matter experts. The Hearing Examiner recommends consideration of a deadline prior to the open record for requesting review and submitting evidence to allow PDS and the applicant to respond and provide evidence at the open record hearing. The Hearing Examiner does not recommend turning the review into an adversarial proceeding, which would increase cost and effort by the requesting party, county staff, the applicant, and the Office of Hearings Administration.

#### ***d. Mailbox Rule Consistency***

County code has different rules regarding the mechanics of filing appeals depending on the administrative action appealed.<sup>12</sup> Code enforcement appeals have one set of rules in county code while other appeals (such as Animal Services, Solid Waste, and type 1 PDS appeals (SEPA, code interpretation, etc.)) rely on a different set of procedural rules.<sup>13</sup> More specifically, code enforcement rules provide that an appeal is timely if it is placed in the US mail and postmarked by the deadline (the “mailbox rule”), but other appeals do not.

The appeal shall be delivered by U.S. mail or by hand to the office of the Snohomish County Department of Planning and Development Services, attention Code Enforcement. If mailed, the date of postmark shall serve as the date received for purposes of this chapter.

SCC 30.85.190(3) (2020). Chap. 2.02 requires an appeal to be “filed in writing with the department within 14 calendar days of the date of the action” but does not deem a mailed appeal to be filed as of the date of the postmark, irrespective of when the county receives the mailed appeal. SCC 2.02.125(1) (2013).

Implementation of the mailbox rule in one county code chapter but not another implies that the mailbox rule only applies where it is expressly mentioned.

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<sup>12</sup> SCC 30.85.200 (2016).

<sup>13</sup> SCC 2.02.125 (2013).

Where the legislature uses certain statutory language in one statute and different language in another, a difference in legislative intent is evidenced. We assume the legislature means exactly what it says and interpret the wording of statutes according to those terms. Where the legislature uses different terms we deem the legislature to have intended different meanings.

*In re Forfeiture of One 1970 Chevrolet Chevelle*, 166 Wn.2d 834, 842, 215 P.3d 166, 170 (2009) (citation omitted). Therefore, the Hearing Examiner only applies the mailbox rule in code enforcement appeals and not in others.

In addition, neither chap. 30.85 nor chap. 2.02 account for the universal use of email by parties and the county itself.

After discussing these issues with the affected departments and offices, the Hearing Examiner will meet with Council's Planning Committee to obtain policy direction and draft any appropriate code amendments for Council's consideration.

#### ***e. Distribution of Hearing Notices and Decisions***

With one exception, county code prescribes either regular first class or certified return receipt requested US mail for notifying parties of hearings and distributing decisions. These code provisions antedate the ubiquity of email. A commenter at the Hearing Examiner's 2023 public meeting noted that code provisions are inconsistent regarding in distribution of notices and decisions and suggested that code be amended to be consistent.<sup>14</sup> The Hearing Examiner is drafting code amendments that default to distribution by email of notices and decisions. Distribution by email is faster than by US mail and gives recipients more time to decide whether to petition for reconsideration or to appeal than if they had to wait to receive the decision in US mail. Parties who do not provide email addresses or who opt out of email distribution would receive notices and decisions by first-class US mail.

#### **Current Code Requirements:**

<b>Proceeding Type</b>	<b>Hearing Notice</b>	<b>Decision</b>	<b>Code Section</b>
Appeals from Animal Services, Solid Waste, etc.	Regular mail	Certified mail return receipt requested to appellant	SCC 2.02.125 (hearing notice)
		Regular mail or interoffice mail to all other parties	SCC 2.02.160 (decision)

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<sup>14</sup> See discussion below at page 15.

Type 2 Land Use	By PDS as provided in SCC 30.70.045	Regular mail	SCC 30.72.062
Type 1 Land Use Appeal	Email unless no email address or party requested US mail	Regular mail	SCC 30.71.080(2) (hearing notice) SCC 30.71.115 (decision)
Appeal from Code Enforcement	Silent as to method of delivery	Silent as to method of delivery	SCC 30.85.200(3)(a) (hearing notice) SCC 30.85.200(9) (decision)

#### ***f. Failure to Appear***

County code inconsistently handles an appellant's failure to appear for their own appeal hearing. The Hearing Examiner may enter a default decision against a code enforcement appellant who fails to appear at their own hearing.

Failure of the appellant to appear at the requested hearing may result in an order being entered finding that the person(s) named in the notice of violation committed the violation as stated and assessing monetary penalties in accordance with SCC 30.85.170. For good cause shown, and upon terms the hearing examiner finds just, the hearing examiner may set aside an order entered upon a failure to appear.

SCC 30.85.200(3)(b) (2016). The Hearing Examiner is not authorized to enter a default decision in other administrative appeals, such as appeals from Animal Services' decisions or type 1 land use appeals.<sup>15</sup> The Auditor supports such an amendment for Animal Services' appeals. The Hearing Examiner will propose amendments to align Office of Hearing Administration code<sup>16</sup> and type 1 land use appeals<sup>17</sup> with code enforcement appeals<sup>18</sup> that allow default decisions if an appellant does not attend their own hearing and provide default orders may be set aside for good cause.

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<sup>15</sup> Animal Services appeals are processed under chap. 2.02 SCC (Office of Hearings Administration). Type 1 land use appeals are processed under SCC 30.71.100 (2003).

<sup>16</sup> Chap. 2.02 SCC.

<sup>17</sup> Chap. 30.71 SCC.

<sup>18</sup> SCC 30.85.200(3)(b) (2016).

#### ***g. Mandatory SEPA Settlement Conference***

County code requires the Hearing Examiner to schedule a settlement conference in SEPA appeals with the appellant, applicant, and PDS. “The hearing examiner shall schedule a settlement conference including the applicable director, the appellant, and the applicant (if not the appellant) within seven days of receipt of an appeal.” SCC 30.61.307 (2003). The code heading reads: “Mandatory Settlement Conference.” This code section appears to require the Hearing Examiner to schedule a settlement conference for the principal parties irrespective of their willingness to attend.<sup>19</sup> Parties to a SEPA appeal are often represented by counsel who are already experienced with alternative dispute resolution methods such as settlement conferences and mediation. The incumbent Hearing Examiner does not believe he should engage in the futile act of scheduling a meeting for the principal parties to discuss settlement if they will not attend such a meeting. The Hearing Examiner announces in all SEPA appeal pre-hearing conferences that he is willing to facilitate settlement discussions upon request by scheduling conference rooms, etc. The Hearing Examiner will submit an amendment to require a hearing examiner to advise the parties to a SEPA appeal that the Office of Hearings Administration will facilitate settlement discussions without dictating the form or content of assistance.

#### ***h. Public Meeting Regarding Procedures***

On August 17, 2023, the Hearing Examiner conducted a public meeting to solicit suggestions for procedural improvements.<sup>20</sup> More than a dozen people attended the meeting and several commented by email. The following table summarizes the comments and responses by the Hearing Examiner.

<b>Subject</b>	<b>Comments</b>	<b>Response</b>
Land Use Conditions	Conditions should be clear and enforceable	The Hearing Examiner agrees and will continue to endeavor to write conditions that are clear and enforceable. The Hearing Examiner does not have the authority to enforce the conditions, however.
Hybrid hearings (combined in-person and electronic internet attendance)	Consider mandating physical attendance instead of electronic presence	Electronic presence will continue to be allowed for the public because it allows participation or observation by those who otherwise might not attend. Physical presence of PDS staff (planners and code enforcement) and Auditor Animal

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<sup>19</sup> The Hearing Examiner cannot be involved in settlement discussions because the parties will not speak freely, or the Hearing Examiner may hear information he should not if they do.

<sup>20</sup> The Office of Hearings Administration invited all parties of record from proceedings in the first half of 2023 and other persons who might be interested, such as environmental groups, developers, and lawyers who had appeared before the Hearing Examiner.

		Services staff will be strongly encouraged. <sup>21</sup> Physical attendance by applicants and subject matter experts (whether from PDS or applicants) will continue to be optional. The Hearing Examiner and clerk attend in person absent exigent circumstances.
Perjury	Perjured testimony should be excluded	Witness credibility is always evaluated to determine the weight to be given testimony. Criminal prosecution for perjury is beyond the authority of the Hearing Examiner.
Inconsistent regulations regarding issuance of decisions	County code and rules of procedure are inconsistent regarding the mechanics of decision issuance.	The Hearing Examiner will work with County Council and relevant departments and offices to amend county code and Hearing Examiner rules to be consistent regarding issuance of decisions. <sup>22</sup>

### **3. HEARING EXAMINER RULES OF PROCEDURE**

#### ***a. Notice by Email (Rule 1.8)***

The Rules of Procedure previously did not provide for serving documents by electronic mail, though electronic mail saves paper, parties receive the document faster, and most people use electronic mail. The Hearing Examiner amended the rules in 2021 to allow notice by electronic mail unless a party objects or unless otherwise required by law. Parties may opt out of receiving notices by electronic mail by filing an objection with the Office of the Hearings Administration.

