



CO00045234

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 11-075

RELATING TO THE TIME PERIOD OF PRELIMINARY APPROVAL
OF SUBDIVISIONS AND SHORT SUBDIVISIONS;
AMENDING SCC 30.41A.300, 30.41A.600, 30.41B.300 AND 30.41B.600;
REPEALING SCC 30.41A.307 AND 30.41B.307;
AND PROVIDING EFFECTIVE DATES

WHEREAS, on December 9, 2002, the Snohomish County Council ("County Council") adopted Amended Ordinance No. 02-064, which provided for a five-year preliminary approval period for subdivisions and short subdivisions with an optional one-year extension, and thus, allowed for up to a six-year preliminary approval period; and

WHEREAS, on June 3, 2009, the County Council adopted Amended Ordinance No. 09-018, which provided an additional two-year extension of the preliminary subdivision and short subdivision approval period, and thus, allowed for up to an eight-year preliminary approval period; and

WHEREAS, the additional two-year extension adopted by Amended Ordinance No. 09-018 was temporary and was repealed on December 31, 2010; and

WHEREAS, the Snohomish County Code (SCC) currently provides for a five-year preliminary approval period with an one year extension, and thus, allows for up to a six-year preliminary approval period; and

WHEREAS, during the 2010 legislative session, the Washington State Legislature passed Substitute Senate Bill 6544 (SSB 6544), relating to time limitations for approval of plats; amending Revised Code of Washington (RCW) 58.17.140 and 58.17.170; and providing an expiration date; and

WHEREAS, SSB 6544 amends RCW 58.17.140 and 58.17.170, extending the preliminary plat approval period from five years to seven years; and

WHEREAS, the seven-year preliminary approval period adopted by SSB 6544 became effective on June 10, 2010, and will expire on December 31, 2014; and

1 WHEREAS, the seven-year preliminary approval period set forth in RCW
2 58.17.140 and 58.17.170 will sunset on December 31, 2014, and after such date RCW
3 58.17.140 and 58.17.170 will provide a five-year preliminary approval period; and
4

5 WHEREAS, it is necessary to amend the five-year approval period set forth in
6 SCC 30.41A.300 and 30.41B.300 to be consistent with the seven-year approval period
7 provided by RCW 58.17.140 and 58.17.170; and
8

9 WHEREAS, RCW 58.17.140 authorizes local jurisdictions to adopt by ordinance
10 procedures which would allow extensions of time that may contain additional or altered
11 conditions and requirements; and
12

13 WHEREAS, SCC 30.41A.300 and 30.41B.300 include procedures for allowing an
14 extension of preliminary approval for subdivision or short subdivisions if the applicant
15 can demonstrate a good faith effort was exerted in the initial preliminary approval period
16 and upon payment of an extension fee pursuant to SCC 30.86.100 or 30.86.110; and
17

18 WHEREAS, under RCW 82.02.020, the county may collect reasonable fees from
19 an applicant for a permit or other governmental approval to cover the cost to the county
20 of processing applications; and
21

22 WHEREAS, chapter 30.86 SCC establishes fees required to be paid by
23 applicants to compensate the county for the cost of administering title 30 SCC; and
24

25 WHEREAS, the County Council finds that it is in the best interest of citizens of
26 Snohomish County and the local economy to amend the preliminary approval period
27 consistent with state law and to continue to provide an extension of the preliminary
28 subdivision or short subdivision approval period to allow applicants sufficient time to
29 complete construction and file for final subdivision and short subdivision approval; and
30

31 WHEREAS, the County Council was briefed on December 13, 2011, and held a
32 public hearing on January 11, 2012, to consider the entire record on the proposed
33 amendments and to hear public testimony on this ordinance.
34

35
36 NOW, THEREFORE, BE IT ORDAINED:
37

38 Section 1. The County Council makes the following findings:
39

- 40 A. The County Council adopts the foregoing recitals as findings as if set forth fully
41 herein.

- 1 B. Adoption of the proposed amendments will provide consistency with the
2 preliminary approval period for subdivisions and short subdivisions provided by
3 state law.
4
- 5 C. Adoption of the proposed amendments addresses the economic difficulty that
6 the homebuilding industry is experiencing in completing construction of
7 subdivisions and short subdivisions.
8
- 9 D. Extending preliminary subdivision approval may avoid additional costs to apply
10 for and process new preliminary subdivisions and short subdivisions.
11
- 12 E. Adoption of the proposed amendments may assist homebuilders in the process
13 of achieving final subdivision and short subdivision approval and may help the
14 county meet future housing needs.
15
- 16 F. Adoption of the proposed amendments will stimulate the local economy by
17 assisting with the prevention of foreclosure, unemployment, bankruptcies, and
18 burdened financial institutions.
19
- 20 G. The proposed amendments do not alter, extend or impact the concurrency
21 determination expiration pursuant to SCC 30.66B.155(6).
22
- 23 H. The proposed amendments maintain consistency with the following goals,
24 objectives and policies in the Snohomish County Growth Management Act
25 Comprehensive Plan (GMACP) – General Policy Plan (GPP):
26

27 **Goal ED 2.** Provide a planning and regulatory environment which facilitates growth
28 of the local economy.

