



CO00037263

1 Approved: June 3, 2009
2 Effective: June 25, 2009
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4
5 SNOHOMISH COUNTY COUNCIL
6 SNOHOMISH COUNTY, WASHINGTON
7

8 AMENDED ORDINANCE NO. 09-018
9

10 RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL
11 OF SUBDIVISIONS AND SHORT SUBDIVISIONS;
12 AMENDING SCC 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110
13

14 WHEREAS, in order to prevent the expiration of preliminary subdivision and short
15 subdivision approvals during the national economic crisis, extensions of preliminary
16 subdivision and short subdivision approvals are needed; and
17

18 WHEREAS, the expiration of preliminary subdivision and short subdivision
19 approvals adversely affects financial institutions and other investors that have provided
20 financing in support of development proposals; and
21

22 WHEREAS, in the existing economic climate, the permitted one-year extension
23 of preliminary approvals of subdivisions and short subdivisions may not provide
24 sufficient time for some applicants to complete final subdivision and short subdivision
25 approval; and
26

27 WHEREAS, providing a longer extension of preliminary subdivision and short
28 subdivision approvals to allow applicants to file for and complete final subdivision or
29 short subdivision approval may stave off unneeded business closures and further job
30 losses; and
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32 WHEREAS, allowing applicants to request up to a three-year extension of
33 preliminary subdivision and short subdivision approval would allow for better debt
34 recovery and provide property owners the time needed for financing and construction;
35 and
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37 WHEREAS, the Revised Code of Washington (RCW) 58.17.140 allows cities,
38 towns, or counties to adopt by ordinance procedures which would allow extensions of
39 time to obtain final plat approval; and
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41 WHEREAS, pursuant to Snohomish County Code (SCC) 30.41A.300(1) and
42 SCC 30.41B.300(1), a one-year extension of preliminary subdivision approval may be
43 granted by the Snohomish County Department of Planning and Development Services

1 (PDS) when requested in writing at least 30 days prior to the expiration of the
2 preliminary subdivision or short subdivision approval; and

3
4 WHEREAS, under RCW 82.02.020, the county may collect reasonable fees from
5 an applicant for a permit or other governmental approval to cover the cost to the county
6 of processing applications; and

7
8 WHEREAS, chapter 30.86 SCC establishes fees required to be paid by
9 applicants to compensate the county for the cost of administering title 30 SCC; and

10
11 WHEREAS, the county council finds that it is in the best interest of citizens of
12 Snohomish County and the local economy to make available a longer extension of
13 preliminary subdivision or short subdivision approval to allow applicants sufficient time
14 to complete construction and file for final subdivision and short subdivision approval;
15 and

16
17 WHEREAS, the county council was briefed on April 14, 2009, and held a public
18 hearing on June 3, 2009, to consider the entire record on the proposed amendments
19 and to hear public testimony on this ordinance.

20
21 NOW, THEREFORE, BE IT ORDAINED:

22
23 Section 1. The county council makes the following findings:

- 24
25 A. The county council adopts and incorporates the foregoing recitals as findings as
26 if set forth fully herein.
27
28 B. Snohomish County is faced with economic issues that were not present
29 when code provisions addressing subdivision and short subdivision term
30 provisions were originally adopted.
31
32 C. The proposed amendments address the economic difficulty that the
33 homebuilding industry is experiencing in completing construction of
34 subdivisions and short subdivisions.
35
36 D. The proposed amendments do not alter, extend or impact the concurrency
37 determination expiration pursuant to SCC 30.66B.155(6).
38
39 E. The proposed amendments do not alter, extend or impact miscellaneous
40 approvals pertaining to health, fire, water, sewer, electrical and other
41 approvals that must be obtained by the applicant pursuant to SCC
42 30.41A.620 and SCC 30.41B.610.
43

