



# Office of Hearings Administration

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2017

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

2015 - 2017 AT A GLANCE	DECISIONS	2015	2016	2017
	Land Use (permits, preliminary subdivisions, etc.) <sup>2</sup>	56	43	58
	Environmental (SEPA) and land use appeals <sup>3</sup>	5	7	6
	Code Enforcement Appeals <sup>4</sup>	12	3	3
	Auditor Appeals <sup>5</sup>	6	11	2
	Solid Waste Appeals <sup>6</sup>	0	0	0
	<b>TOTAL DECISIONS ISSUED<sup>7</sup></b>	<b>74</b>	<b>56</b>	<b>69</b>
<b>TOTAL DURATION OF HEARINGS (Hrs:Min)</b>	<b>116:03</b>	<b>102:38</b>	<b>88:42</b>	

OUTCOMES for APPEALS of HEARING EXAMINER DECISIONS			
2017	<b>TO COUNCIL:</b>		<b>0</b>
	None		
	<b>TO SUPERIOR COURT</b>		<b>3</b>
	16 115373	Steven Schwartz	<b>Affirmed</b>
	16 002 & 16 114263	Sno Co Airport / BE Aerospace      King Co	<b>Dismissed</b>
	16 110052	Manor Heights	<b>Dismissed</b>
	<b>TO COURT OF APPEALS</b>		<b>1</b>
16 115373	Steven Schwartz	(No hearing scheduled yet)	

<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>2015</b>	<b>2016</b>	<b>2017</b>
<b><i>Land Use Decisions (Type 2)</i></b>			
Preliminary Subdivisions (Plats)	7	15	11
Rural Cluster Subdivisions	3	0	2
Rezones	31	12	24
Conditional Use Permits	14	7	16
Townhouse Unit Lot Subdivision	3	4	12
Planned Residential Developments	7	5	7
Urban Center Development	2	1	3
Site Plan Approval	0	2	8
<b><i>Land Use Appeal Cases (Type 1)</i></b>			
Environmental (SEPA)	2	5	3
Administrative Appeals	3	2	3
<b>TOTALS</b>	<b>72</b>	<b>53</b>	<b>89</b>

## 2017 APPROVED LAND USE APPLICATIONS<sup>8</sup>

File Number	Project Name	Address	Case Type	Acres	Lots
16 103579	Avalon Northcreek Apts	19720 Bothell Everett Hwy, Bothell	UCD	10.07	316 units
16 103486	Crider Veterinary Clinic	2229 132 <sup>nd</sup> Street SE, Everett	CUP	0.41	
16 110838	Todd Liljebeck	9009 222 <sup>nd</sup> Street SE, Woodinville	CUP	5.38	
08 108942	Karen's Pacific Heights	9620 SR-530 NE, Arlington	RCS	21.85	10
16 100608	Aravalli PRD	19910 13 <sup>th</sup> Drive SE, Bothell	PRD / SEPA	12.8	73
15 105381	Arcadia SFDU	13032 Admiralty Way, Everett	TULS	12.9	91 units
16 118548	Melgard Rezone	12131 11 <sup>th</sup> Pl W, Everett	R	0.31	
16 117201	Cushman Trails II	21506 45 <sup>TH</sup> Avenue SE, Bothell	PRD	4.5	25
15 115307	Braemar East	1421 Seattle Hill Road, Bothell	TULS	13.99	140 units
16 117326	Bianchi Kennel	19304 8 <sup>th</sup> Avenue NW, Arlington	CUP	9.56	
16 114188	Lakeshire	155 <sup>th</sup> Street SW, Lynnwood	P	10.04	40
15 118526	Ash Way Townhomes	13411 Ash Way, Everett	TULS	0.81	13 units
15 118275	Fern Crest	23003 41 <sup>st</sup> Avenue SE, Bothell	P	5.06	19
16 113051	Gardner Grove SFDU	103 Hubbard Road, Lynnwood	R	1.41	
17 100392	McDonald Rezone	Arlington	R	5	
17 103797	Kush Pointe	11811 Mukilteo Speedway, Mukilteo	CUP	1.96	
17 102947	Wes Pond Garage	3115 Newberg Road, Snohomish	CUP	2.62	
14 106279	156th St Townhomes	3314 156 <sup>th</sup> Street SW, Lynnwood	TULS	1.04	21 units
17 103789	Zollman Rezone	8826 228 <sup>th</sup> Street SW, Edmonds	R	0.37	
16 114148	Sno Co Fire Dist 7	19424 Fales Road, Snohomish	CUP / V	5.08	

