



# Office of Hearings Administration

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2019

Hearing Examiner  
Board of Equalization  
Boundary Review Board

Peter B. Camp  
Administrator  
Hearing Examiner

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# **I. HEARING EXAMINER**

## **A. DESCRIPTION**

### 1. PURPOSE

The office of Hearing Examiner provides a quasi-judicial forum to hear and decide matters assigned to the office by ordinance.<sup>1</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.

Although the Hearing Examiner has jurisdiction over a diverse number of issues, the majority of cases involve land use, such as: approvals of preliminary subdivisions, variances, 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 animal control officers and the business license manager of the Snohomish County Auditor.

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

The Hearing Examiner decides whether to grant land use applications characterized as Type 2 decisions. SCC 30.72.020 (2015). These include: conditional use permits (CUPs) and major revisions to existing CUPs; official site plans for commercial developments in certain zones; flood hazard area variances; preliminary subdivision approvals and revisions (including rural cluster subdivisions (RCSs)); planned residential developments (PRDs); short subdivisions that include a public road dedication; boundary line adjustments; urban center developments; and, where requested by the Department of Planning and Development Services (PDS), shoreline substantial developments, shoreline conditional uses and shoreline variances.

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

The Hearing Examiner also hears appeals from administrative decisions by PDS. These are appeals from “Type 1” permits and decisions. SCC 30.71.020 (2017). Appeals from threshold determinations under the State Environmental Policy Act (SEPA) are the most common Type 1 appeals, take the most hearing time, and are typically more complex. SEPA appeals are often coupled with an underlying land use application, such as a subdivision application or land disturbing activity permit. The Hearing Examiner conducts a single open record hearing that combines both the underlying land use application and the SEPA appeal. Appeals from notices of violation of county land use regulations (code enforcement) are also characterized as Type 1 appeals by county code.

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<sup>1</sup> Chap. 2.02 Snohomish County Code (SCC). The hearing examiner system is authorized by state law. RCW 36.70.970 (1995).

#### 4. OTHER APPEALS

The Hearing Examiner also considers appeals regarding: denial or revocation of licenses such as commercial kennels; declarations of potentially dangerous and dangerous dogs; livestock at large; and violations of the county solid waste flow control ordinance.

#### B. LAND USE AND APPEAL DECISIONS ISSUED:

2017 - 2019 AT A GLANCE	DECISIONS	2017	2018	2019
	Land Use (permits, preliminary subdivisions, etc.) <sup>2</sup>	58	62	38
	Environmental (SEPA) and land use appeals <sup>3</sup>	6	4	1
	Code Enforcement Appeals <sup>4</sup>	3	4	6
	Auditor Appeals <sup>5</sup>	2	2	5
	Solid Waste Appeals <sup>6</sup>	0	0	0
	<b>TOTAL DECISIONS ISSUED<sup>7</sup></b>	<b>69</b>	<b>72</b>	<b>50</b>
<b>TOTAL DURATION OF HEARINGS (Hrs:Min)</b>	<b>88:42</b>	<b>101:23</b>	<b>32:37</b>	

OUTCOMES for APPEALS of HEARING EXAMINER DECISIONS			
<b>TO COUNCIL:</b>			
2019	18-125417 PSD	Brasswood	Appeal withdrawn
	19-104881 PSD	Remington Ranch	Appeal withdrawn
<b>TO SUPERIOR COURT</b>			
	19 100937 CT	C. Bolum Family LLC (Eric Long)	Dismissed

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

<sup>3</sup> County code classifies these activities as Type 1. SCC 30.71.020 (2017).

<sup>4</sup> Chap. 30.85 SCC.

<sup>5</sup> E.g., SCC 9.12.101 (2007).

<sup>6</sup> SCC 7.35.175 (2005).

<sup>7</sup> Several cases were dismissed, withdrawn, or settled prior to the issuance of a final decision.

