

1 Adopted: March 16, 2016

2 Effective: April 1, 2016

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON
6

7 AMENDED ORDINANCE NO. 16-004
8

9 AN ORDINANCE RELATING TO DEVELOPMENT PERMIT PROCESSING AND APPROVALS,
10 AMENDING TITLE 30 OF THE SNOHOMISH COUNTY CODE
11

12 WHEREAS, the Growth Management Act (GMA) Planning Goals (RCW 36.70A.020) and policies
13 in the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP) address
14 the efficient and fair processing of permit applications, protection of the environment, and economic
15 development; and
16

17 WHEREAS, the Washington state common law doctrine of vested rights “refers generally to the
18 notion that a land use application, under the proper conditions, will be considered only under the land
19 use statutes and ordinances in effect at the time of the application’s submission,” Noble Manor v.
20 Pierce County, 133 Wn.2d 269, 275 (1997); and
21

22 WHEREAS, the Washington state legislature has codified the vested rights doctrine for building
23 permit applications (RCW 19.27.095), short subdivision and subdivision applications (RCW 58.17.033),
24 and development agreements (RCW 36.70B.180); and
25

26 WHEREAS, municipalities are allowed to enact their own vesting schemes to suit their particular
27 local needs so long as the schemes remain within the parameters set by state law, Erickson & Assoc.
28 v. McLerran, 123 Wn.2d 864, 873 (1994); and
29

30 WHEREAS, on December 9, 2002, the Snohomish County Council (the “County Council”) adopted
31 Title 30 of the Snohomish County Code (SCC), entitled the Unified Development Code (“UDC”),
32 containing regulations that guide development within the unincorporated areas of Snohomish County;
33 and
34

35 WHEREAS, during the 2013 legislative session, the Washington state legislature passed
36 Substitute House Bill 1074 (SHB 1074), which amended RCW 58.17.140 to provide for a ten-year
37 preliminary subdivision approval period if the date of preliminary approval was on or before December
38 31, 2007, and maintained the seven-year preliminary subdivision approval period if the date of
39 preliminary approval was on or before December 31, 2014, and the five-year preliminary approval
40 period if the date of preliminary approval was on or after January 1, 2015; and
41

42 WHEREAS, pursuant to RCW 58.17.140, a city, town, or county is authorized to allow extensions
43 of time for plats; and
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45 WHEREAS, the County Council finds that it is in the best interest of citizens of Snohomish County
46 (“the County”) and the local economy to provide up to twelve years for preliminary subdivision and
47 preliminary short subdivision approvals granted on or before December 31, 2007, to allow applicants
48 sufficient time to complete construction and file for final approval; and
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AN ORDINANCE RELATING TO DEVELOPMENT PERMIT
PROCESSING, AND APPROVALS, AMENDING TITLE 30
OF THE SNOHOMISH COUNTY CODE

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2 WHEREAS, the County Council finds that it is in the best interest of citizens of the County and the
3 local economy to provide extensions of time for preliminary subdivision and preliminary short
4 subdivision approval; and
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6 WHEREAS, the recent court case, Potala Village Kirkland, LLC v. City of Kirkland, 183 Wn. App.
7 191, 194 (2014), affirmed that statutory vested rights replaced common law vesting; and
8

9 WHEREAS, the Potala Village Kirkland, LLC v. City of Kirkland court case has resulted in
10 uncertainty in vesting for those permit application types that are not codified in state law; and
11

12 WHEREAS, a need exists to amend the SCC to provide greater consistency and predictability
13 regarding the vesting of applications and the expiration of applications, approvals and permits for
14 applicants and residents of Snohomish County; and
15

16 WHEREAS, there is a need to help reduce costs associated with applying for and processing
17 subdivision extension requests, avoid expiration of subdivision approvals, and help maintain certainty
18 for applicants; and
19

20 WHEREAS, the Snohomish County Department of Planning and Development Services ("PDS")
21 briefed the Snohomish County Planning Commission (the "Planning Commission") at a public meeting
22 on June 23, 2015; and
23

24 WHEREAS, after proper notice, the Planning Commission held a public hearing on August 25,
25 2015, to receive public testimony concerning the proposed code amendments; and
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27 WHEREAS, at the conclusion of its deliberations the Planning Commission voted to recommend
28 that the County Council approve the proposed development regulations as written by PDS, with the
29 exception of one proposed amendment; and
30