## 2017 APPROVED LAND USE APPLICATIONS (continued)

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

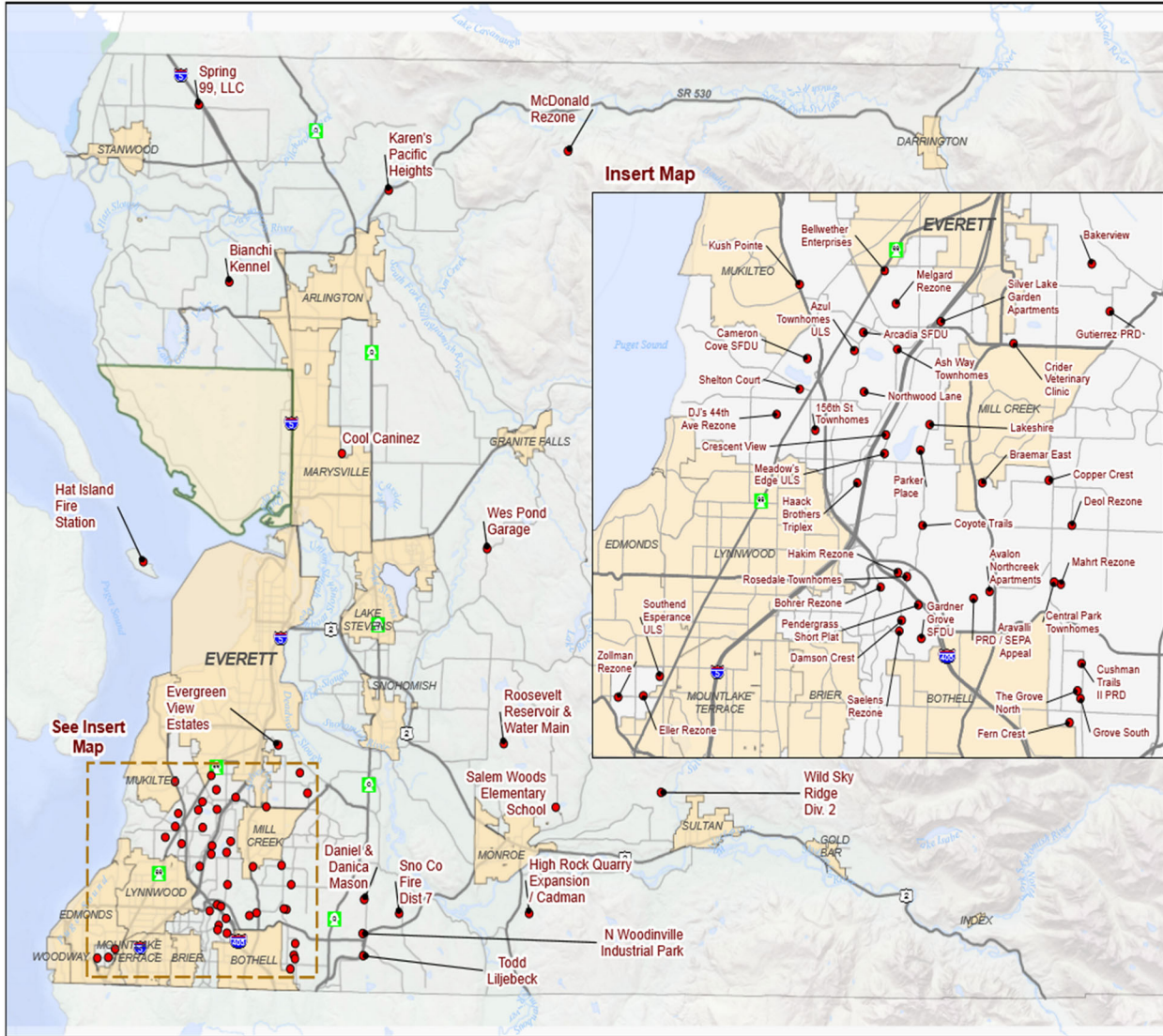
File Number	Project Name	Address	Case Type	Acres	Lots / Units
16 121476	Damson Crest	20515 Damson Road, Lynnwood	R / SPA	1.09	11 units
17 106118	Bellwether Enterprises	11311 Highway 99, Everett	CUP		
16 118866	Copper Crest	3321 168th Street SE, Bothell	PRD/R/SPA	2.5	18
16 117632	Salem Woods Elementary	12802 Wagner Road, Monroe	CUP	13.87	
17 107297	Mahrt Rezone	19420 39 <sup>TH</sup> Avenue SE, Lot 2, Bothell	R	4.78	
16 115162	Southend Esperance ULS	7632 222 <sup>nd</sup> Street SW, Edmonds	TULS	1.06	19
17 107876	Shelton Court	3726 Shelby Road, Lynnwood	R	0.92	
16 111260	Gutierrez PRD	12214 51 <sup>ST</sup> Avenue SE, Everett	PRD/R/SPA	1.02	6
17 105561	Eller Rezone	22725 82 <sup>nd</sup> Avenue W, Edmonds	R	0.29	
16 113492	Northwood Lane	14514 Jefferson Way, Lynnwood	TULS / R	1.02	11 units
