

Office of Hearings Administration

2018

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.¹ 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.

¹ 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 8flow control ordinance.

B. LAND USE AND APPEAL DECISIONS ISSUED:

	DECISIONS	2016	2017	2018
8 CE	Land Use (permits, preliminary subdivisions, etc.) ²	43	58	62
2018 -ANCE	Environmental (SEPA) and land use appeals ³	7	6	4
2016 - 2 T A GL	Code Enforcement Appeals ⁴	3	3	4
20, \T A	Auditor Appeals ⁵	11	2	2
_	Solid Waste Appeals ⁶	0	0	0
	TOTAL DECISIONS ISSUED ⁷	56	69	72
	TOTAL DURATION OF HEARINGS (Hrs:Min)	102:38	88:42	101:23

	OUTCOMES for APPEALS of HEARING EXAMINER DECISIONS						
			TO COUNCIL:				
	13 114228 CUP	Verizon PWTF – Lk	Ketchum	Affirmed			
	11 101457 LU	BSRE Point Wells		Affirmed			
2018			TO SUPERIOR COURT	Г			
20	11 101457 LU	BSRE Point Wells	(King Co Sup Ct)	Remanded			
			TO COURT OF APPEAL	S			
	16 115373 CT	Steven Schwartz		Dismissed			
	05 123050 SD	Frognal Estates		Affirmed			

² County code classifies these activities as Type 2. SCC 30.72.020 (2015).

³ County code classifies these activities as Type 1. SCC 30.71.020 (2017).

⁴ Chap. 30.85 SCC.

⁵ E.g., SCC 9.12.101 (2007). ⁶ SCC 7.35.175 (2005).

⁷Several cases were dismissed, withdrawn, or settled prior to the issuance of a final decision.

LAND USE CASES BY TYPE	2016	2017	2018
Land Use Decisions (Type 2)			
Preliminary Subdivisions (Plats)	15	11	11
Rural Cluster Subdivisions	0	2	2
Rezones	12	24	22
Conditional Use Permits	7	16	9
Townhouse Unit Lot Subdivision	4	12	8
Planned Residential Developments	5	7	10
Urban Center Development	1	3	3
Site Plan Approval	2	8	14
Land Use Appeal Cases (Type 1)			
Environmental (SEPA)	5	3	3
Administrative Appeals	2	3	3
TOTALS	53	89	85

2018 APPROVED LAND USE APPLICATIONS ⁸					
File Number	Project Name	Address	Case Type	Acres	Lots
17 103025	Meadow Road Rezone	14004 Meadow Rd, Everett	R	1.9	
17 108077	Elementary School #18 (Everett)	4328 174th St SE, Bothell	CUP	18.599	
17 113148	Bruns Marijuana Retail Store	517 128th St SW, Everett	CUP	0.41	
17 108064	Nelson Broadway Property	19926 Broadway Ave, Snohomish	SPA	9.84	
17 116993	Shelton Court Rezone	3804 Shelby Rd, Lynnwood	R	0.94	
17 116907	Grant Gemza Rezone	22207 82nd PI W, Edmonds	R	0.82	
17 118136	Dever Rezone	17125 North Rd, Bothell	R	0.91	
17 112981	Manchester Court	4504 141st St SE, Snohomish	R/P/SPA	4.12	25
16 108593	Sherwood Forest	192nd St NW, Stanwood	SEPA	38.1	
17 100233	Harmony Phase II	4123 148th St SE, Bothell	SPA	1.29	70-un
09 100067	Sterling Meadows	154th Dr NE, Snohomish	RCS	20.9	6
08 108371	Machias Meadows	Utley Road, Snohomish	RCS	10.96	5
16 100928	Forest on Filbert	1225 Filbert Rd, Lynnwood	TULS	3.01	33-un
15 116018	Lk Stickney Trails	13709 Admiralty Way, Lynnwood	TULS/SPA	7.83	66-un
17 106648	Talavera Highlands	23208 45th Ave SE, Bothell	PRD/SPA	3.79	20
13 114228	Verizon PWTF - Lk Ketchum	32101 76th Ave NW, Stanwood	CUP	10	
17 113129	Lake Stickney Parkway	1325 Madison Way, Lynnwood	R	6.13	
17 119784	Winesap	128 Winesap Rd, Bothell	R	0.89	
17 115028	Westlake Townhomes ULS	3325 156th St SW, Lynnwood	TULS	1.8	39-un
17 109626	hypeHERBALly	14702 Hwy 99, Lynnwood	CUP	0.75	
18 100515	Newton Rezone	15101 40th Ave W, Lynnwood	R	0.98	