<b>LAND USE CASES BY TYPE</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b><i>Land Use Decisions (Type 2)</i></b>			
Preliminary Subdivisions (Plats)	11	11	11
Rural Cluster Subdivisions	2	2	1
Rezones	24	22	18
Conditional Use Permits	16	9	5
Townhouse Unit Lot Subdivision	12	8	0
Planned Residential Developments	7	10	2
Urban Center Development	3	3	0
Site Plan Approval	8	14	18
<b><i>Land Use Appeal Cases (Type 1)</i></b>			
Environmental (SEPA)	3	3	1
Administrative Appeals	3	3	2
<b>TOTALS</b>	<b>89</b>	<b>85</b>	<b>58</b>

## 2019 APPROVED LAND USE APPLICATIONS<sup>8</sup>

File Number	Project Name	Address	Case Type	Acres	Lots
17 119821	Glacier View Estates	Snohomish	PSD/SPA	19.96	115
17 113147	Miller's Ridge	Snohomish	PSD	20.85	6
18 125309	Bertrand Short Plat	9505 27 <sup>th</sup> Ave SE, Everett	R	1.11	
18 100311	Creekside Grove SFDU	13927 14 <sup>th</sup> PI W, Lynnwood	R	7.28	
18 126638	Esther Townhomes	14824 Manor Way, Lynnwood	R	0.46	
18 117480	North Haven PRD	318 169 <sup>th</sup> SW, Bothell	R	3.43	
18 126615	Springfield Court	3421 Lincoln Way, Lynnwood	R	1.01	
18 124922	Jamison Estates PRD	3501 228 <sup>th</sup> St SE, Bothell	PRD/SPA/R	5.95	39
18 118550	King Co PSERN – Deer Creek	49509 Reiter Rd, Sultan	CUP	416.08	
18 151798	88 <sup>th</sup> Echelbarger Rezone	22314 88 <sup>th</sup> Ave W, Edmonds	R	0.69	
19 102227	Barton at Edmonds Rezone	23120 88 <sup>th</sup> Ave W, Edmonds	R	1.36	
18 113866	Aspen Heights	1702 Locust Way, Lynnwood	P	3.62	20
18 112132	Logan Short Plat	928 Logan Rd, Lynnwood	PSD/SPA/R	0.94	6
18 100552	Puget Park Townhomes	999 Pending Tract 906, Snohomish	PSD/SPA	1.07	15 units
18 126682	Trailside at Meadowdale Beach	60 <sup>th</sup> Ave W, Edmonds	PSD/SPA/R	5.3	38
18 126223	Kennedy Falls PRD	20024 York Rd, Bothell	PSD/SPA	3.05	16
17 116825	Ash Way at Pleasant Creek	16725 Ash Way, Lynnwood	SPA	5.28	265 units
17 103680	Gold Creek Community Church	21120 SR 9 SE, Woodinville	CUP	15.47	
18 121829 <i>et al</i>	Akyel Short Plat	1018 180 <sup>th</sup> St SW, Lynnwood	PRD/SPA/R	0.43	3
19 107897	Halloway Rezone	16906 17 <sup>th</sup> Ave W, Lynnwood	R	1.9	
19 108896	Echelbarger LDMR Rezone	8920 220 <sup>th</sup> St SW, Edmonds	R	0.32	

<sup>8</sup> This list does not reflect applications that were denied or remanded to PDS for further work.