17 100196	Daniel & Danica Mason	18628 Broadway Avenue, Snohomish	CUP	1.35	
17106384	Bohrer Rezone	19705 Locust Way, Lynnwood	R	0.57	
16 101918	N Woodinville Industrial Park	Snohomish	SPA	9.6	
17 103662	Cool Caninez	9025 67 <sup>th</sup> Avenue NE, Marysville	CUP	5.04	
17 103742	Central Park Townhomes	19417 35 <sup>th</sup> Avenue SE, Lot 2, Bothell	TULS	11.87	172 units
10 101204	Bakerview	4330 108 <sup>th</sup> Street SE, Everett	P/R/SEPA	41	97
17 103231	The Grove North	22216 45 <sup>th</sup> Avenue SE, Bothell	PRD/V/SPA	6.14	43
15 109282	Spring 99, LLC	30126 Old Hwy 99 N., Stanwood	CUP	8.1	
17 112010	Saelens Rezone	20809 Damson Rd, Lynnwood	R	0.53	
17 105170	Silver Lake Garden Apts	101 128 <sup>th</sup> Street SE, Everett	UCD	6.17	192 units
16 105910	Meadow's Edge ULS	16201 Meadow Road, Lynnwood	TULS	1.83	32 units
17 111065	Azul Townhomes ULS	13420 Manor Way, Lynnwood	TULS	4.44	42 units