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

	2018 APPROVED LAND USE APPLICATIONS (continued)					
File Number	Project Name	Address	Case Type	Acres	Lots / Units	
18 100771	4405 141st Street Rezone	4405 141st St SE, Snohomish	R	1.31		
17 118355	Glen Cove Estates PRD	21326 45th Ave SE, Bothell	PRD	6.05	29	
15 115842	Woodland Park Estates	12718 35th Ave SE, Everett	TULS	3.29	37-un	
17 102143	Bellflower Woods I	18220 Bellflower Rd, Bothell	P/SEPA	3.63	23	
17 102146	Bellflower Woods II	18202 Bellflower Rd, Bothell	P/SEPA	2.78	17	
17 113046	45th Ave Daycare	22521 45th Ave SE, Bothell	CUP	0.96		
18 100398	Hidden River Middle School	9224 Paradise Lk Rd, Snohomish	SPA	32.7		
11 101457	Point Wells	20500 Richmond Beach Dr NW, Shoreline	UCD	60.9	many	
16 112922	Lenz Ent Mineral Extraction	5210 SR-532, Stanwood	CUP	108		
17 118197	John Case	15709 56th Ave NW Lot 7, Stanwood	CUP	4.22		
17 105400	Rice Short Plat	1403 126th St SE, Everett	R	0.5		
17 101359	Tulalip Shores Distribution System	9509 66th Ave NW, Marysville	CUP	0.23		
16 121812	Jonathon Rd	23 Jonathan Rd, Bothell	PRD	2.25	16	
17 113250	Stratton Crest	14524 Ash Way, Lynnwood	R	2.37		
17 110535	Maltby Elementary/Middle School	4709 Maltby Rd, Woodinville	CUP	32.14		
15 119230	Logan Woods	21204 Locust Way, Lynnwood	P/R	2.92	14	
17 106894	Greater Residence Apts	16224 Meadow Rd, Lynnwood	UCD	1.46	123-un	
17 119146	Silver Glen Meadows	12004 25th Ave SE, Everett	PRD	3.65	25	
18 114704	4228-141st St SE Rezone	4228 141st St SE, Snohomish	R	0.85		
17 111140	Milagro	132 155th St SW, Lynnwood	P/SPA	1.88	14	
17 111671	Allegro at Ash Creek Phase II	16525 Ash Way, Lynnwood	UCD	2.55	126	
17 118267	Sires Ridge	19310 Grannis Rd, Bothell	PRD	2.85	15	