31 WHEREAS, the Planning Commission's recommendations are enumerated in its recommendation
32 letter dated September 3, 2015; and
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34 WHEREAS, after proper notice, the County Council held a public hearing on March 16, 2016, to
35 consider the entire record, including the Planning Commission's recommendations on the full package
36 of development regulations and PDS staff report dated August 12, 2015, which provides a detailed
37 summary and analysis of the proposed development regulations, and to receive public testimony on
38 Ordinance No. 16-004; and
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40 WHEREAS, following the public hearing, the County Council deliberated on the code amendments
41 contained in this ordinance.
42

43 NOW, THEREFORE, BE IT ORDAINED:
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45 Section 1. The County Council adopts the following findings in support of this ordinance:
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- 47 A. The foregoing recitals are adopted as findings as if set forth herein.
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49 B. This ordinance will amend Title 30 SCC in the following manner:
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1. The proposal would establish a vesting framework, specific to the County and consistent with state law, to provide property owners, permit applicants, and the general public assurance that the regulations for a project development will remain consistent during the life of an application. A new section, SCC 30.70.300, would be added to clarify which applications vest and to which development regulations an application vests. This amendment would establish vesting for, among other things, applications that prior to the Potlatch Village Kirkland, LLC v. City of Kirkland court case, had common law vesting and/or had vesting established under specific provisions of the SCC.
 2. The proposal would amend SCC 30.70.140 to: 1) clarify the expiration periods for applications, approvals, and permits, consistent with state law, to provide greater predictability on the timing of project development, and to improve uniformity in processing similar types of applications, approvals, and permits, and 2) add provisions for extensions of plats granted by PDS to add certainty to their duration.
 3. Amends chapter 30.91C SCC to add a new definition for the term “commence construction” to help clarify the expiration time frame for approvals and permits listed in SCC Table 30.70.140(1).
 4. Amends other sections of Title 30 SCC for internal code consistency and for consistency with the substantive amendments to chapter 30.70 SCC.
- C. Current regulations do not clearly define the expiration of applications, approvals, and permits and allow for repeated extensions of applications; this lack of specificity in the current regulations creates uncertainty for the general public as to the timing that a development might occur in the community.
- D. The proposal would provide greater predictability in the permitting process, and should help retain lot availability and development opportunities which could help reduce costs associated with applying for and processing subdivision extension requests, avoid expiration of subdivision approvals and help maintain certainty for applicants.
- E. This ordinance is consistent with vested rights codified in state law and maintains consistency with the following GMA Planning Goals:
1. Planning Goal 5 (RCW 36.70A.020(5)) “Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.” The proposal encourages economic development by providing a more consistent and predictable permitting process for the vesting of applications and the expiration of applications, approvals, and permits. The elimination of uncertainty in the permitting process encourages development, as economic investment in projects will be protected from changing regulations. This is particularly true for large-scale or complex development that cannot be completed within a short timeframe.

2. Planning Goal 6 (RCW 36.70A.020(6)) "Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions." This proposal helps to protect property rights by applying vesting rights to additional applications than those currently codified under state law; this provides greater certainty to the applicant as to which development regulations an application vests, and thus provides greater assurance to a landowner in developing his or her property.
 3. Planning Goal 7 (RCW 36.70A.020(7)) "Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability." The proposal promotes the efficient processing of permit applications by amending and consolidating regulations for the vesting of applications and expiration of approvals and permits into one code chapter for quick reference and ease of use. The concept of vesting an application to regulations in place at the time a complete application is submitted is rooted in the concept of fairness, as regulations will remain static as the application is processed.
 4. Planning Goal 10 (RCW 36.70A.020(10)) "Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." This proposal helps protect the environment by establishing limits on the duration of permit applications and approvals. Those duration periods are those that, in the experience of PDS, are reasonable for processing applications and constructing projects. This ensures that applications and approvals do not remain valid beyond what is reasonably necessary for project development, thus reducing the number of projects that potentially are constructed under outdated regulations.
- F. This ordinance is consistent with the following goals, objectives, and policies contained in the GMACP – GPP:
1. Goal ED 1 "Maintain and enhance a healthy economy." The proposed amendments help retain lot availability and development potential by providing extensions to approval periods for certain subdivision and short subdivision developments.
 2. Objective ED 1.C "Snohomish County shall recognize the needs of small and minority owned businesses as well as larger, established enterprises." The proposed amendments include a provision extending the ten-year approval period for subdivisions in RCW 58.17.140 to short subdivisions, providing smaller short subdivision developments the same approval period accorded larger subdivision developments.
 3. Goal ED 2 "Provide a planning and regulatory environment which facilitates growth of the local economy" The proposed amendments to chapter 30.70 SCC would provide greater predictability and clarity for PDS' customers and staff regarding the vesting and expiration of development applications; this would provide greater efficiency in the permitting process and therefore facilitate growth of the local economy.
 4. Objective ED 2.A "Develop and maintain a regulatory system that is fair, understandable, coordinated and timely." The proposed amendments include provisions that clarify: 1) when a development application vests, 2) to which development regulations the application vests, and 3) if any subsequent applications vest that are subordinate to the primary development