## 2017 APPROVED LAND USE APPLICATIONS (continued)

File Number	Project Name	Address	Case Type	Acres	Lots / Units
16 119066	Crescent View	15706 Meadow Road, Lynnwood	TULS	4.567	87 units
17 113142	DJ's 44th Ave Rezone	15220 44th Avenue W, Lynnwood	R	0.39	
17 113232	Pendergrass SP	20115 S Danvers Road, Lynnwood	R	0.55	
16 109126	High Rock Quarry / Cadman	Monroe	CUP	40	
17 114561	Cameron Cove SFDU	3520 Lincoln Way, Lynnwood	R / SPA	0.605	6 units
17 107744	Roosevelt Reservoir & Water	9004 Trombley Road, Snohomish	CUP	2.29	
17 108017	Parker Place	16032 2 <sup>nd</sup> Place W, Lynnwood	P	1.92	8
16 118863	Hat Island Fire Station	100-F Admiralty Drive, Hat Island	CUP	0.7	
17 106469	Haack Brothers Triplex	2031 170 <sup>th</sup> Street SW, Lynnwood	UCD	0.17	
17 111876	Hakim Rezone	903 Kentish Road, Lynnwood	R	0.32	
16 118703	Evergreen View Estates	31 <sup>st</sup> Avenue SE, Everett	PRD	3.5	25
06 126793	Wild Sky Ridge Div. 2	Monroe	RCS	64.64	17
17 110926	Grove South	22422 45 <sup>th</sup> Avenue SE, Bothell	PRD / SPA	1.42	9
17 101208	Coyote Trails	Monroe	PRD/R/SPA	3	22
17 112485	Rosedale Townhomes	19403 7 <sup>th</sup> Avenue W., Lynnwood	P	1.13	20 units
17 114561	Deol Rezone	17919 Sunset Road, Bothell	R	0.0	

<b>Legend</b>	<b>P = Plat</b>	<b>SPA = Official Site Plan Approval</b>
	<b>R = Rezone</b>	<b>CUP = Conditional Use Permit</b>
	<b>RCS = Rural Cluster Subdivision</b>	<b>TULS = Townhouse Unit Lot Subdivision</b>
	<b>V = Variance</b>	<b>SEPA = Appeal of a Determination of Non-significance</b>
	<b>UCD = Urban Center Development</b>	<b>PRD = Planned Residential Development</b>

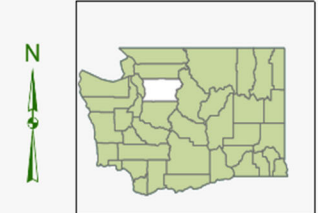




## Approved Land Use Applications 2017

### SNOHOMISH COUNTY

- Land Use Applications approved in 2017
- Highways and Major Roads
- Tulalip Reservation Boundary (Boundary Not Intended to Display Reservation Tidelands)
- Incorporated Cities



**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 citation 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.

## C. APPEALS FROM ENFORCEMENT ACTIVITIES

### 1. LAND USE CODE ENFORCEMENT APPEALS

Land Use Appeals New Case Filings	2013	2014	2015	2016	2017
Notice of Violation Appeals	11	8	20	13	10
Contested Citation Appeals	2	2	5	3	2
Total New Filings	14	10	25	16	12
Number of Hearings	6	4	12	13	3
Number of Decisions Issued	6	4	12	3	3