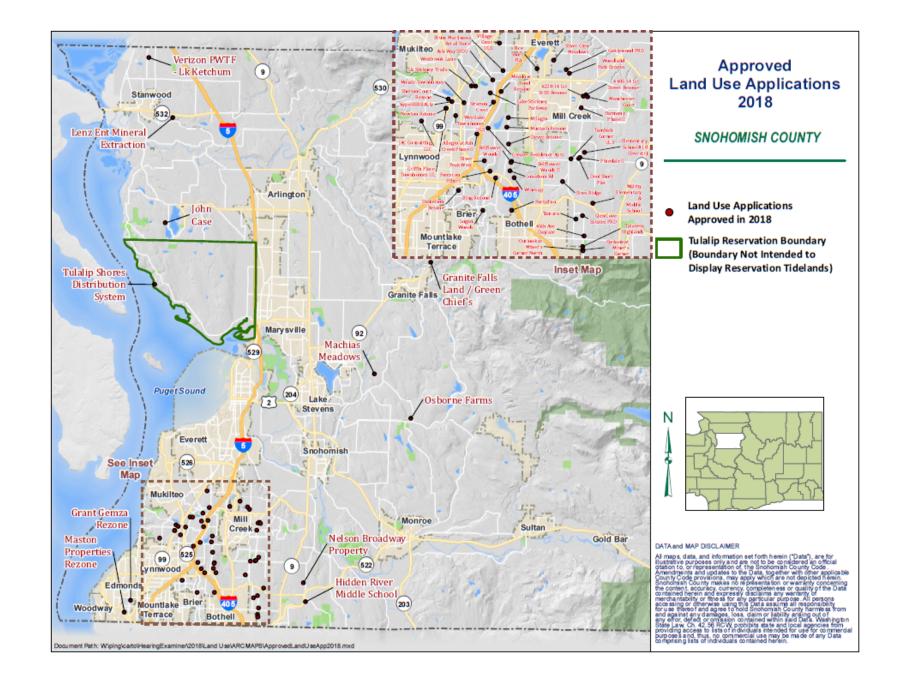
2018 APPROVED LAND USE APPLICATIONS (continued)					
File Number	Project Name	Address	Case Type	Acres	Lots / Units
16 120196	Mosaic Townhomes	2823 148th St SW, Lynnwood	TULS	1	21-un
16 107888	Tambark Corner ULS	17927 35th Ave SE, Bothell	TULS	1.93	18-un
16 100890	Village Crest ULS	729 112th St SW, Everett	TULS	2.4	31-un
17 119708	Portafino	21120 W Richmond Rd, Bothell	P/SPA/R	4.98	25
18 117380	Danielson Rezone	3106 200th PI SW, Lynnwood	R	0.36	
18 100652	Tamara	21515 39th Ave SE, Bothell	PRD	2.26	13
18 112288	Griffin Place Townhomes ULS	15101 40th Ave W, Lynnwood	TULS/SPA	0.98	20-un
17 118799	Mustach Rezone	16118 2nd Pl W, Lynnwood	R	0.55	
17 112990	Westbrook Lane	13704 Manor Way, Lynnwood	P/SPA	2.79	46
18 112246	Silver Peak West	18225 16th PI W, Lynnwood	P/R/SPA	6.03	39
18 100729	Bing Rezone	831 Bing Rd, Lynnwood	R	1.41	
17 107926	JAC Consulting, LLC	5405 160th St SW, Edmonds	P/SPA/R	0.9	5
17 109691	Osborne Farms	3222 Creswell Rd, Snohomish	Р	85.3	14
18 117863	Ash Way SFDU	13220 Ash Way, Everett	R	3.38	30
18 120338	Maston Properties Rezone	23404 88th Ave W, Edmonds	R	0.32	
18 115947	Castlewood PRD	12527 Ruggs Lake Rd, Everett	PRD / R	3.8	19
18 101600	Outlook at Miner's Corner	4420 234th PI SE, Bothell	PRD	1.81	13
18 101651	Outlook at Miner's Corner North	4421 234th PI SE, Bothell	PRD	1.12	8
18 100878	Deol Short Plat	17919 Sunset Rd, Bothell	PRD/SPA	0.86	6
18 101441	Pinedale II	17827 41st Dr. SE, Bothell	P/SPA	1.55	11

-edend

P = Plat R = Rezone RCS = Rural Cluster Subdivision PRD = Planned Residential Development UCD = Urban Center Development

SPA = Official Site Plan Approval
CUP = Conditional Use Permit
TULS = Townhouse Unit Lot Subdivision