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

31 **Policy ED 2.A.2.** Snohomish County should stress predictability but maintain
32 enough flexibility in the Comprehensive Plan and development codes to allow for
33 timely response to unanticipated and desirable developments.
34

35 **Goal ED 3.** Encourage the retention and expansion of existing businesses and jobs
36 to attract new businesses and jobs.
37

38 **Policy ED 3.C.2.** Snohomish County shall work with public and private and non-
39 profit groups to preserve and nurture the growth of existing local industries and
40 businesses and maintain a business environment conducive to preserve jobs at
41 large manufacturers and the estimated 50,000+ large and small business operations
42 in the county.

- 1
2 I. The proposed amendments are procedural and do not alter, create or amend the
3 rights of the applicant relating to final subdivision or short subdivision approval.
4
5 J. Advance notice of intent to adopt the proposed amendments was provided to
6 the Washington State Department of Commerce at least sixty days prior to
7 adoption as required per RCW 36.70A.106.
8

9 Section 2. The County Council makes the following conclusions:

- 10
11 A. The proposed amendments are consistent with the GMACP.
12
13 B. The proposed amendments are needed to harmonize provisions of the County
14 Code with RCW 58.17.140 and 58.17.170 and to address local impacts on
15 development due to the national economic crisis.
16
17 C. Pursuant to SCC 30.73.040(2)(b), planning commission review of this procedural
18 legislation is not required.
19
20 D. Pursuant to WAC 197-11-800(19), the proposed amendments are categorically
21 exempt from review under the State Environmental Policy Act (SEPA).
22
23 E. Notice of the proposed amendments was provided pursuant to the Snohomish
24 County Charter, Section 2.110 and Chapter 30.73 SCC.
25
26 F. The proposed amendments have been disseminated and opportunities have
27 been provided for written comments and public hearing after effective notice.
28
29 G. The proposed amendments are in the best interest of Snohomish County citizens
30 and promote the health, safety and welfare of the citizens of Snohomish County.

31
32 Section 3. Effective Dates. Sections 4, 5, 6, 7, 8, and 9 of this ordinance shall take
33 effect ten days after they are signed by the county executive or otherwise enacted as
34 provided in Snohomish County Charter Section 2.110. Sections 10, 11, 12, and 13 of
35 this ordinance shall take effect January 1, 2015.
36

1
2 Section 4. Snohomish County Code Section 30.41A.300, last amended by
3 Amended Ord. No. 09-018 on June 3, 2009, is amended to read:
4

5 **30.41A.300 Preliminary subdivision approval - term.**
6

7 (1) The standard term of approval for a preliminary subdivision is ~~((five))~~ seven
8 years. An applicant must file for and complete final subdivision approval within the
9 ~~((five))~~ seven year period, running from the date of preliminary subdivision approval, or
10 the approval will expire. However, preliminary subdivision approval may be extended
11 beyond the seven year period as provided for in SCC 30.41A.300(2), (3), and (4).

12 (2) An applicant or his or her successors may request, in writing, ~~((up to))~~ a one-
13 year extension of preliminary approval. Such request must be received by the director
14 at least 30 days prior to the expiration of the preliminary subdivision approval. The
15 department may grant an extension if the applicant can demonstrate that a good faith
16 effort was exerted to complete the final subdivision within the initial ~~((five-year))~~ seven-
17 year approval period in accordance with the terms of the preliminary approval. ((The
18 total time period that any preliminary subdivision approval may be extended by the
19 department shall not exceed one year.)) Except as provided for in SCC 30.41A.300(3)
20 and (4), the department may not grant more than one extension or extend preliminary
21 subdivision approval beyond an eight year period. The applicant shall pay an extension
22 fee pursuant to SCC 30.86.100.

23 (3) In addition to any extension granted by the department, preliminary
24 subdivision approval may be further extended for a period not to exceed four months by
25 the county council ~~((concurrent with the council's consideration of final subdivision~~
26 ~~approval))~~ if the applicant demonstrates that a continued good faith effort has been
27 exerted to complete the final subdivision and provides justification of the extenuating
28 circumstances as to why the additional four months is required. A request for
29 consideration of the four month extension shall be filed with the Clerk of the Council at
30 any time during the final one year extension granted by the department.