identified in the complete application. These proposed amendments will provide for permitting regulations that are better understood because they provide clarity on vesting and expiration language; are fair because the proposed amendments provide a definitive time frame for vesting and expiration of applications that enables the development of a proposal; and provide greater coordination between primary applications and subsequent applications for a proposed development.

5. Policy ED 2.A.1 "Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user friendly document." The proposed amendments consolidate vesting and expiration language into one chapter which greatly improves the accessibility of the SCC.
6. Policy ED 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." The proposed amendments implement ED Policy 2.A.2 by establishing provisions for suspending the expiration period of an application to allow for environmental review time.

G. Procedural requirements.

1. The proposed amendments are consistent with state law.
2. Pursuant to WAC 197-11-800(19), the proposal is exempt from State Environmental Policy Act (SEPA) requirements.
3. Pursuant to RCW 36.70A.106, a notice to adopt this ordinance was received by the Washington State Department of Commerce on September 3, 2015, for distribution to state agencies.
4. The public participation process used in the adoption of this ordinance complied with all applicable requirements of the GMA and the SCC.
5. As required by RCW 36.70A.370, the Washington State Attorney General last issued an advisory memorandum in December of 2006 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General's 2006 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

H. The proposed amendments are consistent with the record.

1. Although the recent court case, Potlatch Village Kirkland, LLC v. City of Kirkland, affirmed that statutory vested rights replaced common law vesting, county and cities may develop a vested rights ordinance best suited to the needs of the jurisdiction, provided the regulations strike an appropriate balance between developers' rights and the public interest.
2. The amendments are consistent with vesting rights established through state law in (RCW 19.27.095), (RCW 58.17.033), and (RCW 36.70B.180).

3. Amendments to Title 30 SCC are necessary to provide greater clarity, certainty, and predictability for the vesting of applications and the expiration of applications, approvals, and permits.
4. Amendments to SCC 30.70.015 help clarify the exemptions for subtitle 30.7 SCC.
5. Amendments to SCC 30.70.140 provide greater clarity, flexibility, and predictability on the expiration of permits and approvals than the existing regulations by: 1) stating to which applications, approvals, and permits the expiration code applies, 2) suspending the expiration of an application when an Environmental Impact Statement (EIS) is required, and 3) requiring that the applicant monitor the time limitations and review deadlines for an application.
6. Amendments to SCC 30.70.140 change the period of expiration for applications. In general, this amendment increases the period of time for when an application is valid. These amendments provide greater predictability for the general public and PDS on proposed projects. In PDS' permitting experience, these amendments provide applicants with an adequate amount of time in which to complete their applications.
7. Amendments to SCC 30.70.140 include a change in the time frames for the expiration of approvals and permits. This amendment would provide greater predictability for the general public and PDS on proposed projects. In PDS' permitting experience, the proposed changes in time for the expiration of approvals and permits are adequate.
8. Granting an extension of preliminary subdivision and short subdivision approval may avoid additional costs associated with applying for and processing new preliminary subdivisions and short subdivisions.
9. Adoption of this proposal may assist homebuilders in the process of achieving final subdivision and short subdivision approval and may help the county meet future housing needs.
10. The addition of new section SCC 30.70.300 (Vesting of applications) provides greater clarity and predictability on the vesting of applications than the existing regulations by:
 - 1) establishing when a development application vests, 2) stating to which development regulations the application vests, and 3) establishing the vesting of subsequent applications.
11. The ordinance adds a new definition to chapter SCC 30.91.C for new definition "commence construction" related to the expiration of approvals and permits in SCC 30.70.140.
12. Amendments to other provisions of Title 30 SCC are necessary to update cross-references and to provide internal consistency with the proposed amendments.
13. This ordinance is consistent with the record as set forth in the PDS staff memoranda dated June 10, 2015, and August 12, 2015.
14. This proposal supports and balances GMA Planning Goal 5 Economic Development, GMA Planning Goal 6 Property Rights, GMA Planning Goal 7 Permits, GMA Planning Goal 10 Environment, GPP Goal ED 2, GPP Objective ED 2.A, GPP Policy 2.A.1, GPP Policy 2.A.2