### 2. AUDITOR'S OFFICE ENFORCEMENT ACTIVITY

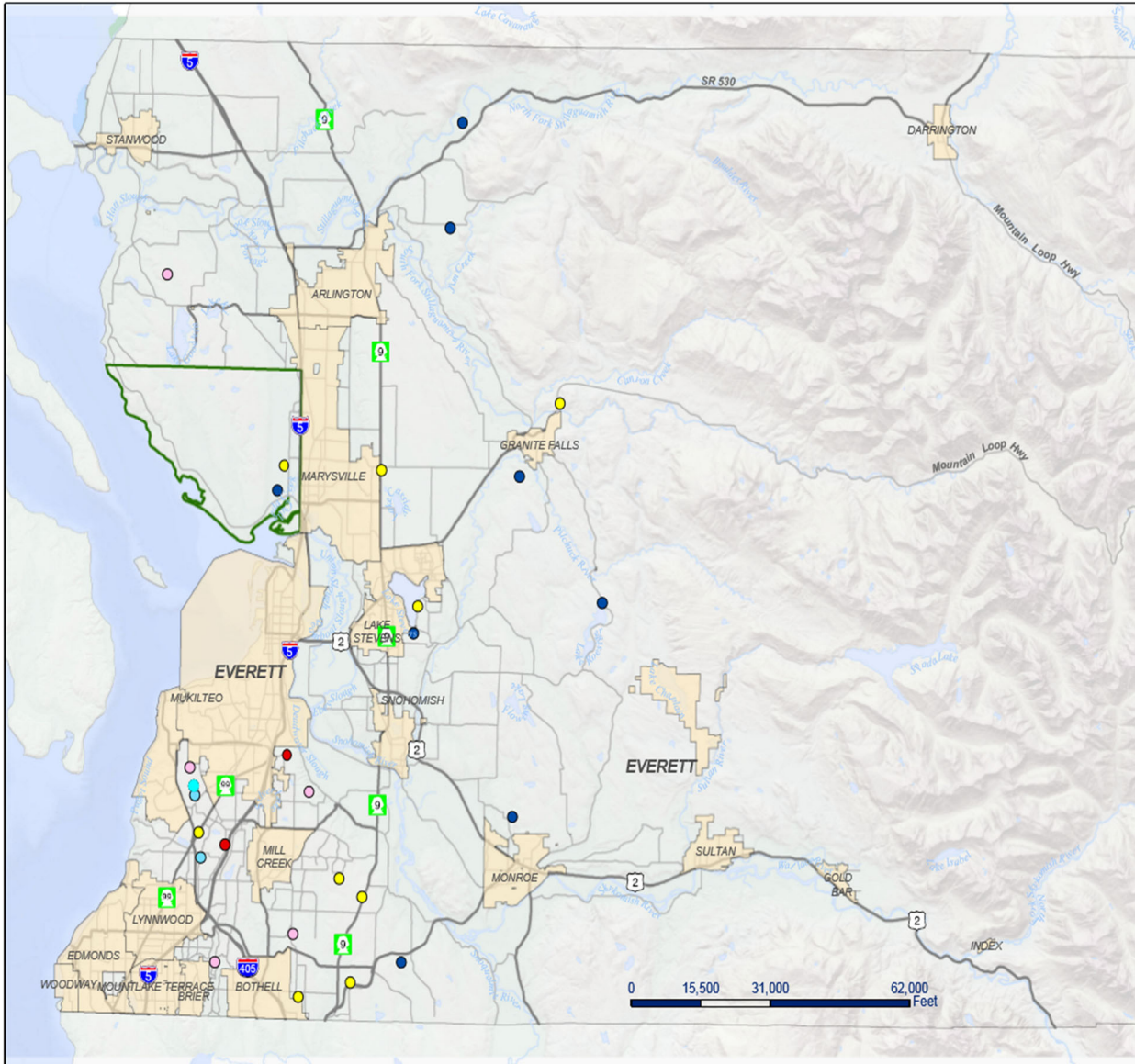
The Hearing Examiner receives several different types of appeals from the Licensing Division of the Auditor's Office, including animal control matters, licensing decisions and adult entertainment matters. Most animal control cases involve appeals by animal owners of notices of violation for leash law 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	2013	2014	2015	2016	2017
Animal Control Appeals	11	11	14	26	8
Total New Filings	11	11	14	26	8
Number of Hearings	5	6	5	8	1
Number of Decisions	5	6	6	11	1

### 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	2013	2014	2015	2016	2017
Violation Notice Appeals	3	0	1	7	0
Number of Hearings	0	0	0	0	0
Number of Decisions	2	0	0	0	0



## 2017 Code Enforcement & Appeal Cases

### SNOHOMISH COUNTY

#### Case Types

- Admin Appeals
- Auditor Appeals
- Contested Citations
- PDS Violations
- SEPA Appeals
- Incorporated Cities
- Tulalip Reservation Boundary  
(Boundary Not Intended to Display Reservation Tidelands)



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## 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:***

Daniel Willner, Chairman	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
Dennis Carlin	Serving 2 <sup>nd</sup> term	District 2
Anthony Foster	Serving 2 <sup>nd</sup> term	District 1

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

Kathleen Santti	Serving 1 <sup>st</sup> term	District 2
Justin McMahon	Serving 1 <sup>st</sup> term	District 3