- 1 F. Adoption of the proposed amendments will assist homebuilders in the process of
2 achieving final subdivision and short subdivision approval.
- 3
- 4 G. Adoption of the proposed amendments will stimulate the local economy by
5 assisting with the prevention of foreclosure, unemployment, bankruptcies, and
6 burdened financial institutions.
- 7
- 8 H. Section 5 of this ordinance amends the subdivision fee table in SCC 30.86.100.
9 The proposed amendment adds a new subdivision extension fee of \$500. The
10 \$500 fee will fully compensate the county for the intake review, bonding
11 processing and tracking and monitoring activity related to providing preliminary
12 subdivision extensions.
- 13
- 14 I. Section 6 of this ordinance amends the short subdivision fee table in SCC
15 30.86.110. The proposed amendment adds a new short subdivision extension
16 fee of \$500. The \$500 fee will fully compensate the county for the intake review,
17 bonding processing, and tracking and monitoring activity related to providing
18 preliminary short subdivision extensions.
- 19
- 20 J. The proposed amendments maintain consistency with the following goals,
21 objective, and policies of the Snohomish County Growth Management Act
22 Comprehensive Plan (GMACP) – General Policy Plan:
- 23
- 24 **Goal ED 2.** Provide a planning and regulatory environment which
25 facilitates growth of the local economy.
- 26
- 27 **Objective ED 2.A.** Develop and maintain a regulatory system that is fair,
28 understandable, coordinated and timely.
- 29
- 30 **Policy ED 2.A.2.** Snohomish County should stress predictability but maintain
31 enough flexibility in the Comprehensive Plan and development codes to allow for
32 timely response to unanticipated and desirable developments.
- 33
- 34 **Goal ED 3.** Encourage the retention and expansion of existing businesses and
35 jobs to attract new businesses and jobs.
- 36
- 37 **Policy ED 3.C.2.** Snohomish County shall work with public and private and
38 non-profit groups to preserve and nurture the growth of existing local industries
39 and businesses and maintain a business environment conducive to preserve jobs
40 at large manufacturers and the estimated 50,000+ large and small business
41 operations in the county.
- 42

1 K. The proposed amendments are procedural and do not alter, create or amend the
2 rights of the applicant relating to final subdivision or short subdivision approval.

3
4 Section 2. The county council makes the following conclusions:

- 5
6 A. The proposed amendments are consistent with the GMACP.
7
8 B. The proposed amendments are needed to address local impacts on the
9 homebuilding industry due to the national economic crisis.
10
11 C. Pursuant to SCC 30.73.040(2)(b), planning commission review of this procedural
12 legislation is not required.
13
14 D. Pursuant to Washington Administrative Code (WAC) 197-11-800(19), the
15 proposed amendments are categorically exempt from review under the State
16 Environmental Policy Act (SEPA).
17
18 E. The proposed amendments are in the best interest of Snohomish County citizens
19 and promote the health, safety and welfare of the citizens of Snohomish County.
20
21 F. The proposed amendments have been disseminated and opportunities have
22 been provided for written comments and public hearing after effective notice.
23
24 G. Notice of the proposed amendments was provided pursuant to Snohomish
25 County Charter, Section 2.110, and chapter 30.73 SCC.
26

27 Section 3. Snohomish County Code Section 30.41A.300, adopted by Amended
28 Ordinance No. 02-064 on December 9, 2002, is amended to read:
29

30 **30.41A.300 Preliminary subdivision approval - term.**

31 (1) The standard term of approval for a preliminary subdivision is five years. An
32 applicant must file for and complete final subdivision approval within the five year
33 period, running from the date of preliminary subdivision approval, or the approval will
34 expire. An applicant or his or her successors may request, in writing, up to a one-year
35 extension of preliminary approval. Such request must be received by the director at
36 least 30 days prior to the expiration of the preliminary subdivision approval. The
37 department may grant an (~~one one-year~~) extension if the applicant can demonstrate
38 that a good faith effort was exerted to complete the final subdivision within the initial
39 five-year approval period in accordance with the terms of the preliminary approval. The
40 total time period that any preliminary subdivision approval may be extended by the
41 department shall not exceed one year. The applicant shall pay an extension fee
42 pursuant to SCC 30.86.100. In addition to any extension granted by the department,
43 preliminary subdivision approval (~~Approval~~) may be further extended for ((an

1 additional)) a period not to exceed four months by the county council concurrent with
2 the council's consideration of final subdivision approval.