#### ***b. Motion Schedule (Rule 3.3)***

Although the deadline for responding to motions in court is triggered by the filing date of the motion, the Hearing Examiner Rules of Procedure did not require a response to a motion until five days prior to the scheduled hearing. This could have led to situations in which a motion is filed weeks before the hearing, but the opposing party does not respond until five days before the hearing. The usual process in adversarial proceedings is to require a response a specific number of days after the motion is filed, rather than a specific number of days prior to the hearing.

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<sup>21</sup> PDS advised that its standard operating procedure is in-person attendance by the project planner and remote attendance by subject matter experts (e.g., drainage, traffic, fire safety, and critical areas).

<sup>22</sup> See discussion at page 12 above.

The Hearing Examiner amended the rules in 2021 and 2023 to establish default schedules for filing dispositive and non-dispositive motions, responses, and replies.

**c. Order of Pre-filing Exhibits (Rule 4.7(b))**

The county has the burden of proof in appeals from administrative enforcement actions. SCC 7.35.175(2) (2005) (solid waste infractions); SCC 9.12.101(3) (2007) (animal services); SCC 30.85.120(2) (2008) (code enforcement citations); SCC 30.85.200(6) (2016) (code enforcement notices of violation). Appellants were required to submit their exhibits before the county submitted its exhibits. H. Ex. R. of Proc. 4.7(b) (2019). In other words, an appellant had to submit their evidence without knowing the proof upon which the county will rely and that they must rebut, even though the county has the burden of proving the violation. This is the reverse of the normal process in adversarial proceedings in which the party with burden of proof identifies their proof first (presumably establishing a *prima facie* case) and then the other party identifies their rebutting exhibits.

The Hearing Examiner amended the rules to require the party with the burden of proof to submit its exhibits first so that the responding party will be prepared to rebut the county's proof.

**C. CASES AND APPEALS FROM DECISIONS**

2020 - 2022	DECISIONS	2020	2021	2022	2023
	Land Use (conditional use permits, preliminary subdivisions, rezones, etc.) <sup>23</sup>	43	42	55	43
	Environmental (SEPA) and land use appeals <sup>24</sup>	5	3	7	5
	Code Enforcement appeals <sup>25</sup>	1	2	3	14
	Auditor appeals <sup>26</sup>	7	5	12	14
	Solid Waste appeals <sup>27</sup>	0	1	0	0
	<b>TOTAL DECISIONS ISSUED<sup>28</sup></b>	<b>56</b>	<b>53</b>	<b>78</b>	<b>76</b>

<sup>23</sup> County code classifies these activities as Type 2. SCC 30.72.020 (2015).

<sup>24</sup> County code classifies these activities as Type 1. SCC 30.71.020 (2017).

<sup>25</sup> Chap. 30.85 SCC.

<sup>26</sup> E.g., SCC 9.12.101 (2007).

<sup>27</sup> SCC 7.35.175 (2005).

<sup>28</sup> Several cases were dismissed, withdrawn, or settled prior to the issuance of a final decision.