1 and maintains consistency with vested rights outlined in state law.

2
3 a. The amendments contained in this ordinance strike an appropriate balance
4 between developers' rights and the public interest. The amendments protect
5 developers' rights by establishing vested rights for applications so applicants have
6 certainty as to which regulations apply to their projects during the processing of their
7 applications. This encourages economic development and helps protect the ability of
8 a landowner to develop his or her property. The amendments also establish limits on
9 the duration of permit applications and approvals, ensuring that applications and
10 approvals do not remain valid beyond what is reasonably necessary for project
11 development, thus reducing the number of projects that potentially are constructed
12 under outdated regulations. Further, this proposal streamlines the permitting
13 process and provides greater predictability by clarifying the expiration timeframes for
14 applications, approvals, and permits and consolidating these regulations into one
15 chapter; this improvement in the permitting process acts to encourage economic
16 development.

17
18 b. The proposal maintains consistency with vested rights codified in state law and
19 amendments to SCC 30.70.104 provide references to those provisions in state law.
20

21 Section 2. The County Council makes the following conclusions:
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- 23 A. The proposed amendments provide greater clarity and improved predictability in the permitting
24 process.
25
26 B. The proposed amendments provide a means of addressing the economic difficulty that the
27 homebuilding industry is experiencing in completing construction of subdivisions and short
28 subdivisions.
29
30 C. The proposed amendments are consistent with Washington state law and the SCC.
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32 D. The proposed amendments implement and are consistent with the goals, objectives, and policies of
33 the GMACP-GPP.
34
35 E. The proposal is exempt from SEPA requirements.
36
37 F. The proposed amendments do not result in an unconstitutional taking of private property for a public
38 purpose and they do not violate substantive due process guarantees.
39

40 Section 3. The County Council bases its findings and conclusions on the entire record of the
41 County Council, including all testimony and exhibits. Any finding, which should be deemed a
42 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
43

44 Section 4. Snohomish County Code Section 30.23A.100, last amended by Amended Ordinance
45 No. 13-050 on August 28, 2013, is amended to read:
46

47 **30.23A.100 Administrative site plan review.**
48

49 (1) An administrative site development plan shall be required for all residential development subject to
50 the requirements of this chapter. The elements of an administrative or official site plan required by

1 chapters 30.41F and 30.42B SCC shall be combined with the administrative site plan required by this
2 chapter.

3 (2) Administrative site plan review.

4 (a) Administrative site plan review is a Type 1 decision and is subject to the review procedures in
5 chapter 30.71 SCC, except that consolidated permit review shall be granted if requested by the
6 applicant pursuant to SCC 30.70.120(2). When an administrative site plan is consolidated with a Type 2
7 decision, notwithstanding subsection (2)(b) of this section, the administrative site plan shall be
8 processed as a Type 2 decision concurrent with the Type 2 decision with which it is consolidated.

9 (b) When residential development requires both an administrative site plan approval pursuant to this
10 section and a Type 2 decision issued by the hearing examiner after an open record hearing, the
11 administrative site plan shall not be approved until the hearing examiner has issued a decision.

12 (c) To approve an administrative site plan pursuant to this section, the director must find that the
13 administrative site plan is consistent with the applicable requirements of Subtitle 30.2. The director's
14 decision on the administrative site plan shall be consistent with any hearing examiner decision issued
15 for the residential development.