31 ~~((2))~~ (4) The department shall grant an extension in cases where a preliminary
32 approval has been appealed to court, not to exceed the period of time the approval is
33 under judicial review.

34 ~~((3))~~ (5) The applicant may request final subdivision approval in phases, subject
35 to the time restrictions in SCC 30.41A.300(1) and the terms of the preliminary
36 subdivision approval. Open space, amenities, and other requirements of the preliminary
37 approval shall be completed coincident with each phase of the final subdivision on a
38 prorata basis unless otherwise required in the preliminary approval. A revision to the
39 preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request
40 to complete the final subdivision improvements in phases.
41

1 Section 5. Snohomish County Code Section 30.41A.307, adopted by Amended Ord.
2 No. 09-018 on June 3, 2009, is repealed.

3
4 Section 6. Snohomish County Code Section 30.41A.600, adopted by Amended Ord.
5 No. 02-064 on December 9, 2002, is amended to read:
6

7 **30.41A.600 Final subdivision application approval - timing.**

8
9 A final subdivision application shall be approved within the ~~((five))~~ seven year time
10 period for preliminary subdivision approval unless an extension of time is granted
11 pursuant to SCC 30.41A.300.
12

13 Section 7. Snohomish County Code Section 30.41B.300, last amended by
14 Amended Ord. No. 09-018 on June 3, 2009, is amended to read:
15

16 **30.41B.300 Preliminary short subdivision approval - term.**

17
18 (1) The standard term of approval for a preliminary short subdivision is ~~((five))~~
19 seven years. An applicant must file for and complete final short subdivision approval
20 within the ~~((five))~~ seven year period, running from the date of preliminary short
21 subdivision approval, or the approval will expire. However, preliminary short subdivision
22 approval may be extended beyond the seven year period as provided for in SCC
23 30.41B.300(2) and (3).

24 (2) An applicant or his or her successors may request, in writing, ~~((up to))~~ a one-
25 year extension of preliminary approval. Such request must be received by the director
26 at least 30 days prior to the expiration date of the preliminary short subdivision
27 approval. The department may grant an extension if the applicant can demonstrate
28 that a good faith effort was exerted to complete the final short subdivision within the
29 initial ~~((five-year))~~ seven-year approval period in accordance with the terms of the
30 preliminary approval. ~~((The total time period that any preliminary short subdivision~~
31 ~~approval may be extended by the department shall not exceed one year.))~~ Except as
32 provided for in SCC 30.41B.300(3), the department may not grant more than one
33 extension or extend preliminary short subdivision approval beyond an eight year period.
34 The applicant shall pay an extension fee pursuant to SCC 30.86.110.

35 ~~((2))~~ (3) The department shall grant an extension in cases where a preliminary
36 approval has been appealed to court, not to exceed the period of time the approval is
37 under judicial review.
38

1
2 Section 8. Snohomish County Code Section 30.41B.307, adopted by Amended Ord.
3 No. 09-018 on June 3, 2009, is repealed.
4

5 Section 9. Snohomish County Code Section 30.41B.600, adopted by Amended Ord.
6 No. 02-064 on December 9, 2002, is amended to read:
7

8 **30.41B.600 Final short subdivision application approval - timing.**
9

10 A final short subdivision application shall be approved within the ~~((five))~~ seven year time
11 period for preliminary approval unless an extension of time is granted pursuant to SCC
12 30.41B.300.
13

14 Section 10. Snohomish County Code Section 30.41A.300, last amended by this
15 ordinance, is amended to read:
16

17 **30.41A.300 Preliminary subdivision approval - term.**
18

19 (1) The standard term of approval for a preliminary subdivision is ~~((seven))~~ five
20 years. An applicant must file for and complete final subdivision approval within the
21 ~~((seven))~~ five year period, running from the date of preliminary subdivision approval, or
22 the approval will expire. However, preliminary subdivision approval may be extended
23 beyond the ~~((seven))~~ five year period as provided for in SCC 30.41A.300(2), (3), and
24 (4).

25 (2) An applicant or his or her successors may request, in writing, a one-year
26 extension of preliminary approval. Such request must be received by the director at
27 least 30 days prior to the expiration of the preliminary subdivision approval. The
28 department may grant an extension if the applicant can demonstrate that a good faith
29 effort was exerted to complete the final subdivision within the initial ~~((seven-year))~~ five-
30 year approval period in accordance with the terms of the preliminary approval. Except
31 as provided for in SCC 30.41A.300(3) and (4), the department may not grant more than
32 one extension or extend preliminary subdivision approval beyond ~~((an eight))~~ a six year
33 period. The applicant shall pay an extension fee pursuant to SCC 30.86.100.
34

35 (3) In addition to any extension granted by the department, preliminary
36 subdivision approval may be further extended for a period not to exceed four months by
37 the county council concurrent with the council's consideration of final subdivision
38 approval.

