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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 06- 093

RELATING TO PUBLIC NOTICE PROVISIONS, AND AMENDING SNOHOMISH
COUNTY CODE (SCC) SECTIONS 30.70.045; 30.70.050; Table 30.70.050(3);
30.41A.640; AND 30.66B.180

WHEREAS, in January 2003, the Planning and Development Reinvention Team (PDRT) was formed to analyze and map all of Planning and Development Services' business processes associated with development review and permitting; and

WHEREAS, PDRT identified a number of potential process improvements associated with public notice that would provide improved customer access to project information and result in significant cost savings for the Department of Planning and Development Services (PDS) Noticing and Routing Center and permit applicants; and

WHEREAS, Gilmore Research Group conducted a public survey to measure satisfaction with PDS procedures; and

WHEREAS, the Gilmore Survey concluded that customers desired easier access to project application information, simplified instructions regarding the public participation process, and clarity of forms; and

WHEREAS, Executive Reardon initiated the Citizens Cabinet on Economic Development to create a strategic plan for the future focused on the removal of barriers to economic growth and expansion of economic opportunities and jobs for Snohomish County; and

WHEREAS, an Executive Order¹ issued on August 4, 2004, ordered PDS to implement the recommendations of the Citizen Cabinet; and

WHEREAS, Action Item 4 in the Executive Order directed PDS to incorporate the use of technology in its processes to improve access to permit application information and services countywide and to minimize individual trips to the county; and

WHEREAS, PDS' mission and value statements, department philosophy, and envisioned future guides the department to be a leader in the use of online processing, innovative technology, and streamlined processes that are user-friendly; and

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WHEREAS, improving the public notice process was made a strategic work program objective for PDS in 2005 - 2007; and

WHEREAS, PDS identified significant potential cost savings in labor and materials to produce public notices of planning and development activities; and

WHEREAS, In July 2004, PDS documented the number of notices sent (180,282), number of notices returned (19,134), and the reasons notices were returned to the county; and

WHEREAS, PDS estimates that to produce the existing public notice the labor and materials costs \$1.49 and the first class postage costs thirty-nine cents per notice; and

WHEREAS, PDS contacted the City of Scottsdale, Arizona, to evaluate their award winning public notice program; and

WHEREAS, the City of Scottsdale in cooperation with the United States Postal Service (USPS) utilizes an electronic method to mail public notice via a small post card; and

WHEREAS, the City of Scottsdale uses post card notice and provides access to planning documents on their website; and

WHEREAS, PDS analyzed this program and determined that a similar program could be implemented at Snohomish County with beneficial results; and

WHEREAS, PDS surveyed customers and found the existing public notice format bureaucratic and that it could be improved in providing information regarding public participation and awareness of project proposals; and

WHEREAS, customer feedback from a pilot post card mailing of final plat notices resulted in positive feedback from recipients when compared to the standard notice; and

WHEREAS, PDS and the Prosecuting Attorney (PA) analyzed state law and Snohomish County Code and identified opportunities where post cards could be used to meet mailed notice requirements consistent with state law; and

WHEREAS, the post card notices reference the availability of project information on the county website; and

WHEREAS, in anticipation of this code amendment and full implementation, PDS and the Department of Information Services (DIS) have partnered to develop a web

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application that improves access for citizens in the areas of project information, notices, decisions, and maps; and

WHEREAS, Snohomish County Code was analyzed and amendments to SCC 30.70.045, 30.70.050, 30.70A.050(3), 30.41A.640, and 30.66B.180 are required to implement post card notice; and

WHEREAS, this code amendment is procedural and is not required to go to the Planning Commission for approval pursuant to SCC 30.73.040(2)(b); and

WHEREAS, this proposal is exempt from the State Environmental Policy Act (SEPA) review pursuant to WAC 197-11-800; and

NOW, THEREFORE BE IT ORDAINED:

Section 1. The Snohomish County Council adopts the following findings of fact and conclusions:

- A. The recitals set forth above are incorporated herein as findings and conclusions as if set forth in full.
- B. The proposed amendments fulfill directives outlined in the Citizens Cabinet on Economic Development to implement regulatory reform and to use technology to improve customer service.
- C. The proposed amendments are consistent with the county's public participation program and the Growth Management Act.
- D. The proposed amendments are consistent with PDS' mission and vision customer service focus.
- E. A public survey indicated that the post card notice was more effective than traditional notices in catching the public eye.
- F. Snohomish County provides notice consistent with the requirements of state law.
- G. The county will continue to post and publish notices consistent with state law, but when applicable, the county may provide notice by post card notice consistent with the code amendments proposed.
- H. The post card notice reference to and implementation of on-line project information will provide around the clock public accessibility to project information.
- I. Implementation of the post card notice will save approximately \$100,000 annually by reducing postage costs to customers and reducing PDS material and labor costs.
- J. The proposal will improve governmental efficiency.