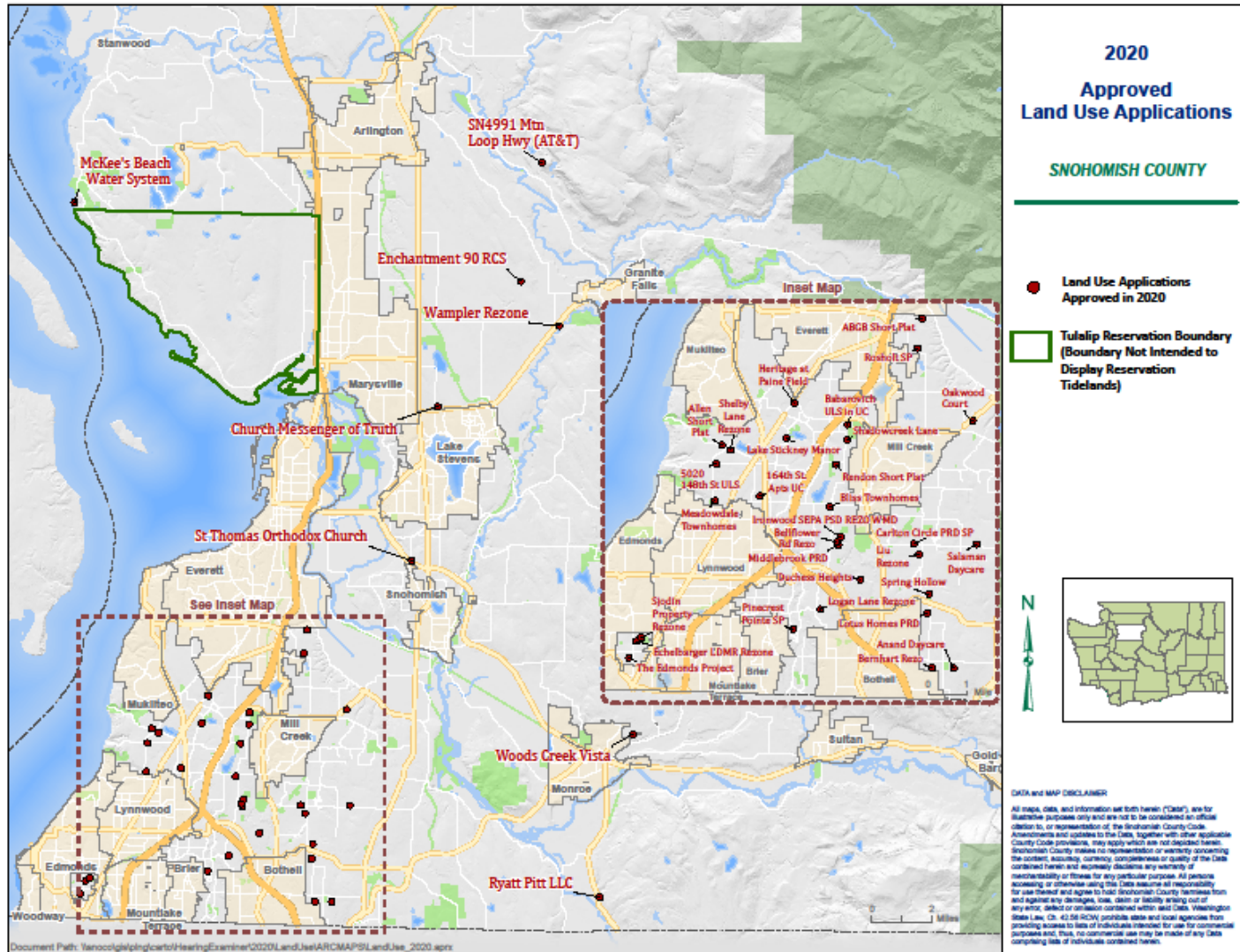


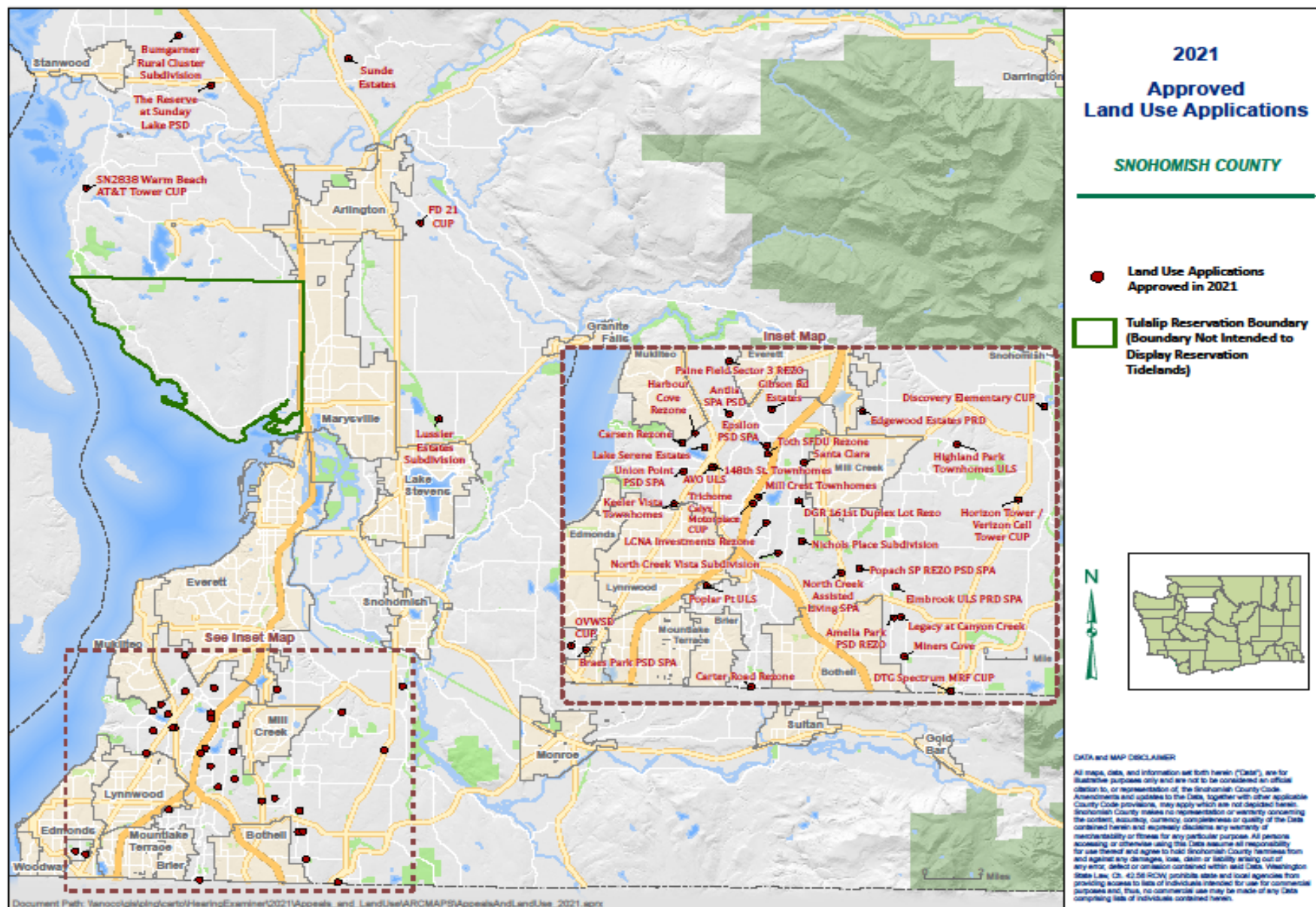
APPEALS of HEARING EXAMINER DECISIONS			
TO COUNCIL			OUTCOME
2020	19-112464 PSD	Oakwood Court	Decision Affirmed
	19-116795 PSD	Pinecrest Pointe SP	Decision Affirmed
	20-102399 SEPA PSD REZO WMD	Ironwood PRD	Decision Affirmed
	11-101457 LU	BSRE Point Wells	Decision Affirmed
2021	None		
2022	19-104584 CUP	MA Center	Decision Affirmed
	21-107654 SPA	Cathcart Crossing	Decision Affirmed
2023	22-102230 CUP	Residential Treatment Facility North	Decision Affirmed
	20-114230 CUP	Husaynia Islamic Society Mosque	Appeal Dismissed
TO COURT			OUTCOME
2020	19-112464 PSD	Oakwood Court	Decision Affirmed
2021	11-101457 LU	BSRE Point Wells	Court of Appeals affirmed Superior Court decision allowing “reactivation” <sup>29</sup>
2022	19-104584 CUP	MA Center	Decision Affirmed
	11-101457 LU	BSRE Point Wells	Court of Appeals dismissed applicant’s appeal <sup>30</sup>
2023	11-101457 LU	BSRE Point Wells	Supreme Court did not accept applicant’s appeal

<sup>29</sup> *BSRE Point Wells, LP v. Snohomish County*, 16 Wn. App. 2d 1034 (2021) (unpublished).

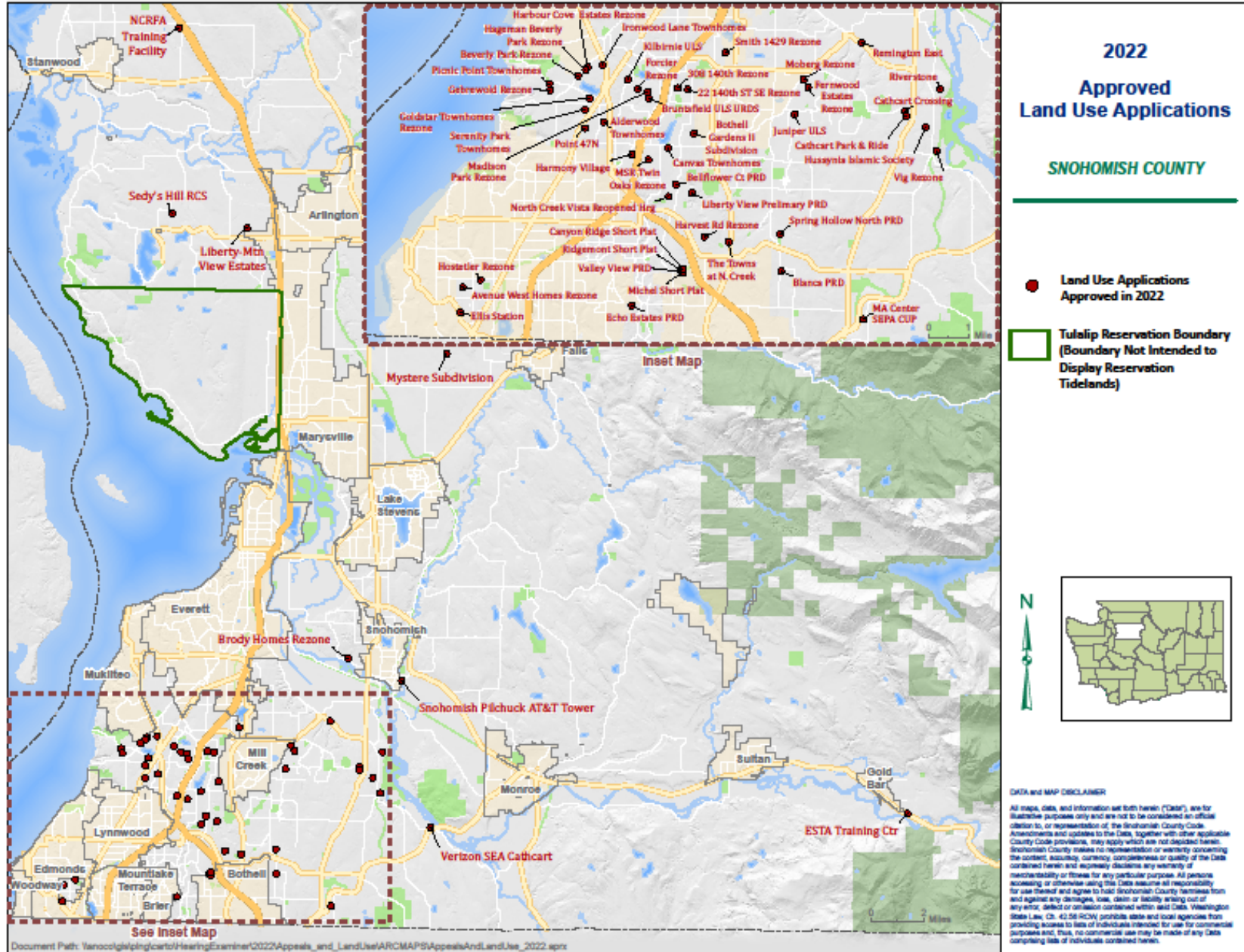
<sup>30</sup> *BSRE Point Wells, LP v. Snohomish County*, 25 Wn. App. 2d 1006 (2022), *review denied*, 532 P.3d 145 (Wash. 2023) (unpublished).