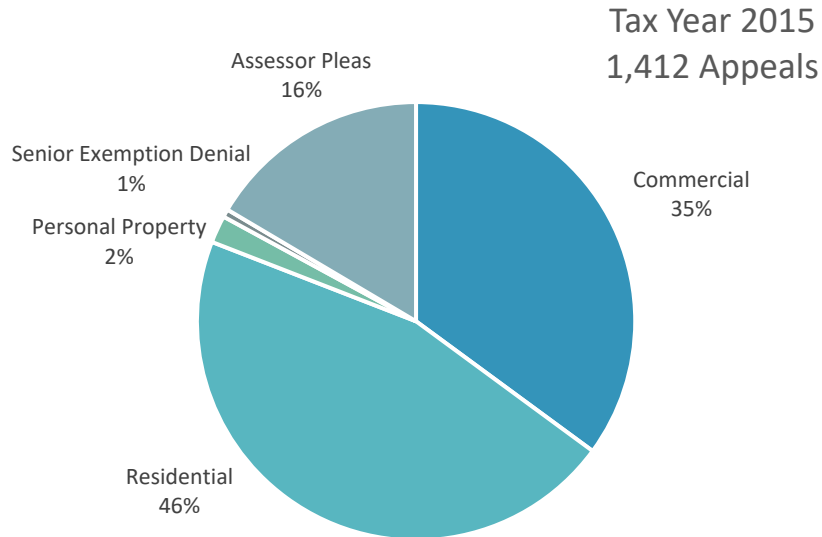
#### ***Staff:***

Allegra Clarkson, Clerk of the Board of Equalization  
Kris Davis, Administrative Hearings Clerk, Alternate  
Heidi Turner, Administrative Hearings Clerk, Alternate

## THREE-YEAR SYNOPSIS

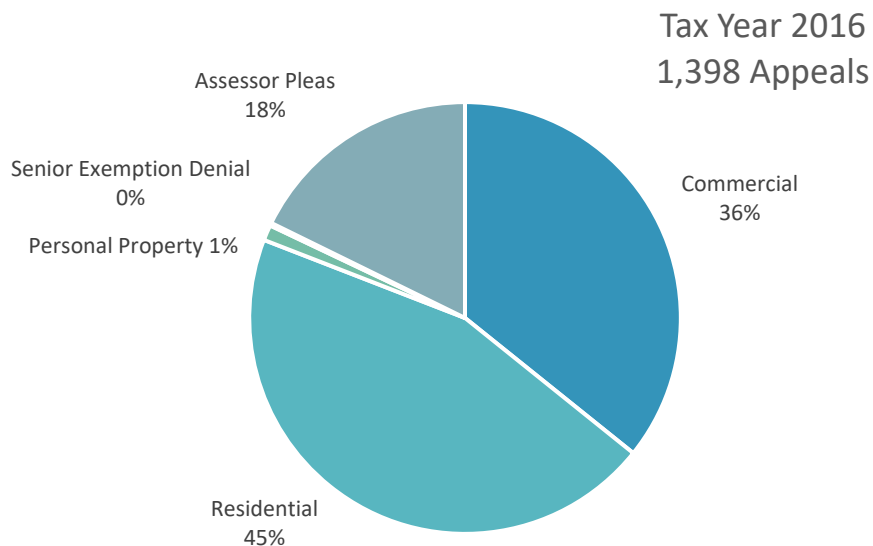
### 2015

The Board held 42 hearing dates for the 2015 tax year during which time they finalized 1,412 appeals. Of those decisions, 139 were appealed to the BTA.