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- K. The proposal is consistent with Snohomish County General Policy Plan Objective ED 2.A, and Policies 2.A.2 and 2.A.3 noted below:

Objective ED 2.A Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.

ED Policy 2.A.2 Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for timely response to unanticipated and desirable developments.

Ed Policy 2.A.3 To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permit processing system to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input.

Section 2. Snohomish County Code Section 30.70.045, adopted by Amended Ord.02-064 on December 9, 2002, is amended to read:

30.70.045 Notice - general

The notice requirements of this chapter ensure the county meets or exceeds the notice requirements pursuant to state law. When posted, mailed or published notice is required pursuant to this title, such notice shall be given as follows, unless otherwise specifically provided:

(1) When posting is required, the applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting public rights-of-way. If the property does not abut a public right-of-way, the signs shall be placed on the property at the point of access and on the public right-of-way at the easement or private road that accesses the property. Posting shall conform to the following requirements:

(a) As evidence of posting the applicant shall submit a verified statement containing the date and location of posting;

(b) If verification of posting is not returned to the department within 14 days of application, the department shall suspend processing of the application until such verification is received;

(c) Signs shall remain posted throughout the permit review process until all appeal periods have expired, and may be updated and used for other posted notices required by county code for the proposed project;

(d) Signs and instructions for posting shall be provided to the applicant by the department; and

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(e) Signs shall be removed by the applicant no later than 14 days after all appeal periods have expired.

(2) When publication is required, the department shall publish one notice in the official county newspaper.

(3) When mailing is required, notice may be provided either on a letter/legal size publication or post card.

~~((3))~~ (4) When mailing is required, the department shall mail notice to the following persons or entities:

(a) Each taxpayer of record and each known site address within:

(i) 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant;

(ii) 1,000 feet, if the subject property is categorized as rural, natural resource, residential 20,000 (R-20,000), or rural use; or

(iii) 1,500 feet for subdivision applications where each lot is 20 acres or larger, or 1/32nd of a section or larger;

(b) Any city or town whose municipal boundaries are within one mile of a proposed subdivision or short subdivision;

(c) The Washington State Department of Transportation for every proposed subdivision or short subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and

(d) Any other local, state, or federal agency or any person or organization as determined appropriate by the department.

~~((4))~~ (5) The county may provide additional public notice by notifying the news media and community organizations, by placing notices in neighborhood/community newspapers, appropriate regional, neighborhood, ethnic, or trade journals, or by publishing notice in agency newsletters or on the department or county web page.

~~((5))~~ (6) The department will recover the costs of notice required by this title from the applicant.

Section 3. Snohomish County Code Section 30.70.050, last amended by Amended Ordinance 05-042, on July 6, 2005, is amended to read:

30.70.050 Notice of application - timing and method.

(1) The department shall provide notice of application within 10 days after a determination that the application is complete as specified in SCC Table 30.70.050~~((3))~~ (5). Required notice shall be given in accordance with SCC 30.70.045.

(2) A notice of application posted or published in the official county newspaper or provided by mail on a letter/legal size publication shall include the following information:

(a) Date of application, date of completeness determination, and date of notice of application;

(b) Project description, list of permits requested, assigned county file number, and

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county contact person;

- (c) Any information or studies requested by the department;
- (d) Any other required permits not included in the application, to the extent known by the department;
- (e) Any existing environmental documents that evaluate the proposed project, including where they can be inspected;
- (f) The date, time, place, and type of public hearing, if applicable and if scheduled at the time of the notice;
- (g) When notice is for a rezone action or development in a performance standard zone, a statement indicating where the full text and/or map of the rezone action may be inspected;
- (h) A statement of when the comment period ends and the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal procedures;
- (i) If determined at the time of notice, those development regulations that will be used for project mitigation or to review consistency; and
- (j) Any other information determined appropriate by the department.

(3) Mailed notice of application may be provided on a post card.