16 (3) The administrative site plan application shall meet the submittal requirements established by SCC
17 30.70.030 and shall include the following:

18 (a) The building envelope of all structures and the location of all on-site recreation open space areas,
19 buffers, points of egress, ingress, and internal circulation, pedestrian facilities and parking;

20 (b) Existing and proposed topography at contour intervals of five or less feet;

21 (c) Name, address, and phone number of the owner and plan preparer(s);

22 (d) Calculations showing acreage of the site, number of dwelling units proposed, zoning, site density
23 and on-site recreation open space acreage;

24 (e) Scale and north arrow;

25 (f) Vicinity sketch (drawn to approximately 1" = 2,000' scale) showing sufficient area and detail to
26 clearly locate the project in relation to arterial streets, natural features, landmarks and municipal
27 boundaries; and

28 (g) Natural drainage courses and probable alterations which will be necessary to handle the expected
29 drainage from the proposal, and the general method proposed to comply with chapter 30.63A SCC.

30 (4) An administrative site plan shall also meet the submittal requirements established by SCC
31 30.70.030, and shall be subject to the notice requirements for a notice of application in chapter 30.70
32 SCC.

33 (5) Time limitation of application. An administrative site plan application shall expire pursuant to SCC
34 30.70.140.

35 ~~((5))~~(6) Revisions to an administrative site plan that has been approved by the department shall be
36 processed pursuant to SCC 30.70.210 or 30.70.220.

37 ~~((6))~~(7) Approval expiration.

38 ~~((a))~~ Administrative site plan approval expires ~~((when construction has not commenced within five~~
39 ~~years after the date an approved administrative site plan becomes final))~~ pursuant to SCC 30.70.140.

40 ~~((b)) For the purpose of this section, construction shall mean actual construction begun on some~~
41 ~~permanent structure, utility or facility on the site.~~

42 ~~—(c) An applicant may request an extension of an approved administrative site plan pursuant to the~~
43 ~~procedures established for extension of applications in SCC 30.70.140(2) and (3).))~~

44
45 Section 5. A new section is added to Chapter 30.31A of the Snohomish County Code to read:

46
47 **30.31A.230 Time limitation of application.**

48
49 An application for a site plan under this chapter shall expire pursuant to SCC 30.70.140.

Section 6. A new section is added to Chapter 30.31A of the Snohomish County Code to read:

30.31A.510 Approval expiration.

Site plan approval under this chapter shall expire pursuant to SCC 30.70.140.

Section 7. A new section is added to Chapter 30.31B of the Snohomish County Code to read:

30.31B.220 Time limitation of application.

An application for an official site plan under this chapter shall expire pursuant to SCC 30.70.140.

Section 8. A new section is added to Chapter 30.31B of the Snohomish County Code to read:

30.31B.230 Approval expiration.

Approval of an official site plan under this chapter shall expire pursuant to SCC 30.70.140.

Section 9. Snohomish County Code Section 30.34A.170, last amended by Amended Ordinance No. 13-007 on September 11, 2013, is amended to read:

30.34A.170 Submittal requirements.

(1) All applications in the UC zone shall comply with the Urban Center development submittal checklist established by the department pursuant to SCC 30.70.030.

(2) The department shall invite a staff representative from any city or town in whose urban growth area, municipal urban growth area or potential annexation area the proposed development will be located to attend the application submittal meeting.

(3) A complete application ~~((meeting the requirements of this chapter is deemed to have vested to the development regulations as of the date of submittal. A complete application does not vest to chapters 30.52A through 30.52G SCC and chapter 30.53A SCC))~~ shall vest pursuant to SCC 30.70.300.

(4) An application for urban center development shall expire pursuant to SCC 30.70.140.

Section 10. Snohomish County Code Section 30.34A.183, added by Amended Ordinance No. 13-007 on September 11, 2013, is amended to read:

30.34A.183 Approval expiration.

Urban center development approval expires ~~((when construction has not commenced within five years after the date an approved administrative site plan becomes final. An applicant may request an extension of an approved administrative site plan))~~ pursuant to ~~((the procedures established for extension of applications in))~~ SCC 30.70.140~~((2) and (3)))~~.

Section 11. Snohomish County Code Section 30.41A.300, last amended by Amended Ordinance No. 12-075 on October 3, 2012, is amended to read:

30.41A.300 Preliminary subdivision approval - term.