## 2019 APPROVED LAND USE APPLICATIONS (continued)

File Number	Project Name	Address	Case Type	Acres	Lots / Units
18 111758	Green Crow OSO Gravel Pit	18811 SR 530 NE, Arlington	CUP	212	
18 101097	29 <sup>th</sup> Ave Short Plat	12125 29 <sup>th</sup> Ave SE, Everett	SP	4.8	9 units
18 152229	Quilceda Plat	17011 13 <sup>th</sup> Ave W, Lynnwood	PSD/SPA/R	2.17	13
18 114377	Center Road Apartments	1529 Center Rd, Everett	SPA	2.73	42 apts
18 123273	Milosav Rezone	23516 20 <sup>th</sup> Ave W, Bothell	R	0.59	
19 102118	Vantage II	12731 Mukilteo Spdwy, Lynnwood	SPA/R	12.1	176 un
19 110715	Antiabong	1314 126 <sup>th</sup> St SE, Everett	R	0.38	
18 127520	Marabella	15101 2 <sup>nd</sup> Ave W, Lynnwood	PSD/SPA	3.28	22
92-160291	LifePoint Church	14619 28 <sup>th</sup> St NE, Lk Stevens	CUP	4.77	
18 126687	Lakeside Loop SFDU	13102 Ash Way, Everett	R	3.9	
18 127770	Lynnwood L.A.B.	15315 Hwy 99, Lynnwood	SPA	1.27	4 bldg
19 104160	Ravenswood UC	16003 Admiralty Way, Lynnwood	SPA	6.2	295 un
18 127531	Holly Ridge Apartments	127 112 <sup>th</sup> St SW, Everett	SPA	4.66	121 un
18 125417	Brasswood	8028 E Lowell Larimer Rd, Snohomish	PSD/SPA	12.71	60 un
18 127782	Enchantment 90	S of 13908 110 <sup>th</sup> St NE, Granite Falls	RCS	129	38
19 104881	Remington Ranch	6500 blk of E Lowell Larimer Rd	PSD/SPA	22.59	63
19 106996	NW Wa Rehab Hospital	12911 Beverly Park Rd, Lynnwood	CUP/SPA	4.4	

### Legend

**P = Plat**  
**R = Rezone**  
**RCS = Rural Cluster Subdivision**

**SPA = Official Site Plan Approval**  
**CUP = Conditional Use Permit**  
**PRD = Planned Residential Development**







## C. APPEALS FROM ENFORCEMENT ACTIVITIES

### 1. LAND USE CODE ENFORCEMENT APPEALS

Land Use Appeals New Case Filings	2015	2016	2017	2018	2019
Notice of Violation Appeals	20	13	10	6	9
Contested Citation Appeals	5	3	2	5	2
Total New Filings	25	16	12	11	11
Number of Hearings	12	13	3	4	6
Number of Decisions Issued	12	3	3	4	6