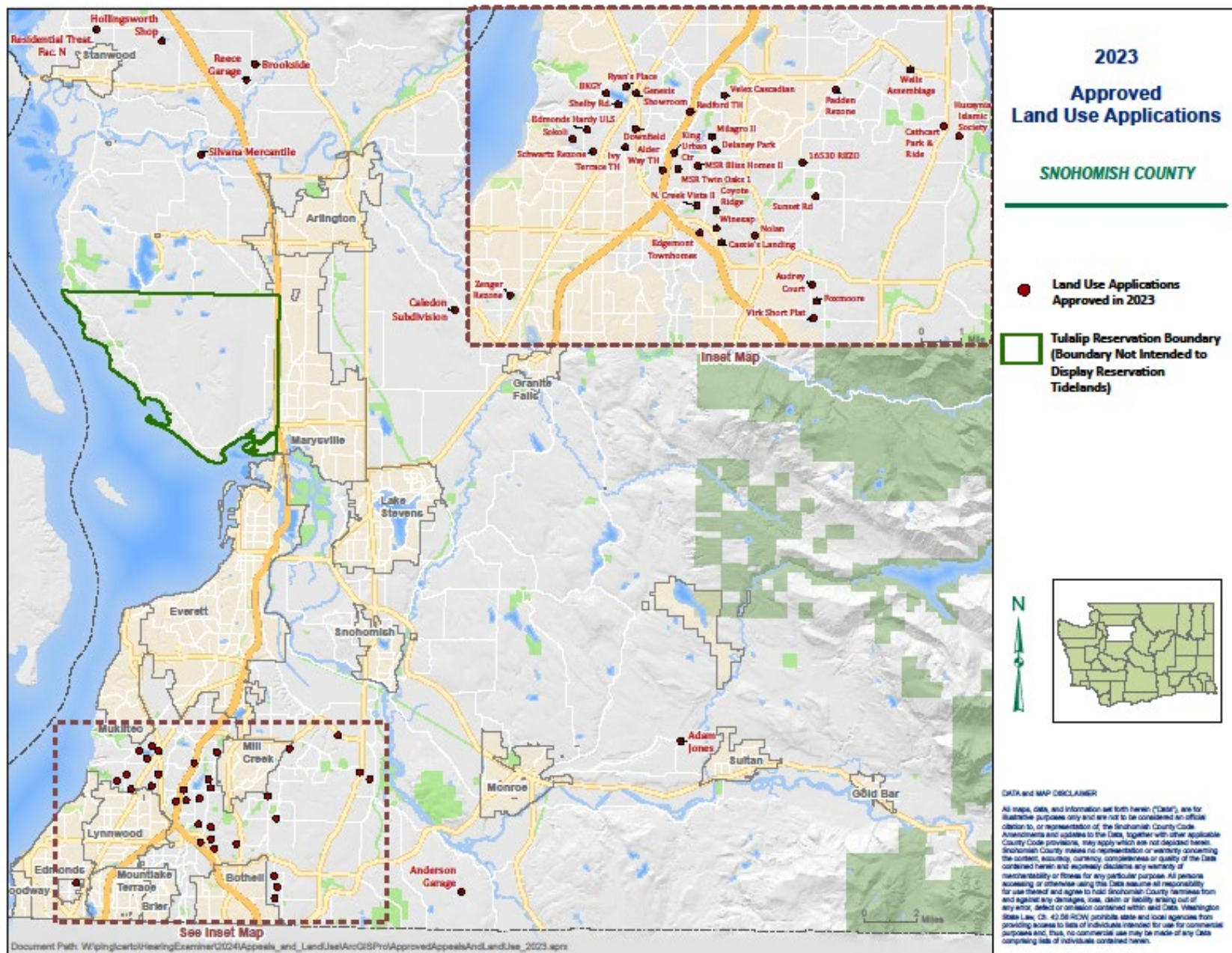
## D. MAPS OF LAND USE APPLICATIONS













## E. APPEALS FROM ENFORCEMENT ACTIVITIES

### 1. LAND USE CODE ENFORCEMENT APPEALS

Land Use Type 1 Appeals	2020	2021	2022	2023
Notice of Violation Appeals	1	2	2	14
Notice of Violation Hearings	0	2	1	3
Contested Citation Appeals	0	0	1	0
Contested Citation Hearings	0	0	0	0
Total Filings	1	2	3	14
Total Hearings with Decisions Issued	0	2	1	3

### 2. AUDITOR'S OFFICE ENFORCEMENT ACTIVITY

The Hearing Examiner hears several different types of appeals from the Licensing Division of the Auditor's Office, including animal control matters, licensing decisions, and adult entertainment matters. Most animal control cases involve appeals by animal owners of notices of violation for leash law violations, or declarations of dangerous or potentially dangerous dogs. Many of these cases are resolved prior to the open record hearing.

Auditor Appeals	2020	2021	2022	2023
Animal Control Appeals Filed	7	5	12	14
Hearings and Decisions	5	3	7	11

### 3. SOLID WASTE ENFORCEMENT ACTIVITY

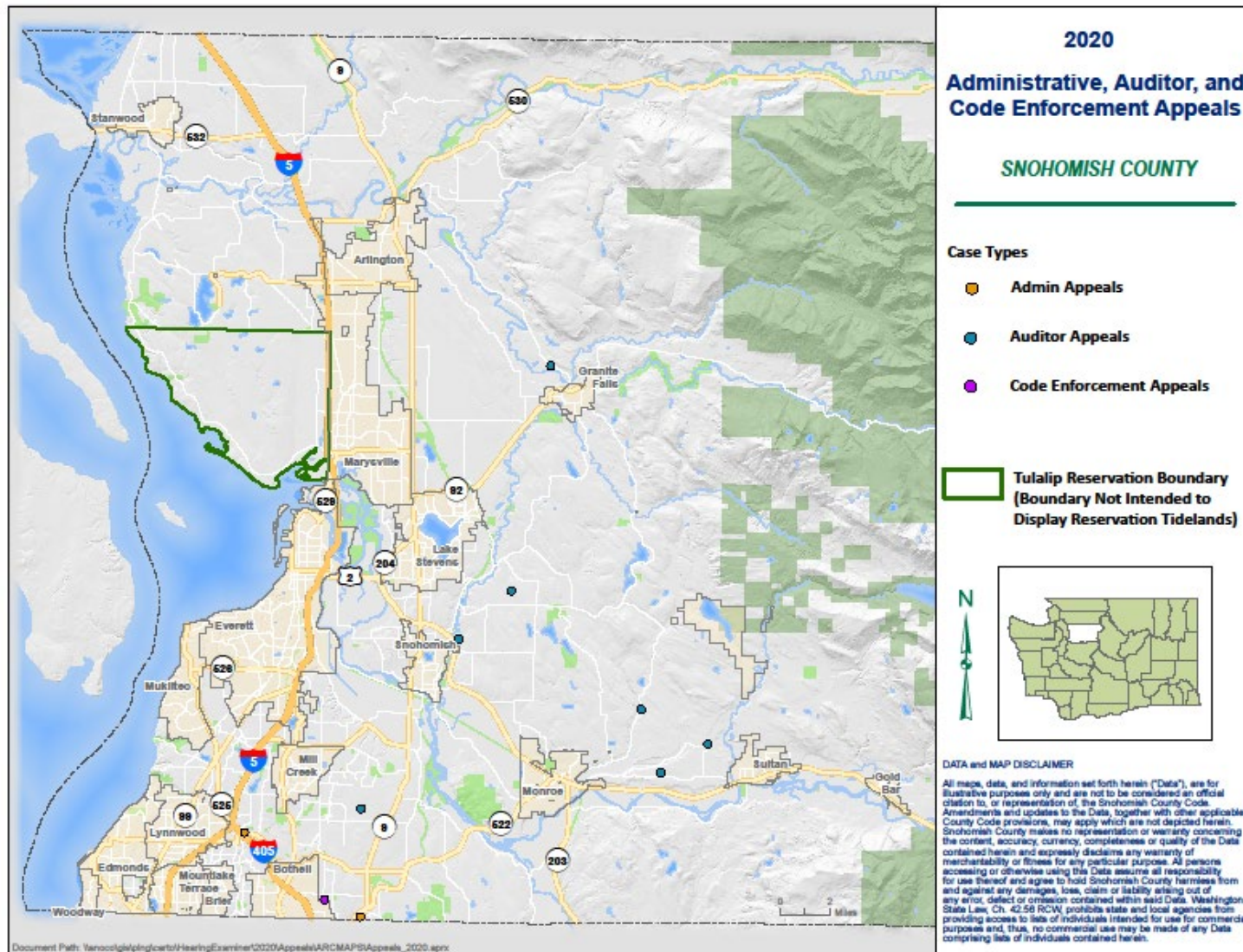
The Hearing Examiner hears appeals in cases involving enforcement of the county's solid waste code. One new case was decided by the Hearing Examiner's office in the last three years.

Solid Waste Appeals	2020	2021	2022	2023
Violation Notice Appeals	1	1	0	0
Number of Hearings and Decisions	0	1	0	0

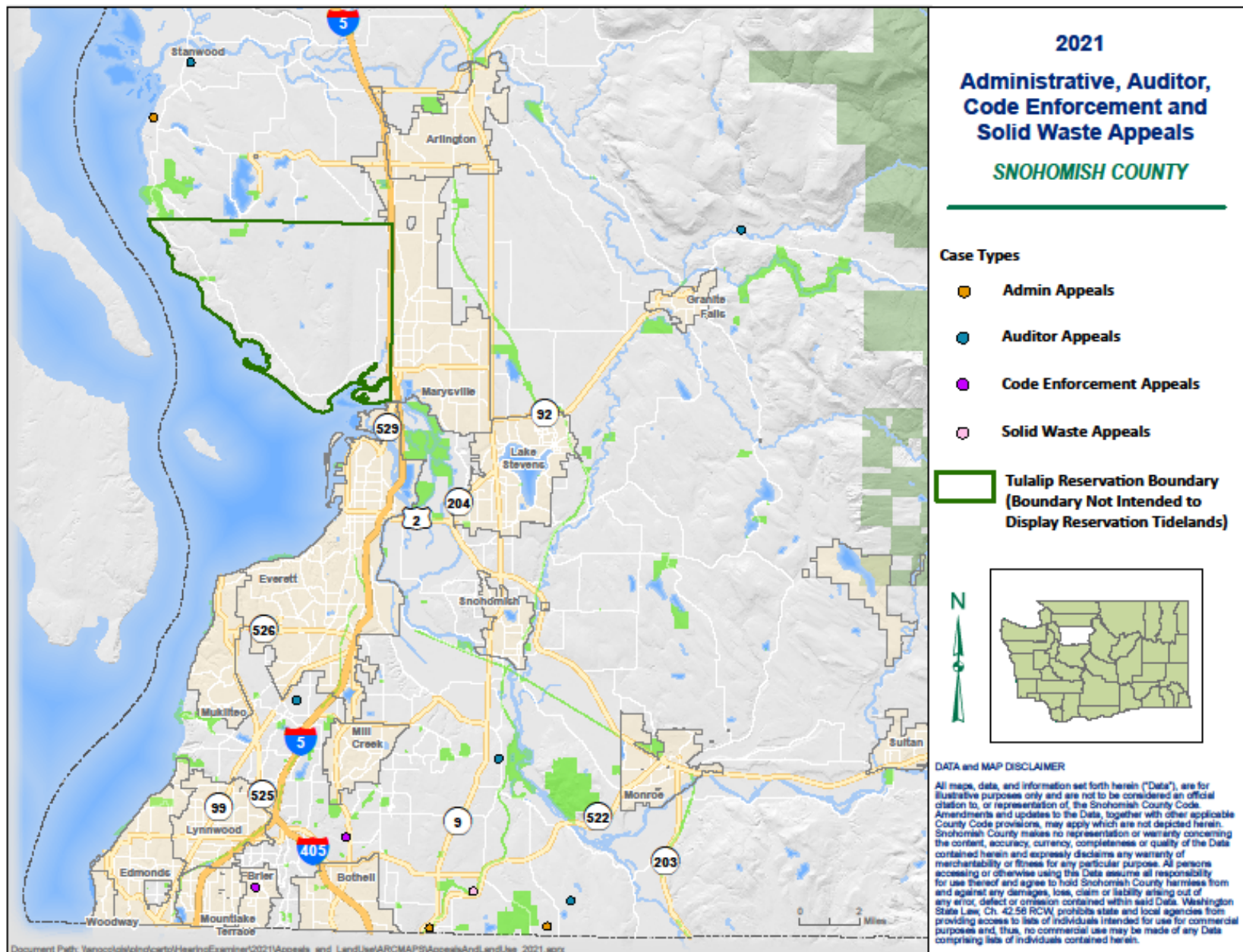
#### 4. HEALTH DEPARTMENT APPEAL ACTIVITY