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

42 (5) The applicant may request final subdivision approval in phases, subject to the
time restrictions in SCC 30.41A.300(1) and the terms of the preliminary subdivision

1 approval. Open space, amenities, and other requirements of the preliminary approval
2 shall be completed coincident with each phase of the final subdivision on a prorata
3 basis unless otherwise required in the preliminary approval. A revision to the
4 preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request
5 to complete the final subdivision improvements in phases.

6
7 Section 11. Snohomish County Code Section 30.41A.600, last amended by this
8 ordinance, is amended to read:

9
10 **30.41A.600 Final subdivision application approval - timing.**

11
12 A final subdivision application shall be approved within the ~~((seven))~~ five year time
13 period for preliminary subdivision approval unless an extension of time is granted
14 pursuant to SCC 30.41A.300.

15
16 Section 12. Snohomish County Code Section 30.41B.300, last amended by this
17 ordinance, is amended to read:

18
19 **30.41B.300 Preliminary short subdivision approval - term.**

20
21 (1) The standard term of approval for a preliminary short subdivision is ~~((seven))~~
22 five years. An applicant must file for and complete final short subdivision approval
23 within the ~~((seven))~~ five year period, running from the date of preliminary short
24 subdivision approval, or the approval will expire. However, preliminary short subdivision
25 approval may be extended beyond the ~~((seven))~~ five year period as provided for in SCC
26 30.41B.300(2) and (3).

27 (2) An applicant or his or her successors may request, in writing, a one-year
28 extension of preliminary approval. Such request must be received by the director at
29 least 30 days prior to the expiration date of the preliminary short subdivision approval.
30 The department may grant an extension if the applicant can demonstrate that a good
31 faith effort was exerted to complete the final short subdivision within the initial ~~((seven-~~
32 ~~year))~~ five-year approval period in accordance with the terms of the preliminary
33 approval. Except as provided for in SCC 30.41B.300(3), the department may not grant
34 more than one extension or extend preliminary short subdivision approval beyond ~~((an~~
35 ~~eight))~~ a six year period. The applicant shall pay an extension fee pursuant to SCC
36 30.86.110.

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

1 Section 13. Snohomish County Code Section 30.41B.600, last amended by this
2 ordinance, is amended to read:

3
4 **30.41B.600 Final short subdivision application approval - timing.**

5
6 A final short subdivision application shall be approved within the ((seven)) five year time
7 period for preliminary approval unless an extension of time is granted pursuant to SCC
8 30.41B.300

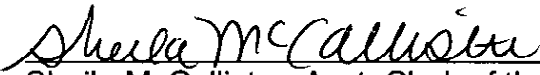
9
10 Section 14. Severability and Savings. If any section, sentence, clause or phrase of
11 this ordinance shall be held to be invalid by the Growth Management Hearings Board
12 (Board), or invalid or unconstitutional by a court of competent jurisdiction, such invalidity
13 or unconstitutionality shall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

19
20 PASSED this 11th day of January, 2012.

21
22 SNOHOMISH COUNCIL
23 Snohomish, Washington

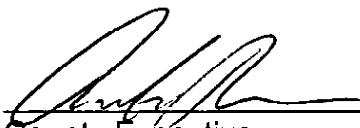
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25 
26 _____
27 Brian Sullivan, Council Chair

28 ATTEST:

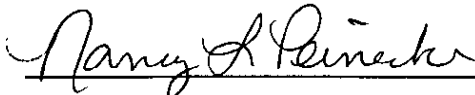
29
30 
31 _____
32 Sheila McCallister, Asst. Clerk of the Council

33 APPROVED
34 EMERGENCY
35 VETOED

36
37 DATE: 1-25-12

38
39 
40 _____
41 County Executive

42 ATTEST:

43
44 
45 _____

AMENDED ORDINANCE NO. 11-075
RELATING TO THE TIME PERIOD OF PRELIMINARY APPROVAL
OF SUBDIVISIONS AND SHORT SUBDIVISIONS; AMENDING
SCC 30.41A.300, 30.41A.600, 30.41B.300 AND 30.41B.600; REPEALING
SCC 30.41A.307 AND 30.41B.307; AND PROVIDING EFFECTIVE DATES - 9

D.22