(1) The standard term of approval for a preliminary subdivision is ~~((five years. An applicant must file for and complete final subdivision approval within the five-year period, running from the date of preliminary~~

subdivision approval, or the approval will expire. However, preliminary subdivision approval may be extended beyond the five-year period as provided for in subsections (2), (3), and (4) of this section) pursuant to SCC 30.70.140, except that preliminary subdivision approval may be extended for a period not to exceed four months by the county council if the applicant demonstrates that a continued good faith effort has been exerted to complete the final subdivision and provides justification of the extenuating circumstances as to why the additional four months is required. A request for consideration of the four-month extension shall be filed with the clerk of the council at least 30 days prior to the date the approval is set to expire.

~~((2))~~ An applicant or his or her successors may request, in writing, one or more extensions of preliminary approval, not to exceed a total of two years. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The department may grant an extension if the applicant can demonstrate that a good faith effort was exerted to complete the final subdivision within the initial five-year approval period in accordance with the terms of the preliminary approval, or within the subsequent extension period. Except as provided for in subsections (3) and (4) of this section, the department may not extend preliminary subdivision approval beyond a seven-year period if the date of preliminary approval is on or after January 1, 2015, and the preliminary approval period has not expired. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.

(3) In addition to any extension granted by the department, preliminary subdivision approval may be further extended for a period not to exceed four months by the county council if the applicant demonstrates that a continued good faith effort has been exerted to complete the final subdivision and provides justification of the extenuating circumstances as to why the additional four months is required. A request for consideration of the four month extension shall be filed with the clerk of the council at any time during the final extension granted by the department.

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

~~((5))~~ (2) The applicant may request final subdivision approval in phases, subject to the time restrictions in SCC ~~((30.41A.300(1)))~~ 30.70.140 and the terms of the preliminary subdivision approval. Open space, amenities, and other requirements of the preliminary approval shall be completed coincident with each phase of the final subdivision on a pro rata basis unless otherwise required in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request to complete the final subdivision improvements in phases.

Section 12. Snohomish County Code Section 30.41A.600, last amended by Amended Ordinance No. 11-075 on January 11, 2012, is amended to read:

30.41A.600 Final subdivision application approval - timing.

A final subdivision application shall be approved within the ~~((five-year))~~ time period pursuant to SCC 30.70.140 for preliminary subdivision approval ~~((unless an extension of time is granted pursuant to SCC 30.41A.300))~~.

Section 13. Snohomish County Code Section 30.41B.300, last amended by Amended Ordinance No. 12-075 on October 3, 2012, is amended to read:

30.41B.300 Preliminary short subdivision approval – term.

(1) The standard term of approval for a preliminary short subdivision is ~~((five years. An applicant must file for and complete final short subdivision approval within the five-year period, running from the date of preliminary short subdivision approval, or the approval will expire. However, preliminary short~~

subdivision approval may be extended beyond the five-year period as provided for in subsections (2) and (3) of this section.

~~(2) An applicant or his or her successors may request, in writing, one or more extensions of preliminary approval, not to exceed a total of two years. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The department may grant an extension if the applicant can demonstrate that a good faith effort was exerted to complete the final short subdivision within the initial five-year approval period in accordance with the terms of the preliminary short subdivision approval, or within the subsequent extension period. Except as provided for in subsection (3) of this section, the department may not extend preliminary short subdivision approval beyond a seven-year period if the date of preliminary approval is on or after January 1, 2015, and the preliminary approval period has not expired. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.~~

~~(3) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review)) pursuant to SCC 30.70.140.~~

Section 14. Snohomish County Code Section 30.41B.600, last amended by Amended Ordinance No. 11-075 on January 11, 2012, is amended to read:

30.41B.600 Final short subdivision application approval - timing.

A final short subdivision application shall be approved within the ((five-year)) time period for preliminary approval pursuant to SCC 30.70.140 ((unless an extension of time is granted pursuant to SCC 30.41B.300)).

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

30.41D.025 Time limitation of application.

A binding site plan application shall expire pursuant to SCC 30.70.140.

Section 16. Snohomish County Code Section 30.41D.105, added by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 17. A new section is added to Chapter 30.41D of the Snohomish County Code to read:

30.41D.140 Approval expiration.

Binding site plan approval shall expire pursuant to SCC 30.70.140.