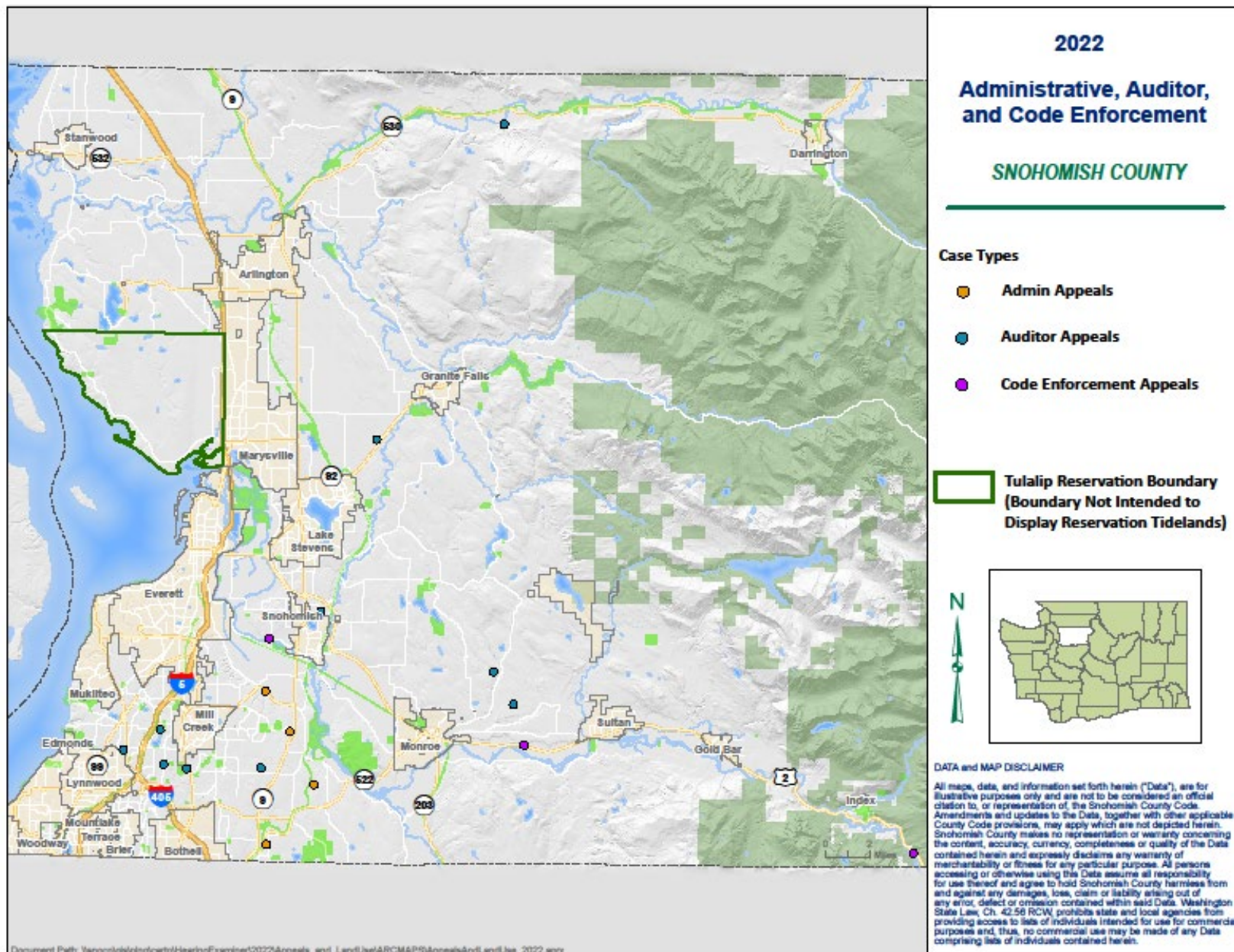
Beginning 2023, the Hearing Examiner gained jurisdiction over appeals of Health Department decisions. SCC 2.02.124. No appeals have yet been received.