### 2. AUDITOR'S OFFICE ENFORCEMENT ACTIVITY

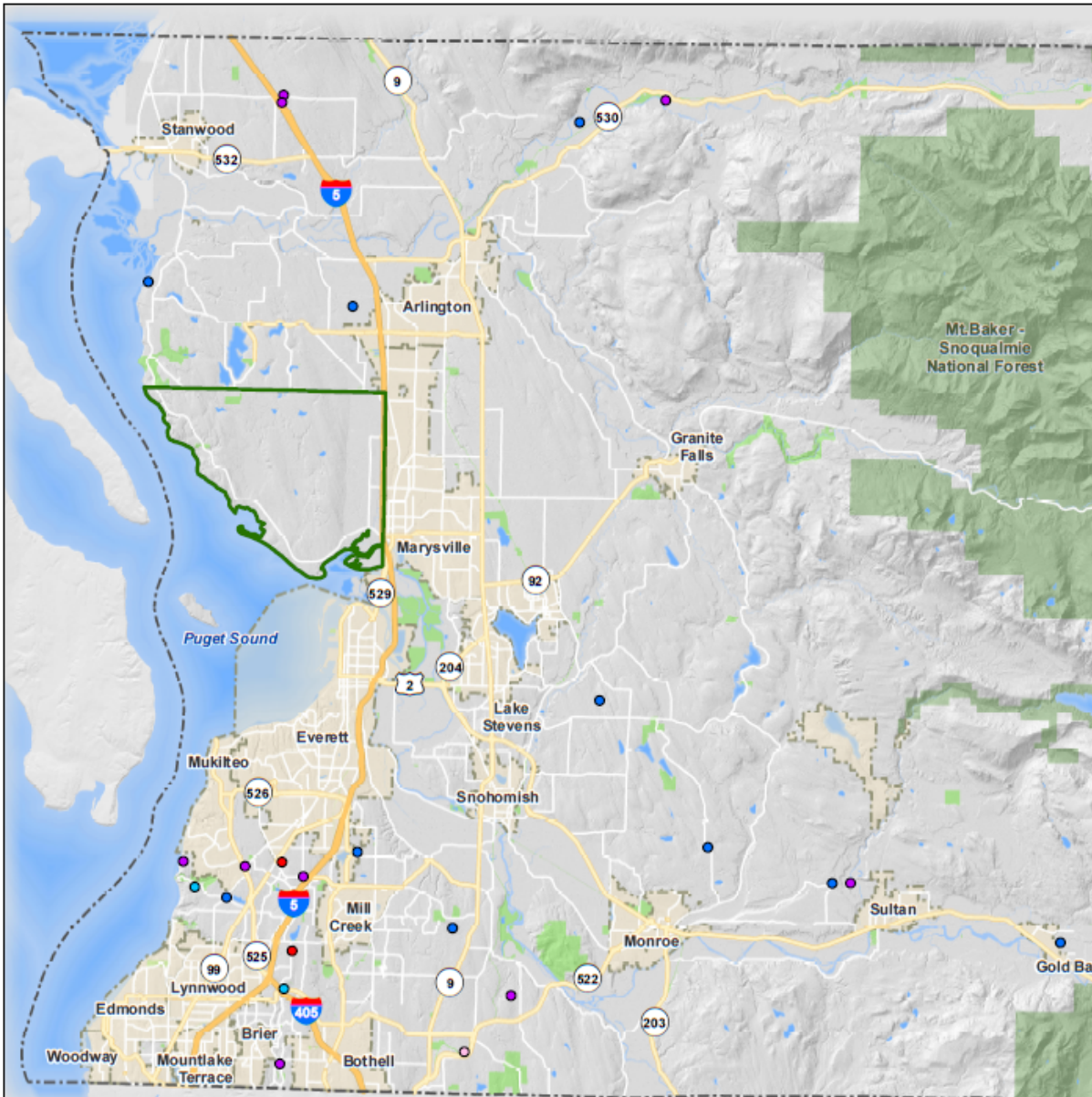
The Hearing Examiner receives several different types of appeals from the Licensing Division of the Auditor's Office, including animal control matters, licensing decisions and adult entertainment matters. Most animal control cases involve appeals by animal owners of notices of violation for leash law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

Auditor Appeal New Filings	2015	2016	2017	2018	2019
Animal Control Appeals	14	26	8	9	11
Total New Filings	14	26	8	9	11
Number of Hearings	5	8	1	3	5
Number of Decisions	6	11	1	3	5

### 3. SOLID WASTE ENFORCEMENT ACTIVITY

The Hearing Examiner hears appeals in cases involving enforcement of the county's solid waste code. No new cases were decided by the Hearing Examiner's office in the last three years.

Solid Waste Appeals	2015	2016	2017	2018	2019
Violation Notice Appeals	0	0	7	0	1
Number of Hearings	0	0	0	0	0
Number of Decisions	0	0	0	0	0



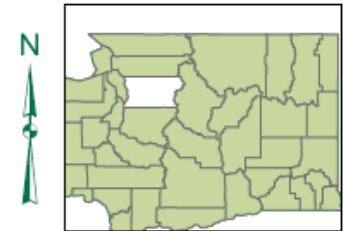
## 2019 Code Enforcement & Appeal Cases

### SNOHOMISH COUNTY

#### Case Types

- Admin Appeals
- Auditor Appeals
- Contested Citations
- Solid Waste Appeals
- Code Enforcement Violations

Tulip Reservation Boundary  
 (Boundary Not Intended to  
 Display Reservation Tidelands)



#### DATA and MAP DISCLAIMER

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official edition to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect, or omission contained within said Data. Washington State Law, Ch. 42.56 RCW prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

## II. BOARD OF EQUALIZATION

### PURPOSE

The Board of Equalization (BOE) is an independent board organized to hear appeals of real property valuations, property tax exemption denials, and other Assessor determinations. It is comprised of seven citizen members 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 environment 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).

### COMPOSITION

Board members may serve as a hearing examiner, representing the full board, or as part quorum of three members at an average of four full hearing days per month. The Clerk of the Board facilitates the hearings by meeting the administrative needs of the BOE, providing 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.