Section 18. Snohomish County Code Section 30.41D.340, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.41D.340 Recording with auditor.

(1) The applicant shall file for record the approved original binding site plan and original record of survey as one document with the auditor in accordance with SCC 30.41D.110(6). The auditor shall distribute copies of the recorded document to the department, the department of public works, and the county assessor. All distributed copies shall bear the auditor's recording data.

(2) The auditor shall refuse to accept any binding site plan and record of survey for filing and recording until the director has approved and signed each document.

(3) A binding site plan and record of survey shall take effect upon recording, which must occur within ~~((120 days))~~ the timeframe established in SCC Table 30.70.140(1), after both are approved by the director, subject to the conditions contained therein.

Section 19. Snohomish County Code Section 30.41E.020, last amended by Amended Ordinance No. 12-018 on May 2, 2012, is amended to read:

30.41E.020 Procedure and special timing requirements.

(1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

(a) The department shall process the BLA as a Type 1 decision; or

(b) If accompanied by a concurrent Type 2 application, the BLA application may, at the applicant's request, be processed as a Type 2 permit application pursuant to the provisions of SCC 30.41E.100(5). In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the BLA application and involve the same property or adjacent property.

(c) The BLA is exempt from notice provisions set forth in SCC 30.70.050 and 30.70.060(2) except that the BLA shall comply with SCC 30.70.045(4)(d) when applicable.

(2) The department shall decide upon a BLA application within 45 days following submittal of a complete application or revision ~~((, unless the applicant consents to an extension of such time period))~~.

(3) The department or hearing examiner may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

(4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(a) the adjustments involve contiguous parcels;

(b) the application includes the signatures of every parcel owner involved in the adjustment; and

(c) the application is accompanied by a record of survey.

(5) An application for a boundary line adjustment shall expire pursuant to SCC 30.70.140.

(6) Boundary line adjustment approval expires pursuant to SCC 30.70.140.

~~((5))~~ (7) The legal descriptions of the revised lots, tracts, or parcels, shall be certified by a licensed surveyor or title company.

~~((6))~~ (8) A boundary line adjustment shall be not approved for any property for which an exemption to the subdivision provisions set forth in SCC 30.41A.020(6) or 30.41A.020(7) or an exemption to the short subdivision provisions set forth in SCC 30.41B.020(6) or 30.41B.020(7) has been exercised within the past five years.

Section 20. Snohomish County Code Section 30.41E.400, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.41E.400 Recording

To finalize an approved BLA, the applicant must record with the county auditor the BLA application, certified legal descriptions, and the BLA map within ~~((one year))~~ the timeframe established in SCC 30.70.140, from the date of approval, or the application and approval shall lapse. ~~((The department may grant up to one one-year extension for good cause.))~~ If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries. When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. Recording fees and applicable state fees shall

1 be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be
2 provided to the department by the applicant. The BLA shall not take effect until recorded.

3
4 Section 21. A new section is added to Chapter 30.41F of the Snohomish County Code to read:

5
6 **30.41F.025 Time limitation of application.**

7
8 An application for a single family detached units administrative site plan approval shall expire pursuant
9 to SCC 30.70.140.

10
11 Section 22. Snohomish County Code Section 30.41F.030 added by Amended Ordinance No.
12 07-022 on April 23, 2007, is amended to read:

13
14 **30.41F.030 Submittals.**

15
16 Administrative site plan. An administrative site plan shall be submitted with each single family detached
17 units permit application. Pursuant to SCC 30.70.030, the department will supply a submittal checklist for
18 textual and graphical requirements. A complete application for an administrative site plan meeting the
19 requirements of this section shall ~~((be deemed to have vested as of the date of submittal))~~ vest
20 pursuant to SCC 30.70.300.

21 (1) An administrative site plan for a single family detached units application may be finalized as a
22 whole or in successive divisions or phases. When phasing is proposed, and all information required by
23 this section is provided for only a portion of the entire site, a preliminary plan shall be submitted for the
24 entire site concurrently with the first phase plan. The preliminary plan shall include the following:

- 25 (i) general phasing plan for the entire site;
26 (ii) general vehicular circulation and access control plan for the entire site;
27 (iii) general pedestrian circulation plan for the entire site; and
28 (iv) general landscape and open space plan for the entire site.