SEPA = Appeal of a Determination of Non-significance



C. APPEALS FROM ENFORCEMENT ACTIVITIES

1. LAND USE CODE ENFORCEMENT APPEALS

Land Use Appeals New Case Filings	2014	2015	2016	2017	2018
Notice of Violation Appeals	8	20	13	10	6
Contested Citation Appeals	2	5	3	2	5
Total New Filings	10	25	16	12	11
Number of Hearings	4	12	13	3	4
Number of Decisions Issued	4	12	3	3	4

2. AUDITOR'S OFFICE ENFORCEMENT ACTIVITY

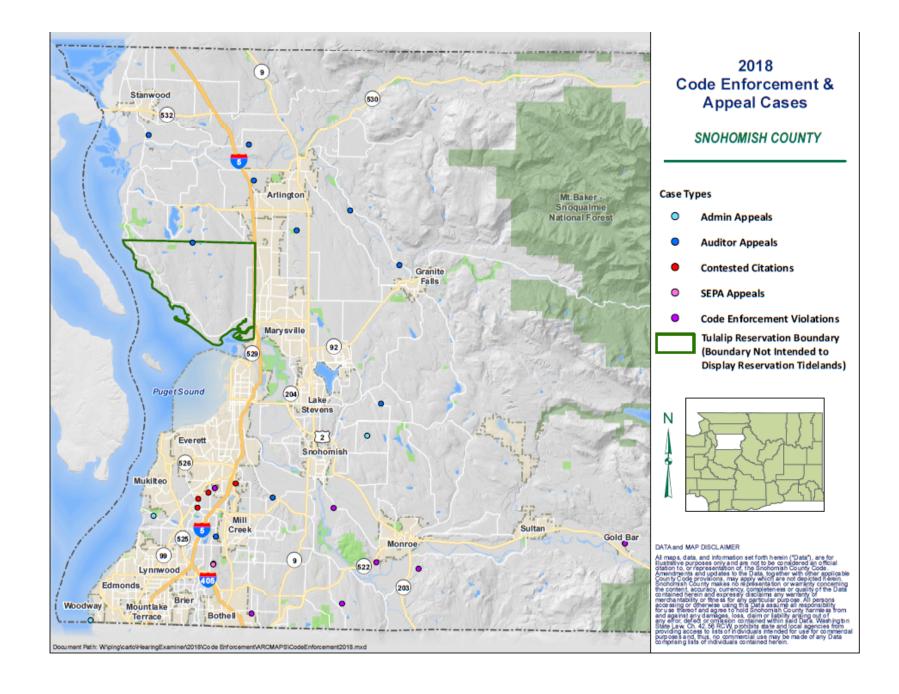
The Hearing Examiner receives several different types of appeals from the Licensing Division of the Auditor's Office, including animal control matters, licensing decisions and adult entertainment matters. Most animal control cases involve appeals by animal owners of notices of violation for leash law 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	2014	2015	2016	2017	2018
Animal Control Appeals	11	14	26	8	9
Total New Filings	11	14	26	8	9
Number of Hearings	6	5	8	1	3
Number of Decisions	6	6	11	1	3

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	2014	2015	2016	2017	2018
Violation Notice Appeals	0	0	7	0	0
Number of Hearings	0	0	0	0	0
Number of Decisions	0	0	0	0	0



D. COMMON PUBLIC CONCERNS

Traffic continues to lead the list of community concerns regarding development, as well as pedestrian safety (i.e., lack of continuous sidewalks in many areas). Development of greenfield sites perturbs neighbors who were used to seeing undeveloped, wooded property adjacent to theirs. Redevelopment and increased density bothers neighbors who like their neighborhood as it is.