### MEMBERSHIP

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

Dennis Carlin, Chairman	Serving 2 <sup>nd</sup> term	District 2
Daniel Willner,	Serving 3 <sup>rd</sup> term	District 4
Arnold Hofmann	Serving 2 <sup>nd</sup> term	District 2
William Temple	Serving 2 <sup>nd</sup> term	District 4
Anthony Foster	Serving 2 <sup>nd</sup> term	District 1

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

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

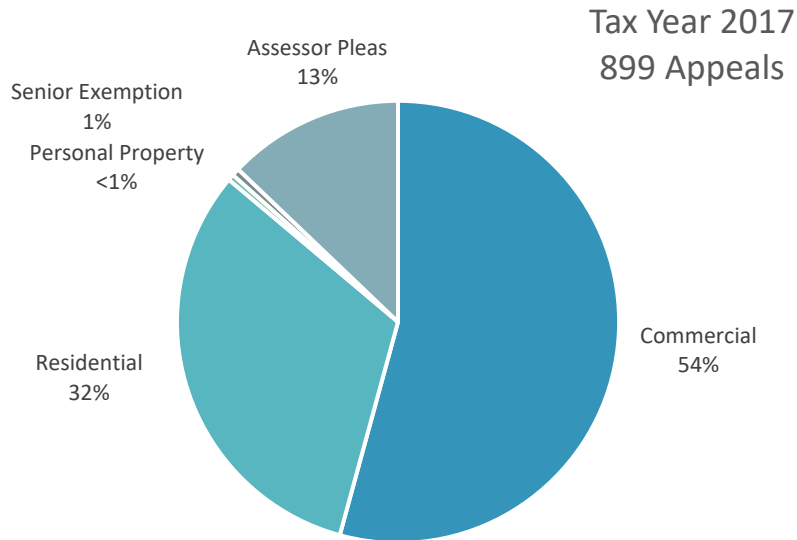
#### ***Staff:***

Allegra Clarkson, Clerk of the Board of Equalization  
Kris Davis, Administrative Hearings Clerk, Alternate  
Pamela Yount, Administrative Hearings Clerk, Alternate

## THREE-YEAR SYNOPSIS

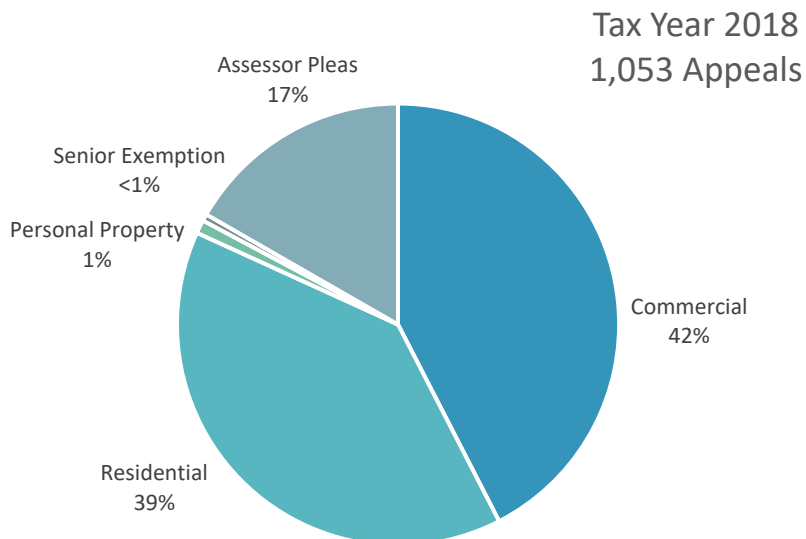
### 2017

For the 2017 tax year, the BOE held 23 hearing dates, during which time they finalized 899 appeals. Of those decisions, 73 were appealed to the BTA.