3 (2) The department shall grant an extension in cases where a preliminary approval
4 has been appealed to court, not to exceed the period of time the approval is under
5 judicial review.

6 (3) The applicant may request final subdivision approval in phases, subject to the
7 time restrictions in 30.41A.300(1) and the terms of the preliminary subdivision approval.
8 Open space, amenities, and other requirements of the preliminary approval shall be
9 completed coincident with each phase of the final subdivision on a prorata basis unless
10 otherwise required in the preliminary approval. A revision to the preliminary approval,
11 pursuant to SCC 30.41A.330, must be applied for with the request to complete the final
12 subdivision improvements in phases.

13
14 Section 4. A new section is added to Chapter 30.41A of the Snohomish County Code to
15 read:

16
17 **30.41A.305 Preliminary subdivision approval – additional extension.**

18 The one-year extension of preliminary subdivision approvals established in SCC
19 30.41A.300 may be further extended by up to an additional two years for a preliminary
20 subdivision that was approved prior to January 1, 2009. An applicant may request, and
21 the department may approve, a three-year extension of a preliminary subdivision
22 approval or an additional two-year extension of a preliminary subdivision approval
23 provided that all other requirements of SCC 30.41A.300 are met. The total combined
24 time period that any preliminary subdivision approval may be extended by the
25 department under SCC 30.41A.300 and 30.41A.305 shall not exceed three years. A
26 request for such extension must be received by the director at least 30 days prior to the
27 expiration of the preliminary subdivision approval.

28
29 Section 5. A new section is added to Chapter 30.41A of the Snohomish County Code to
30 read:

31
32 **30.41A.307 Repeal.**

33 Snohomish County Code Section 30.41A.305, adopted by Amended Ordinance 09-018
34 on June 3, 2009, is repealed effective December 31, 2010.

35
36
37 Section 6. Snohomish County Code Section 30.41B.300, adopted by Amended
38 Ordinance No. 02-064 on December 9, 2002, is amended to read:

39
40 **30.41B.300 Preliminary short subdivision approval - term.**

41
42 (1) The standard term of approval for a preliminary short subdivision is five years. An
43 applicant must file for and complete final short subdivision approval within the five year

1 period, running from the date of preliminary short subdivision approval, or the approval
2 will expire. ~~((; except that an applicant may request in writing a one-year extension.))~~ An
3 applicant or his or her successors may request, in writing, up to a one-year extension of
4 preliminary approval. ((The department may extend the approval for not more than one
5 additional 12-month period if the applicant or his or her successors files a written
6 application for extension with the department)) Such request must be received by the
7 director at least 30 days prior to the expiration date of the preliminary short subdivision
8 approval. The department may grant an extension if the applicant can demonstrate that
9 a good faith effort was exerted to complete the final short subdivision within the initial
10 five-year approval period in accordance with the terms of the preliminary approval. The
11 total time period that any preliminary short subdivision approval may be extended by the
12 department shall not exceed one year. The applicant shall pay an extension fee
13 pursuant to SCC 30.86.110. ((In cases where dedication of right-of-way is required,
14 approval may be further extended for an additional period not to exceed four months.))

15 (2) The department shall grant an extension in cases where a preliminary approval
16 has been appealed to court, not to exceed the period of time the approval is under
17 judicial review.

18
19 Section 7. A new section is added to Chapter 30.41B of the Snohomish County Code to
20 read:

21
22 **30.41B.305 Preliminary short subdivision approval – additional extension.**

23 The one-year extension of preliminary short subdivision approvals established in SCC
24 30.41B.300 may be further extended by up to an additional two years for a preliminary
25 short subdivision that was approved prior to January 1, 2009. An applicant may
26 request, and the department may approve, a three-year extension of a preliminary short
27 subdivision approval or an additional two-year extension of a preliminary short
28 subdivision approval provided that all other requirements of SCC 30.41B.300 are met.
29 The total combined time period that any preliminary short subdivision approval may be
30 extended by the department under SCC 30.41B.300 and 30.41B.305 shall not exceed
31 three years. A request for such extension must be received by the director at least 30
32 days prior to the expiration of the preliminary subdivision approval.