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 rd term	District 4
Arnold Hofmann	Serving 2 nd term	District 2
William Temple	Serving 2 nd term	District 4
Dennis Carlin	Serving 2 nd term	District 2
Anthony Foster	Serving 2 nd term	District 1

Alternate Members:

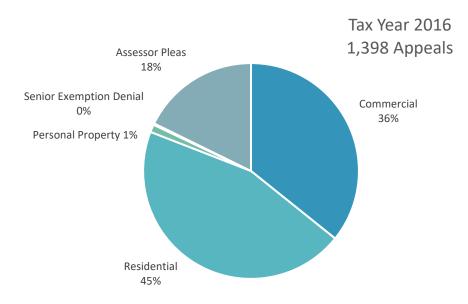
Kathleen Santti	Serving 1st term	District 2
Justin McMahon	Serving 1st term	District 3

Staff:

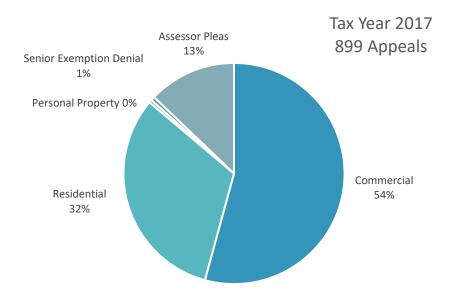
Allegra Clarkson, Clerk of the Board of Equalization Kris Davis, Administrative Hearings Clerk, Alternate Pamela Yount, Administrative Hearings Clerk, Alternate

THREE-YEAR SYNOPSIS

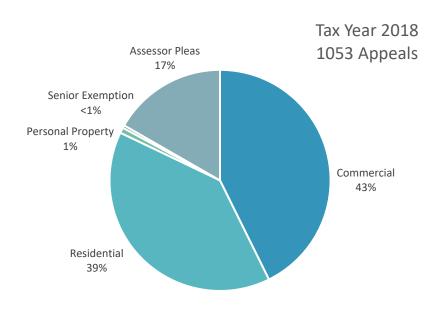
2016 For the 2016 tax year, the Board held 28 hearing dates, during which time they finalized 1,398 appeals. Of those decisions, 131 were appealed to the BTA.



2017For 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.



2018For the 2018 tax year, the Board held 30 hearing dates, during which time they finalized 1053 appeals. Of those decisions, 53 were appealed to the BTA.



The Board notes that the number of appeals for the 2018 tax year is higher than for the 2017 tax year, and conjectures that this is because Snohomish County is currently experiencing a stalling or declining market. For the 2018 tax year, assessed values were established on an assessment date of 1/1/2017. 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 2019 tax year, the board has received a slightly higher number of appeals, which are now in process. For the 2020 tax year, the Board forecasts a higher appeal rate, because of a stalling or declining market.

CONCLUSION

For 2019 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

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.¹³ 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 st	01/31/2021
Henry Veldman, Vice Chair	Cities & Towns	2 nd	01/31/2021
Mark Beales	Snohomish County	3^{rd}	01/31/2019
Alison Sing	Special Purpose Districts	3 rd	02/28/2019
Dave Hambelton	Governor	1 st	01/31/2019

¹³ 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 law¹⁴ and adopted <u>Organization and Rules of Practice and Procedure</u>.

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 RWWD	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 th Street	04/04/2016	08/18/2016;	Approved -
	-		08/25/2016	Appealed

03-2016	Town of Woodway – Upper	05/09/2016	No	Deemed Approved
	Bluff			
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 &	06/28/2016	No	Deemed Approved
	Water Service Calvary			

¹⁴ RCW 36.93.061.

E. CONCLUSION

In 2018 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.

APPENDIX A 2018 ORGANIZATION CHART

Boundary Review Board

Pamela Yount
Administrative
Hearings Clerk

Hearing Examiner

Kris Davis

Administrative Hearings Clerk

Office of Hearings Administration 2018

Peter Camp

Administrator and Hearing Examiner

Gricelda Montes

Shared with Office of Public Advocate

Administrative Specialist

Board of Equalization

Allegra Clarkson

Administrative Hearings Clerk