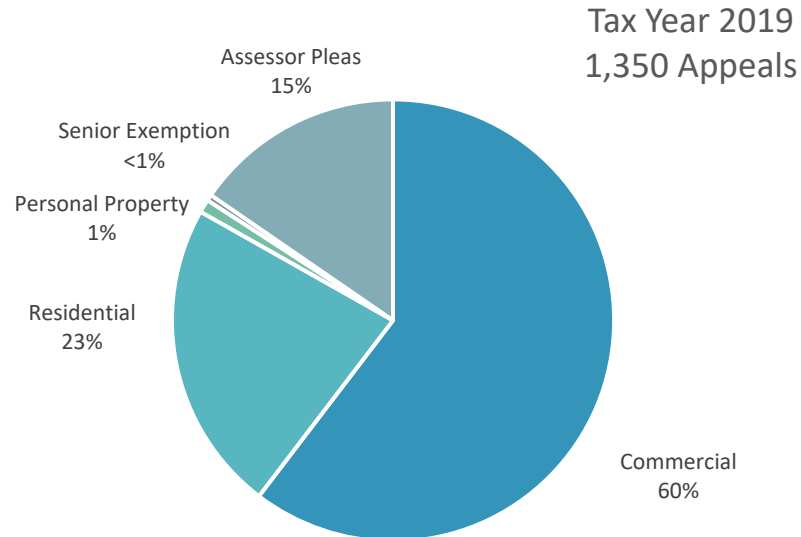
### 2018

For the 2018 tax year, the BOE held 30 hearing dates, during which time they finalized 1,053 appeals. Of those decisions, 69 were appealed to the BTA.



## 2019

For the 2019 tax year, the BOE held 33 hearing dates, during which time they finalized 1,350 appeals. Of those decisions, 86 were appealed to the BTA.



The board notes that the number of appeals for the 2019 tax year is higher than for the 2018 tax year, and conjectures that this is because Snohomish County is currently experiencing a declining market. For the 2019 tax year, assessed values were established on an assessment date of 1/1/2018. When taxpayers receive their assessed value notices approximately six months after the assessment date, often they will research values and find that the market value has already begun to drop lower than the assessed value. This may result in a slightly higher number of appeals.

For the 2020 tax year, the board has received a slightly higher number of appeals, approximately 400 of which were received via our online form. For the 2021 tax year, the board forecasts a higher appeal rate, because of a stalling or declining market.

### CONCLUSION

For 2020 and beyond, Board of Equalization and staff are dedicated to continuing education, ensuring their ability to assist and accurately inform taxpayers through their appeals. In addition to regular administrative and hearing support duties, staff will be continuing to develop further policies to integrate newer technologies into the appeal process.

Please direct any questions about the BOE or its processes to Allegra Clarkson, clerk of the board, at 425-388-3407 or [boe@snoco.org](mailto:boe@snoco.org)

### III. BOUNDARY REVIEW BOARD

#### A. PURPOSE

For over 50 years in Washington State, Boundary Review Boards have been instrumental in resolving disputes among property owners, citizens, developers, and governmental authorities. Over the past 4 years, 24 proposals (Notices of Intention) have been submitted to the Washington State Boundary Review Board for Snohomish County with 4 requests for public hearing. In each decision, the Board weighs consistency with the Growth Management Act and specific factors and objectives in state law in a timely and impartial manner.

For citizens in unincorporated areas, the Board often serves as the avenue of recourse in the city and special purpose district annexation processes. Boards make difficult decisions required to ensure orderly growth and development of municipalities and urban services.

The citizens of Snohomish County are fortunate to have a process in place that allows access to an impartial local body to mediate disputes, ensures orderly growth of cities and urban services, assists cities, towns, and districts with annexations, and provides objective analysis and fair and impartial decision-making

The Board is a quasi-judicial, administrative body empowered to make decisions on such issues as incorporations, annexations, mergers, etc., by cities, towns, and special purpose districts. It can approve, modify, and approve or deny a proposal. Board decisions are final unless appealed to the Superior Court of the County under the law.

#### B. COMPOSITION

The Boundary Review Board members of counties with a population of less than one million shall consist of five members chosen as follows: Two persons appointed by the Governor, one person appointed by the county appointing authority, one person appointed by the mayors of cities and towns located within the county, and one person appointed by the board from nominees of special districts in the county.<sup>13</sup> There is no limit to the number of terms served by members.