## F. MAPS OF ENFORCEMENT APPEALS

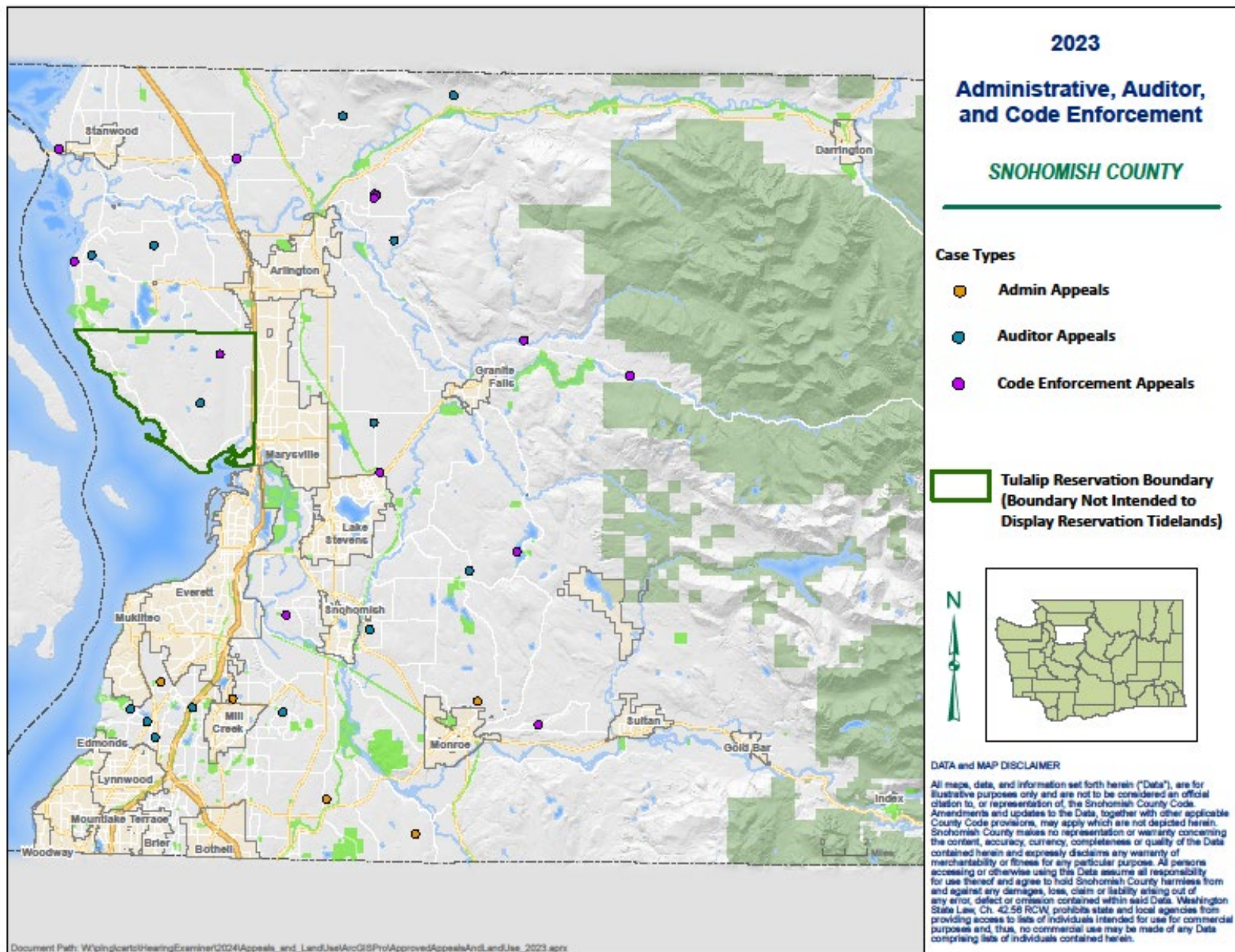












### III. BOARD OF EQUALIZATION

#### A. PURPOSE

The Board of Equalization (BOE) is an independent board organized pursuant to chap. 84.48 RCW and chap. 2.76 SCC to hear appeals of property valuations, property tax exemption denials, and other Assessor determinations. It is comprised of seven citizens (five regular members and two alternates) appointed by the Snohomish County Council on the recommendation of the Executive. Members serve three-year terms and are limited to three consecutive full terms. BOE members must have knowledge of property values and may not be elected officials or employed by elected officials. Throughout the appeal process, the BOE is committed to providing an impartial hearing that protects each party's due process rights and results in a fair decision. If either party is unhappy with the BOE's decision, they may appeal that decision to the State Board of Tax Appeals (BTA).

#### B. COMPOSITION

Individual board members may serve as a hearing examiner<sup>31</sup> representing the full board or as part of a quorum of three members at an average of six hearing days per month. The Clerk of the Board facilitates the hearings by meeting the administrative needs of the BOE and provides customer support to taxpayers throughout the appeal process. Additionally, the clerk liaises with the Assessor's office and taxpayers to ensure information evaluated by the board is complete and correct.

#### C. MEMBERSHIP

##### 2020

Regular members:

Dennis Carlin	Serving 2 <sup>nd</sup> term	District 2
Arnold Hofmann	Serving 3 <sup>rd</sup> term	District 2
William Temple	Serving 3 <sup>rd</sup> term	District 4
Dwight Phillips, Chair	Serving 1 <sup>st</sup> term	District 5

Alternate Members:

Kathleen Santti, Vice Chair	Serving 2 <sup>nd</sup> term	District 2
David Little	Serving 1 <sup>st</sup> term	District 2

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<sup>31</sup> WAC 458-14-136. A Board of Equalization member acting as a hearing examiner pursuant to the Washington Administrative Code should not be confused with the Hearing Examiner established by chap. 2.02 SCC and appointed by Council to hear land use matters and appeals from administrative decisions.

Staff:

Allegra Clarkson, Clerk of the Board of Equalization

## 2021

Regular members:

Dennis Carlin, Chair	Serving 2 <sup>nd</sup> term	District 2
Daniel Willner	Serving 3 <sup>rd</sup> term	District 4
Arnold Hofmann	Serving 3 <sup>rd</sup> term	District 2
William Temple	Serving 2 <sup>nd</sup> term	District 4
Dwight Phillips	Serving 1 <sup>st</sup> term	District 5

Alternate Members:

Kathleen Santti, Vice Chair	Serving 2 <sup>nd</sup> term	District 2
Dave O'Connor	Serving 1 <sup>st</sup> term	District 2

Staff:

Allegra Clarkson, Clerk of the Board of Equalization

## 2022

Regular members:

Dennis Carlin	Serving 2 <sup>nd</sup> term	District 2
Arnold Hofmann	Serving 3 <sup>rd</sup> term	District 2
William Temple	Serving 3 <sup>rd</sup> term	District 4
Dwight Phillips, Chair	Serving 1 <sup>st</sup> term	District 5

Alternate Members:

Kathleen Santti, Vice Chair	Serving 2 <sup>nd</sup> term	District 2
David Little	Serving 1 <sup>st</sup> term	District 2

Staff:

Hannah Iverson, Clerk of the Board of Equalization  
Allegra Clarkson, Assistant Clerk

## 2023

In 2023, one Board of Equalization member concluded his final term and another member moved to a different county, which ended his service. The resulting board was only four members strong, which contributed to scheduling challenges. Despite this, staff were able to arrange and support a record number of appeal hearings to address the high number of appeals filed.

### ***Regular members:***

Robert Bodkin	Serving 1 <sup>st</sup> term	District 2
Arnold Hofmann, vacated May 2023	Serving 3 <sup>rd</sup> term	District 2
Daniel Willner, vacated June 2023	Serving 1 <sup>st</sup> term	District 4
Dwight Phillips, Chair	Serving 1 <sup>st</sup> term	District 5
<i>Vacant Position</i>		

### ***Alternate Members:***

Kathleen Santti	Serving 2 <sup>nd</sup> term	District 2
David Little	Serving 1 <sup>st</sup> term	District 2

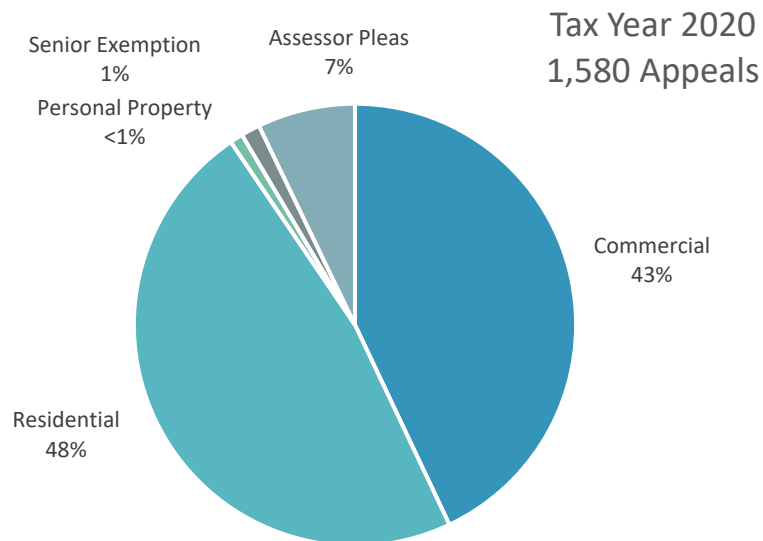
### ***Staff:***

Hannah Iverson, Clerk of the Board of Equalization  
Allegra Clarkson, Assistant Clerk

## D. SYNOPSIS

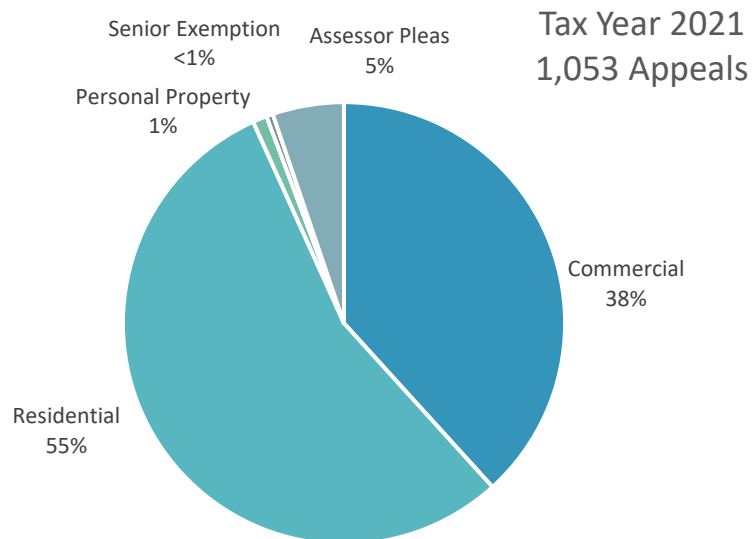
### 2020

For the 2020 tax year, the BOE heard 1,580 appeals. Approximately seven percent were appealed to the Washington State Board of Tax Appeals (BTA).



## 2021

For the 2021 tax year, BOE heard 1,053 appeals. Approximately eight and one-half percent were appealed to the BTA.



2021 was a challenging year, as Snohomish County continued to navigate carefully through a pandemic. The COVID-19 pandemic had changed the way the board conducted its business, causing the following adaptations:

- Staff worked remotely 60% of the time for most of the year, remaining fully accessible by phone, email, or by appointment.
- Board members, BOE staff, Assessor staff, and taxpayers all attended hearings remotely, on Zoom or by phone.
- Hearing days were shortened from approximately seven hours per day to three hours per day, as full Zoom hearing days are problematic to arrange and staff appropriately. The shortened hearing days were compensated for by having more frequent hearing days.