(4) A post card notice shall contain the following information:

- (a) project description;
- (b) project file number;
- (b) project location;
- (c) type of project;
- (d) applicable comment dates and notice of where to submit comments;
- (e) date the notice of application was published in the official county newspaper;
- (f) website address providing access to project information; and
- (g) a department contact.

**SCC Table 30.70.050 ((3)) (5)
Notice of Application Requirements**

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Boundary Line Adjustment	X		
Building and grading permits subject to SEPA	X	X	X
Code interpretation processed as Type 1		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	See		

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	SCC 30.41A.600	- 30.41A.((6651)) 730	
Flood Hazard Permit – except no notice required for SF or duplex development	X	X	X
Flood Hazard Variance	X	X	X
Freeway service zone official site plan in existing zone	X	X	X
Free-standing sign in FS and RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit recision	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, FS, T, RB, CRC, RFS, and RI)	X	X	X
Rezone – site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Pre-application Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application	X	X	X

Section 4. Snohomish County Code Section 30.41A.640, last amended by Amended Ordinance 03-047, on June 4, 2003, is amended to read:

30.41A.640 Public ((Notice)) notice of ((application)) final subdivision submittal and departmental review for final subdivision.

(1) The department shall examine the final subdivision application to ensure compliance with applicable law and conditions of preliminary approval. The department may require additional information from an applicant where necessary to review the final subdivision

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application. Computation records for the lots and boundaries shall be furnished.

(2) When the final plat is found to be in correct form, and the matters shown thereon are sufficient, the department shall obtain the necessary signatures on the final plat. Each final plat shall be accompanied by an updated certificate of title showing the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the purposes of this section, an updated title report is a title report or supplemental title report which has been prepared no more than 30 days prior to submittal of the final subdivision.

(3) Public ((Notice)) notice of final subdivision submittal shall be provided by the department within 21 days of determination that the application is complete by:

(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final subdivision, and to those official parties of record listed in the hearing examiner decision on the preliminary subdivision application;

(b) Posting in accordance with SCC 30.70.050 and 30.70.045;

(c) Mailing to all parties that have provided written comment on the preliminary subdivision in accordance with SCC 30.70.045; and

(d) Notices required in the SCC 30.41A.640(3)(a) through (c) shall solicit comments on the final subdivision recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice.

(4) The department shall coordinate the final subdivision review process among the appropriate county departments and other agencies and, after compliance with the public notice provisions of SCC 30.41A.640(3), and upon confirmation of compliance with the conditions of preliminary approval shall transmit a recommendation for final subdivision approval to the council. The final subdivision application shall be scheduled for consideration at a regular or special meeting of the council.

Section 5. Snohomish County Code Section 30.66B.180, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.66B.180 Concurrency determination review or appeal.

(1) A person may seek review of or appeal a pre-application concurrency decision or a concurrency determination as provided in this section. No review or appeal is provided for a concurrency determination made pursuant to SCC 30.66B.135. The scope and standard for review of the pre-application concurrency decision or concurrency determination is as provided in SCC 30.66B.185.

(2) 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

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~~((describe))~~ reference the ~~((requirements))~~ standard for review of a concurrency determination in SCC 30.66B.185.

(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.

(3) Any aggrieved party of record may appeal a concurrency determination associated with an underlying Type 1 decision, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC.

(a) The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.040.

(b) An open record appeal hearing conducted pursuant to this subsection shall be consolidated with any other open record appeal hearing relating to the underlying permit or approval decision.

(4) Any person may appeal a concurrency determination associated with a project permit application that is not otherwise subject to administrative appeal, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC. The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.050.

(5) Any aggrieved person may appeal a pre-application concurrency decision made pursuant to SCC 30.66B.175 by filing an appeal of a Type 1 decision in accordance with SCC 30.71.050. The appeal shall follow the procedure specified in SCC 30.66B.180(2), (3), or (4) depending on whether the development to be applied for will require a Type 2 decision, a Type 1 decision, or a project permit application that is not subject to administrative appeal, except that consolidation with the underlying application or appeal of the underlying permit or approval decision is not required or permitted.

Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by a board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

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PASSED this 8th day of November 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirke Sievers
Kirke Sievers
Chairperson

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
 EMERGENCY
 VETOED

DATE: November 16, 2006

MARK SOINE
Aaron G. Reardon
County Executive Deputy Executive

ATTEST:

Terri Bailliff, asst

Approved as to form only:

Lara Heider
Deputy Prosecuting Attorney

ORDINANCE No. 06-013

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