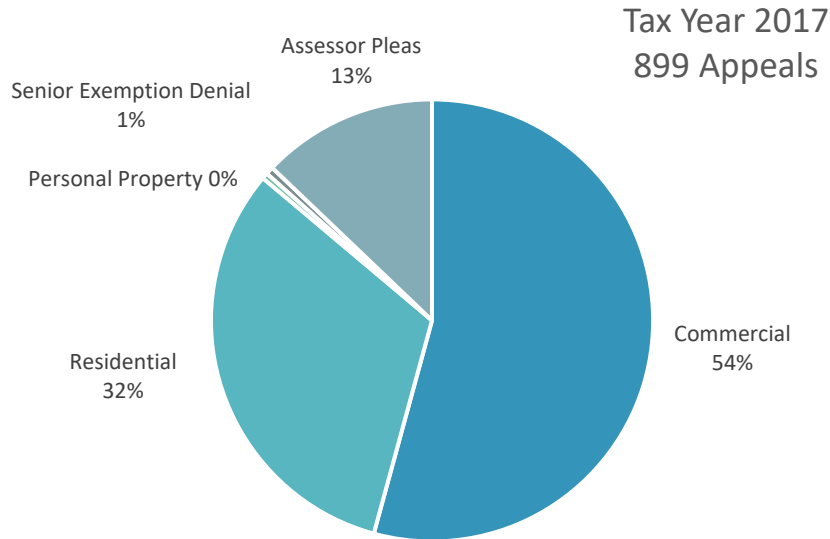
### 2016

For the 2016 tax year, the Board held 28 hearing dates, during which time they finalized 1,398 appeals. Of those decisions, 131 were appealed to the BTA.



## 2017

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



The Board notes that the number of appeals is lower than in previous years, and conjectures that this is because Snohomish County is currently experiencing a rapidly rising market. For the 2017 tax year, assessed values were established on an assessment date of 1/1/2016. When taxpayers receive their assessed value notices, often they will research values and find that the market value has already risen past the assessed value. This may result in a lower number of appeals.

For the 2018 tax year, the board has received a slightly higher number of appeals, which are now in process. For the 2019 tax year, the Board forecasts a much higher appeal rate, because of recent changes in property tax legislation.

## CONCLUSION

For 2018 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 developing further policies to integrate newer technologies into the hearing process.

Please direct any questions about the BOE or its processes to Allegra Clarkson, Clerk of the Board, at 425-388-3407 or [allegra.clarkson@snoco.org](mailto:allegra.clarkson@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
Brian Lambert, Chair	Governor	2 <sup>nd</sup>	01/31/2019
Henry Veldman, Vice Chair	Cities & Towns	2 <sup>nd</sup>	01/31/2021
Mark Beales	Snohomish County	3 <sup>rd</sup>	01/31/2019
Alison Sing	Special Purpose Districts	3 <sup>rd</sup>	02/28/2019
Chad Bates	Governor	1 <sup>st</sup>	01/31/2021

<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 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

### Proposals Filed in 2016

BRB File	Initiator	File Date	Public Hearing	Board Action or Decision
01-2016	SC FPD #3 & #7 Merger	03/28/2016	No	Deemed Approved
02-2016	City of Sultan – 124 <sup>th</sup> Street	04/04/2016	08/18/2016; 08/25/2016	Approved - Appealed
03-2016	Town of Woodway – Upper Bluff	05/09/2016	No	Deemed Approved
04-2016	City of Stanwood – Tarte	06/01/2016	No	Waiver Approved
05-2016	City of Stanwood – Ovenell	06/01/2016	No	Deemed Approved
06-2016	City of Lynnwood - Sewer & Water Service Calvary	06/28/2016	No	Deemed Approved

### Proposals Filed in 2015

BRB File	Initiator	File Date	Public Hearing	Board Action or Decision
01-2015	City of Brier – North Castle Way	01/13/2015	No	Deemed Approved
02-2015	City of Sultan – Doughnut Hole	05/10/2015	No	Waiver Approved
03-2015	City of Stanwood – 276 <sup>th</sup> NW Josephine Sunset	06/02/2015	No	Waiver Approved
04-2015	SC FPD#3 – Monroe Woodlands	06/24/2015	No	Deemed Approved



05-2015	SC Drainage & Diking District #7 Full Annexation	08/11/2015	No	Deemed Approved
06-2015	SC FPD#3 – Partial Merger from FD#7 Strom Property	10/30/2015	No	Deemed Approved
07-2015	City of Snohomish – 13 <sup>th</sup> Street & Ave A	12/10/2015	No	Waiver Approved

<sup>14</sup> RCW 36.93.061.

## **E. CONCLUSION**

In 2017 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 2017 ORGANIZATION CHART