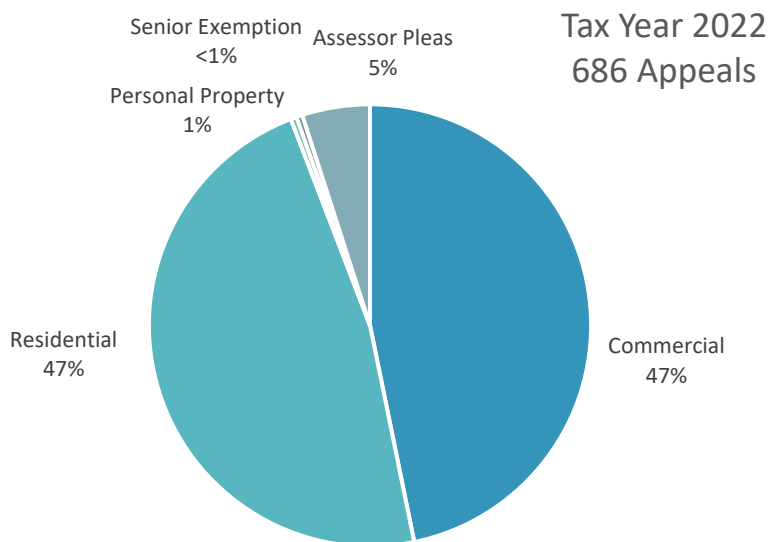
The board notes that the number of appeals for the 2021 tax year was lower than for the 2020 tax year and conjectures the reduction was due to a rising real estate market. For example, the 2021 tax year assessed values were established on an assessment date of January 1, 2020. When taxpayers receive assessed value notices roughly six months after the assessment date, they may research and find that their market value has already risen higher than the assessed value. This may result in fewer appeals.



For the 2022 tax year, the board received a slightly fewer appeals, approximately 60% of which were received via our online form. For the 2023 tax year, the board forecasts a lower appeal rate because of a rising market.

## 2022

For the 2022 tax year, the BOE received 686 appeals. Eighty-seven were appealed to the BTA.



2022 remained a challenging year, as Snohomish County continued to carefully navigate through a pandemic. COVID-19 had changed the way the board conducted its business, causing adaptations in the following areas:

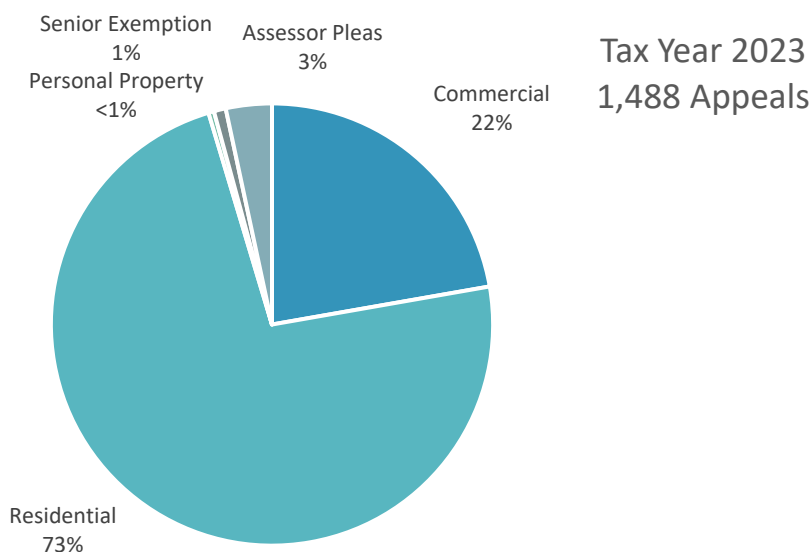
- Staff worked remotely 60% of the time for most of the year, remaining fully accessible by phone, email, or by appointment.
- Board members, BOE staff, Assessor staff, and taxpayers all attended hearings remotely, on Zoom or by phone.
- Hearing days had been shortened from approximately seven hours per day in early 2020 to three hours per day, as full Zoom hearing days are problematic to arrange and staff appropriately. The shortened hearing days were compensated for by having more frequent hearing days

The board notes that the number of appeals for the 2022 tax year was much lower than for the 2021 tax year, and conjectures that this is because Snohomish County was experiencing a rapidly rising market. For the 2022 tax year, assessed values were established on an assessment date of January 1, 2021. When taxpayers receive assessed value notices roughly six months

after the assessment date, they may research and find that the market value has already begun to rise higher than the assessed value. This may result in a lower number of appeals.

## 2023

The BOE received 1,488 appeals for the 2023 tax year—substantially more than the prior year. Approximately 80% of the appeals were made via the BOE’s online form. Fifty-one decisions were appealed to the BTA.



## **E. COMMENTS**

### 1. APPEAL VOLUME

The board notes that the number of appeals for the 2023 tax year was much higher than for the 2022 tax year and conjectures this is because Snohomish County was experiencing a declining market soon after a rapidly rising market. For the 2023 tax year, assessed values were established on an assessment date of January 1, 2022. When taxpayers receive assessed value notices roughly six months after the assessment date, they may research and find that the market value appears to be lower than the official assessed value. This results in a higher number of appeals.

For the 2024 tax year, the board received fewer appeals. The board believes this is because the market has stabilized.

## 2. SCHEDULING HEARINGS AND APPELLANT ATTENDANCE

Facing a much higher volume of work with stable staffing levels but low board membership, staff brainstormed and implemented new processes to address low appellant attendance. Appellants are now required to confirm their attendance at hearings, which streamlined scheduling and allows for a greater volume of appeals to be heard within the same amount of time. Parties are invited to appear remotely via Zoom or telephone but are welcome to appear in-person with advance notice.

## 3. INCOMPLETE APPEALS

As we work toward becoming fully paperless, most BOE business is conducted via online forms, email, and phone. For the 2023 appeal cycle, the board received 1,742 appeals, but roughly 25% of those were incomplete. Staff diligently worked with appellants to complete their appeals, but many appellants either did not respond to requests for additional information or provided incomplete information. The board ultimately dismissed approximately 250 appeals due to lack of information. Staff continue to assist appellants complete their appeals via online and paper forms, on our website, and through phone and email communications.

## 4. TRANSITIONING FROM ACCESS DATABASE TO AUMENTUM APPEALS MODULE

Since 2013, the Board of Equalization manages cases by a Microsoft Access database created internally by the county and shared with the Assessor's Office. Microsoft advised that it will cease supporting Access soon, requiring a new solution for case management. The Assessor and Treasurer offices are transitioning their assessment and tax software to a new platform, Aumentum. Aumentum has an appeals case management module. BOE staff are working with the Assessor's office and Aumentum to move as much as possible from the existing Access database to the new software. However, Aumentum lacks critical features for the BOE such as a portal for petitioners to file and submit documents. The case management software to be procured for the Office of Hearings Administration will likely be used by the BOE, too.

## 5. OTHER BUSINESS PROCESSES

COVID-19 changed the way the board conducted its business, causing adaptations in the following areas:

- Staff transitioned to a hybrid workweek (in office part time and remote work part time), remaining fully accessible by phone, email, and appointment.
- Board members, BOE staff, Assessor staff, and taxpayers all attended hearings remotely, via Zoom or by phone, with a few in-person exceptions.

- Hearing days were shortened from approximately seven hours per day in early 2020 to three hours per day in 2023, as full Zoom hearing days are problematic to arrange and staff appropriately. More hearing days compensated for shortening the length of hearing days.

## **F. CONCLUSION**

The Board of Equalization and staff are dedicated to continuing education, ensuring our ability to assist and accurately inform taxpayers through their appeals. In addition to regular administrative and hearing support duties, staff will integrate new technologies into the appeal process as they become available.

For further information, please visit the Board of Equalization website here:

<https://www.snohomishcountywa.gov/134/Board-of-Equalization>

Please direct any questions about the BOE or its processes to the Clerk of the Board, at 425-388-3407 or BOE@snoco.org.

## IV. BOUNDARY REVIEW BOARD

### A. PURPOSE

The Boundary Review Board (BRB) is quasi-judicial body authorized by chap. 36.93 RCW and established by chap. 2.77 SCC. As one of the tools of the Growth Management Act, the BRB provides local, independent review of certain actions proposed by cities or towns, counties, special purpose districts, and private parties. Most actions involve annexations and mergers, but can also be for incorporation, disincorporation, or the establishment or modification of jurisdictional boundary lines. The BRB's jurisdiction is invoked only when there is a dispute regarding a proposed action. Board decisions are final unless appealed to the Superior Court.

### B. COMPOSITION AND MEMBERSHIP

State law establishes the composition of the Boundary Review Board.<sup>32</sup> The BRB in Snohomish County is comprised of five members: two persons appointed by the Governor, one person appointed by the County Executive, one person appointed by the mayors of Snohomish County, and one person appointed by the board from nominees of special districts in the county.<sup>33</sup> There is no limit to the number of terms a member may serve.