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34
35 Section 8. A new section is added to Chapter 30.41B of the Snohomish County Code to
36 read:

37
38 **30.41B.307 Repeal.**

39 Snohomish County Code Section 30.41B.305, adopted by Amended Ordinance 09-018
40 on June 3, 2009, is repealed effective December 31, 2010.

1 Section 9. Snohomish County Code Section 30.86.100, last amended by Amended
 2 Ordinance No. 07-108 on November 19, 2007, is amended to read:

3
 4 **30.86.100 Subdivision fees.**

5
 6 **Table 30.86.100 - SUBDIVISION FEES**

7 *OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of*
 8 *fees not collected by the department include: (1) Applicable private well and septic system approvals*
 9 *(Snohomish Health District); (2) right-of-way permit (department/department of public works). See SCC*
 10 *13.110.020; and (3) subdivision recording fees (auditor).*

PRE-APPLICATION CONFERENCE FEE	\$480
PRELIMINARY SUBDIVISION FILING FEE ^{(1),(2)}	
Base fee	\$4,680
Plus \$ per lot	\$132
Plus \$ per acre	\$78
Total maximum fee	\$21,600
SUBDIVISION MODIFICATIONS	\$1,200
REVISIONS TO APPROVED PRELIMINARY SUBDIVISIONS	
Minor revision-administrative	\$312
Major revision-public hearing	\$1,248
CONSTRUCTION PLAN CHECK FEE ⁽³⁾	
Per lot ⁽⁴⁾	\$192
Per tract or non-building lot	\$192
ROAD INSPECTION FEE	
Per lot ⁽⁴⁾	\$192

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 AMENDING 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110

Per tract or non-building lot	\$192
FINAL SUBDIVISION FEES	
Filing fee	\$2,400
Document check and sign installation fee	\$264/lot and unit cost/sign required
ROAD BOND FEE ⁽⁹⁾	
Construction bond option ⁽⁹⁾	\$24.00/Lot
Maintenance bond ⁽⁹⁾	\$31.00/Lot
"MARKUP CORRECTIONS FEE ⁽⁹⁾	\$240
SUBDIVISION ALTERATION	PLACEHOLDER POSITION
MODEL HOME FEES ⁽⁹⁾	
Base fee	\$360
Plus \$ per subdivision	\$120
NOTE: For reference notes, see table following SCC 30.86.110.	
PRELIMINARY SUBDIVISION EXTENSION ⁽⁹⁾	\$500
<p>Reference notes for subdivision and short subdivision fee tables:</p> <p>(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.</p> <p>(2) When a preliminary subdivision application is considered in conjunction with a rezone for the same property, the total preliminary subdivision fee shall be reduced by 25 percent. If a preliminary subdivision application is considered in conjunction with a planned residential development, with or without a rezone, the total preliminary subdivision fee shall be reduced by 50 percent. The sum of the above fees shall be limited to \$16,800.</p>	

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- (3) Collected when the preliminary subdivision applicant submits the construction plan.
- (4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), then a plan check fee of \$192.00 per building will be charged and the plan check or inspection fee will not be based on the number of lots.
- (5) Paid by the applicant to cover the costs of administering bonds or other securities as provided by chapter 30.84 SCC.
- (6) This fee applies if the developer elects to carry out minimum improvements using the provisions of SCC 30.41A.410(1)(b). before requesting final approval, and is in addition to subsequent subdivision road inspection fees.
- (7) Collected in accordance with SCC 30.41A.410(1)(b).
- (8) This fee applies whenever an applicant fails to submit required corrections noted on "markup final subdivision drawings or other documents during the final subdivision review.
- (9) This fee is in addition to the residential building permit fees for plan check, site review and access permit.
- (10) This fee applies to preliminary subdivision approval extensions pursuant to SCC 30.41A.300.

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Section 10. Snohomish County Code Section 30.86.110, last amended by Amended Ordinance No. 07-108 on November 19, 2007, is amended to read:

30.86.110 Short Subdivision fees.

Table 30.86.110 – SHORT SUBDIVISION FEES

OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of fees not collected by the department include: (1) Applicable private well and septic system approvals (Snohomish Health District); (2) right-of-way permit (department/department of public works). See SCC 13.110.020; and (3) short subdivision recording fees (auditor).