#### C. MEMBERSHIP

Member	Appointing Authority	Term Serving	Term Ends
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	Cities & Towns	2 <sup>nd</sup>	01/31/2021
Charles Fritz	Snohomish County	1 <sup>st</sup>	01/31/2023
Alison Sing	Special Purpose Districts	4 <sup>th</sup>	02/28/2023

<sup>13</sup> RCW 36.93.061.

## D. THREE YEAR SYNOPSIS

The Boundary Review Board for Snohomish County has been steadily active over the last three years. Each notice of intention received becomes filed effective on the date it is deemed legally sufficient, by the clerk, according to state law<sup>14</sup> and adopted [Organization and Rules of Practice and Procedure](#).

### Proposals Filed in 2019

BRB File	Initiator	File Date	Public Hearing	Board Action or Decision
01-2019	Lake Stevens Fire District – Merger to SC FPD#7	04/04/2019	No	Deemed Approved
02-2019	City of Lake Stevens – Southeast Island	04/08/2019	No	Deemed Approved
03-2019	City of Lake Stevens – Adrian	04/30/2019	No	Deemed Approved
04-2019	City of Sultan – Wyndham Highlands 2	05/13/2019	No	Deemed Approved
05-2019	South Snohomish County Fire & Rescue – Glacier View	09/10/2019	No	Deemed Approved

### Proposals Filed in 2018

BRB File	Initiator	File Date	Public Hearing	Board Action or Decision
01-2018	City of Lake Stevens – Pellerin	03/23/2018	No	Deemed Approved
02-2018	Lake Stevens Sewer District – Pellerin	04/30/2018	07/10/2018	Approved
03-2018	City of Sultan – Wyndham Highlands	06/05/2018	No	Deemed Approved
04-2018	City of Lake Stevens – Rhodora	07/17/2018	10/01/2018	Approved – Appeal Dismissed
05-2018	Lake Stevens Sewer District – Metcalf	08/28/2018	No	Deemed Approved
06-2018	SC FPD#1 – Dissolution	10/18/2018	No	Deemed Approved
07-2018	City of Monroe – MainVue Stahl	12/06/2018	No	Deemed Approved

### Proposals Filed in 2017

BRB File	Initiator	File Date	Public Hearing	Board Action or Decision
01-2017	City of Marysville – WSDOT Right of Way	02/13/2017	No	Deemed Approved
02-2017	City of Shoreline – Assumption of RWW	03/16/2017	06/15/2017	Denied - Appealed
03-2017	City of Stanwood – Schmakeit	03/17/2017	No	Deemed Approved
04-2017	City of Lynnwood – Sewer Service	03/31/2017	No	Deemed Approved



05-2017	Lake Stevens Sewer District – Mountain View	05/26/2017	No	Deemed Approved
06-2017	City of Sultan – Tortorice	08/29/2017	No	Withdrawn
07-2017	City of Lynnwood – Calvary	10/12/2017	No	Deemed Approved
08-2017	SC FPD #26 & #28 Merger	11/14/2017	No	Deemed Approved

<sup>14</sup> RCW 36.93.061.

## E. CONCLUSION

In 2019 and beyond, the Washington State Boundary Review Board for Snohomish County will continue to serve the County, municipal corporations, special purpose districts, and citizens by providing guidance and giving all parties an equal standing with regards to annexation, incorporation, and boundary changes.

Questions may be directed to Pamela Yount, Clerk at 425-388-3445 or [Pamela.Yount@snoco.org](mailto:Pamela.Yount@snoco.org).

# APPENDIX A 2019 ORGANIZATION CHART

## Boundary Review Board

**Pamela Yount**  
Administrative  
Hearings Clerk

## Hearing Examiner

**Kris Davis**  
Administrative Hearings Clerk

## Board of Equalization

**Allegra Clarkson**  
Administrative Hearings Clerk

## Office of Hearings Administration 2019

**Peter Camp**  
Administrator  
and  
Hearing Examiner

**Gricelda Montes**  
*Shared with  
Office of Public Advocate*  
Administrative Specialist