#### 2020

<b>Member</b>	<b>Appointed By</b>	<b>Term</b>	<b>Term Ends</b>
Chad Bates, Chair	Governor	2 <sup>nd</sup>	01/31/2025
Dave Hambelton	Governor	1 <sup>st</sup>	01/31/2023
Henry Veldman, Vice Chair	Mayors	2 <sup>nd</sup>	01/31/2025
Dave Gardner	Snohomish County	1 <sup>st</sup>	01/31/2023
Alison Sing	Special Purpose Districts	4 <sup>th</sup>	02/28/2023

#### 2021

<b>Member</b>	<b>Appointed By</b>	<b>Term</b>	<b>Term Ends</b>
Chad Bates, Chair	Governor	1 <sup>st</sup>	01/31/2021
Dave Hambelton	Governor	1 <sup>st</sup>	01/31/2023
Henry Veldman, Vice Chair	Mayors	2 <sup>nd</sup>	01/31/2021
Dave Gardner	Snohomish County	1 <sup>st</sup>	01/31/2023
Alison Sing	Special Purpose Districts	4 <sup>th</sup>	02/28/2023

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<sup>32</sup> RCW 36.93.061

## 2022

Member	Appointed By	Term	Term Ends
Chad Bates, Chair	Governor	2 <sup>nd</sup>	01/31/2025
Dave Hambelton	Governor	1 <sup>st</sup>	01/31/2023
Henry Veldman, Vice Chair	Mayors	2 <sup>nd</sup>	01/31/2025
Dave Gardner	Snohomish County	1 <sup>st</sup>	01/31/2023
Alison Sing	Special Purpose Districts	4 <sup>th</sup>	02/28/2023

## 2023

Member	Appointed By	Term	Term Ends
Chad Bates	Governor	2 <sup>nd</sup>	01/31/2025
Dave Hambelton, Chair	Governor	2 <sup>nd</sup>	01/31/2027
Henry Veldman	Mayors	2 <sup>nd</sup>	01/31/2025
Nicolas Jensen	Snohomish County	1 <sup>st</sup>	01/31/2027
Alison Sing	Special Purpose Districts	5 <sup>th</sup>	02/28/2027

## C. SYNOPSIS

Between 2020 and 2023, 34 proposals (Notices of Intention) have been submitted to the Boundary Review Board for Snohomish County with three of those being subsequently withdrawn. In each decision, the Board weighs consistency with the Growth Management Act and specific factors and objectives as required in state law. Each Notice of Intention received becomes filed effective on the date it is deemed legally sufficient by the clerk, according to state law<sup>34</sup> and Organization and Rules of Practice and Procedure adopted by the BRB. The Board's Jurisdiction was not invoked for any of the proposals.

## 2020 PROPOSALS

BRB File	Initiator	Filed Effective	Public Hearing	Board Action or Decision
1-2020	Snohomish County Fire District 7 – Territory 1	1/28/20	No	Deemed Approved
2-2020	Snohomish County Fire District 7 – Territory 2	1/28/20	No	Deemed Approved
3-2020	Snohomish County Fire District 7 – Territory 3	1/28/20	No	Deemed Approved
4-2020	Snohomish County Fire District 7 – Territory 4	1/28/20	No	Deemed Approved
5-2020	Snohomish County Fire District 7 – Territory 5	1/28/20	No	Deemed Approved
6-2020	Snohomish County Fire District 7 – Territory 6	1/28/20	No	Deemed Approved
7-2020	Snohomish County Fire District 7 – Territory 7	1/28/20	No	Deemed Approved
8-2020	Snohomish County Fire District 7 – Territory 8	1/28/20	No	Deemed Approved
9-2020	Snohomish County Fire District 7 – Territory 9	1/28/20	No	Deemed Approved
10-2020	Snohomish County Fire District 7 – Territory 10	1/28/20	No	Deemed Approved
11-2020	Snohomish County Fire District 7 – Territory 11	1/28/20	No	Deemed Approved
12-2020	City of Sultan, Tortorice Area	8/31/20	No	Withdrawn

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<sup>34</sup> RCW 36.93.061

13-2020	City of Lake Stevens, Machias Industrial Area	10/20/20	No	Withdrawn
14-2020	City of Everett, Smith Island West	12/17/20	No	Deemed Approved
15-2020	City of Lake Stevens, Machias Industrial Area	12/30/20	No	Deemed Approved

## 2021 PROPOSALS

BRB File	Initiator/Proposal	Filed Effective	Public Hearing	Board Action or Decision
1-2021	City of Sultan/Tortorice	1/14/21	No	Deemed Approved
2-2021	Lake Stevens Sewer Dist./Batcheldor	2/10/21	No	Deemed Approved
3-2021	City of Lake Stevens/SE ILA North	6/24/21	No	Deemed Approved
4-2021	City of Lake Stevens/SE ILA South	6/24/21	No	Deemed Approved
5-2021	Town of Darrington/Cummings	8/11/21	No	Withdrawn
6-2021	City of Monroe/Woodlands	9/3/21	No	Deemed Approved
7-2021	Town of Darrington/Cummings	12/2/21	No	Deemed Approved
8-2021	City of Arlington/Lindsay	12/6/21	No	Deemed Approved

## 2022 PROPOSALS

BRB File	Initiator	Filed Effective	Public Hearing	Board Action or Decision
01-2022	Lake Stevens Sewer Dist./Hisey	1/10/22	No	Deemed Approved
02-2022	City of Stanwood/Kottsick	1/31/22	No	Deemed Approved
03-2022	Lake Stevens Sewer Dist./Fagerlie	5/6/22	No	Deemed Approved
04-2022	Fire Dist. 23 Merger into Fire Dist. 17	6/6/22	No	Deemed Approved
05-2022	City of Lake Stevens/Fagerlie	6/15/22	No	Deemed Approved
06-2022	Sno. Regional Fire & Rescue/Harrison	8/9/22	No	Deemed Approved
07-2022	Lake Stevens Sewer Dist./Nesse	11/14/22	No	Deemed Approved

## 2023 PROPOSALS

BRB File	Initiator	Filed Effective	Public Hearing	Board Action or Decision
2023-01	Lake Stevens Stewer District/Sparman	9/1/23	No	Deemed Approved
2023-02	City of Granite Falls/MTIL	9/1/23	No	Deemed Approved
2023-03	City of Mountlake Terrace/240 <sup>th</sup> St SW	11/15/23	No	Withdrawn
2023-04	Town of Woodway/Point Wells	11/27/23	No	Jurisdiction not Invoked

## **D. CONCLUSION**

The Boundary Review Board offers affected jurisdictions and citizens the only independent review of proposed boundary changes, particularly for citizens in unincorporated areas. The Board serves as the avenue of recourse in annexation processes and makes difficult decisions required to ensure orderly growth and development of municipalities and urban services. In 2023 and beyond, the BRB for Snohomish County is committed to ensuring the county, municipal corporations, special purpose districts, and our residents have access to independent review in support of the Growth Management Act. For further information, please visit the Boundary Review Board website here: <https://www.snohomishcountywa.gov/135/Boundary-Review-Board>

Questions may be directed to the Clerk of the Board at 425-388-3445 or [brb@snoco.org](mailto:brb@snoco.org).



## APPENDIX A – HEARINGS ADMINISTRATION ORGANIZATION

	2020	2021	2022	2023
<b>Office of Hearings Administration</b>	Peter Camp <i>Administrator</i>	Peter Camp <i>Administrator</i>	Peter Camp <i>Administrator</i>	Peter Camp <i>Administrator</i>
	Gricelda Montes <i>Administrative Specialist</i> <sup>35</sup>	Gricelda Montes <i>Administrative Specialist</i> <sup>36</sup>	Gricelda Montes <i>Administrative Specialist</i> <sup>37</sup>	Sonya Kraski <i>Administrative Specialist</i>
<b>Hearing Examiner</b>	Peter Camp <i>Hearing Examiner</i>	Peter Camp <i>Hearing Examiner</i>	Peter Camp <i>Hearing Examiner</i>	Peter Camp <i>Hearing Examiner</i>
	James P. Grifo <i>Pro Tem</i>	James P. Grifo <i>Pro Tem</i>	James P. Grifo Phil Olbrecht <i>Pro Tems</i>	Phil Olbrecht <i>Pro Tem</i>
	Kris Davis <i>Administrative Hearings Clerk</i>	Pamela Yount <i>Administrative Hearings Clerk</i>	Allegra Clarkson <i>Administrative Hearings Clerk</i>	Allegra Clarkson <i>Administrative Hearings Clerk</i>
<b>Boundary Review Board</b>	Pamela Yount <i>Administrative Hearings Clerk</i>	Pamela Yount <i>Administrative Hearings Clerk</i>	Allegra Clarkson <i>Administrative Hearings Clerk</i>	Sonya Kraski <i>Administrative Specialist</i>
		Gricelda Montes <i>Administrative Specialist</i>	Gricelda Montes <i>Administrative Specialist</i>	
<b>Board of Equalization</b>	Allegra Clarkson <i>Administrative Hearings Clerk</i>	Allegra Clarkson <i>Administrative Hearings Clerk</i>	Hannah Iverson <i>Administrative Hearings Clerk</i>	Hannah Iverson <i>Administrative Hearings Clerk</i>

<sup>35</sup> Shared with the Office of Public Advocate

<sup>36</sup> Shared with the Office of Public Advocate

<sup>37</sup> Shared with the Office of Public Advocate

## APPENDIX B – ADDING PUBLIC COMMENT TO THE RECORD