PRE-APPLICATION CONFERENCE FEE	\$480
PRELIMINARY SHORT SUBDIVISION FILING FEES⁽¹⁾	
Base fee	\$1,560

AMENDED ORDINANCE No. 09-018
RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL
OF SUBDIVISIONS AND SHORT SUBDIVISIONS;
AMENDING 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110

Plus \$ per acre	\$78
Plus \$ per lot	\$78
SHORT SUBDIVISION MODIFICATION APPLICATION	\$960
PLAN/DOCUMENT RESUBMITTAL FEE ⁽¹⁾	\$240
SHORT SUBDIVISION REVISIONS AFTER PRELIMINARY APPROVAL	\$312
SHORT SUBDIVISION FINAL APPROVAL	\$600
SHORT SUBDIVISION FINAL DOCUMENT CHECK	\$1,800
RECORDING OF FINAL SHORT SUBDIVISION	\$30
ALTERATIONS TO RECORDED SHORT SUBDIVISIONS	\$420
<u>PRELIMINARY SHORT SUBDIVISION EXTENSION ⁽²⁾</u>	<u>\$500</u>
Reference notes:	
(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.	
(2) This fee applies to the resubmittal of short subdivision plans and documents after a second review for which the applicant did not include corrections noted by the department, or the applicant made revisions, which necessitate additional review and comments.	
(3) <u>This fee applies to preliminary short subdivision approval extensions pursuant to SCC 30.41B.300.</u>	

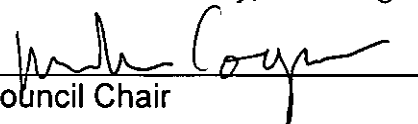
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2 Section 11. The county council intends that no preliminary subdivision or short
3 subdivision approval be extended by PDS for a total of more than three years. Some
4 subdivision and short subdivision applicants already may have obtained an extension of
5 preliminary approval from PDS of up to one year under the current code. In such cases,
6 an extension of approval by PDS may not exceed three years minus the length of the
7 pre-existing extension. For example, an applicant that has received a one-year
8 extension from PDS under the current version of SCC 30.41A.300 or 30.41B.300 may
9 receive up to an additional two-year extension under the amendments adopted by this
10 ordinance.

1
2 Section 12. The county council bases its findings and conclusions on the entire record
3 of the county council, including all testimony and exhibits. Any finding, which should be
4 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
5 adopted as such.

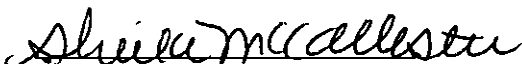
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7 Section 13. Severability. If any section, sentence, clause or phrase of this ordinance
8 is held to be invalid or unconstitutional by the Growth Management Hearings Board
9 (Board) or a court of competent jurisdiction, such invalidity or unconstitutionality shall
10 not affect the validity or constitutionality of any other section, sentence, clause or phrase
11 of this ordinance. Provided, however, that if any section, sentence, clause or phrase of
12 this ordinance is held to be invalid by the Board or a court of competent jurisdiction,
13 then the section, sentence, clause or phrase in effect prior to the effective date of this
14 ordinance shall be in full force and effect for that individual section, sentence, clause or
15 phrase as if this ordinance had never been adopted.

16
17 PASSED this 3rd day of June, 2009.

18
19 SNOHOMISH COUNTY COUNCIL
20 Snohomish County, Washington

21
22 
23 Council Chair

24
25 ATTEST:

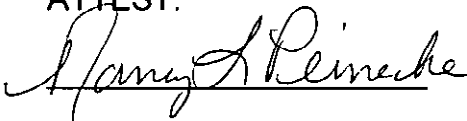
26 
27 Asst. Clerk of the Council

28 APPROVED
29 EMERGENCY
30 VETOED

31
32 DATE: June 15, 2009

33
34 
35 Snohomish County Executive

36
37 ATTEST:

38 

39 Approved as to form only:

40
41 _____
42 Deputy Prosecuting Attorney
43

AARON REARDON
County Executive

D-11