29 The preliminary plan shall be used as a guide for adequate connectivity of the plan components for all
30 development phases on the site. A preliminary plan shall not be required where an entire site is
31 proposed for final administrative site plan approval.

32 (2) The site plan or phased divisions shall be submitted to the director for final approval or disapproval.
33 The director shall submit copies of the final plan for a 21-day review and comment period to appropriate
34 departments, cities or agencies for their review and comment. Reviewing departments, cities or
35 agencies may make comments consistent with the county code. If a consulted department, city or
36 agency does not respond in writing within the 21-day comment period, the director may assume that
37 the consulted department, city or agency has no comments on the proposal. Upon review of any
38 comments received, the director shall approve the site plan in writing when found to be in conformance
39 with this chapter and other applicable chapters of title 30 SCC. Upon approval, the final administrative
40 site plan shall control all development of the property.

41 (3) Within 45 days of the effective date of this chapter, the department shall develop a set of standard
42 covenants (SFDU Covenants) that will be required for all developments of single family detached units.
43 The standard SFDU Covenants shall include provisions for parking enforcement, and for the
44 maintenance of areas held in common ownership, including drive aisles and pedestrian facilities,
45 landscaping, and common open space. The standard SFDU Covenants shall also include provisions
46 authorizing the department to assess fines against the homeowners' association of a development of
47 single family detached units for the failure to enforce drive aisle parking requirements. The standard
48 SFDU Covenants shall be required to be recorded prior to the final inspection for the first unit in a
49 development of single family detached units.

Section 23. Snohomish County Code Section 30.41F.040, last amended by Amended Ordinance No. 15-103 on January 11, 2016, is amended to read:

30.41F.040 Approvals.

(1) Administrative site plan. In order to approve an administrative site plan, the department must find that the site plan is consistent with the requirements of this chapter and other applicable regulations as determined by the department.

(2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:

(a) Fire lane signs and/or striping are completed for all access ways to the units;

(b) Address signs, street signs and unit addressing is completed;

(c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved; and

(d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a recorded covenant, in a form approved by the director.

(3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the director and public works director shall have the authority to grant modifications or deviations as follows:

(a) Modifications or deviations may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification or deviation is consistent with the intent and purpose of this chapter and its provisions:

(i) chapter 30.24 SCC;

(ii) chapter 30.25 SCC;

(iii) chapter 30.26 SCC; and

(iv) chapter 30.27 SCC.

(b) The director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.

(4) An approved administrative site plan shall expire pursuant to SCC ((30.23A.100(6))) 30.70.140.

Section 24. A new section is added to Chapter 30.42A of the Snohomish County Code to read:

30.42A.040 Time limitation of application.

An application for a site-specific rezone shall expire pursuant to SCC 30.70.140.

Section 25. A new section is added to Chapter 30.42B of the Snohomish County Code to read:

30.42B.035 Time limitation of application.

An application for a planned residential development shall expire pursuant to SCC 30.70.140.

Section 26. A new section is added to Chapter 30.42B of the Snohomish County Code to read:

30.42B.037 Approval expiration.

Approval of a planned residential development shall expire pursuant to SCC 30.70.140.

Section 27. A new section is added to Chapter 30.42C of the Snohomish County Code to read:

30.42C.040 Time limitation of application.

An application for a conditional use permit shall expire pursuant to SCC 30.70.140.

Section 28. A new section is added to Chapter 30.42C of the Snohomish County Code to read:

30.42C.105 Permit expiration.

Conditional use permits shall expire pursuant to SCC 30.70.140.

Section 29. A new section is added to Chapter 30.42F of the Snohomish County Code to read:

30.42F.025 Time limitation of application.

An application for a special use permit for community facilities for juveniles shall expire pursuant to SCC 30.70.140

Section 30. A new section is added to Chapter 30.42F of the Snohomish County Code to read:

30.42F.050 Permit expiration.

A special use permit for community facilities for juveniles shall expire pursuant to SCC 30.70.140.

Section 31. A new section is added to Chapter 30.43A of the Snohomish County Code to read:

30.43A.030 Time limitation of application.

An application for an administrative conditional use permit shall expire pursuant to SCC 30.70.140.

Section 32. A new section is added to Chapter 30.43A of the Snohomish County Code to read:

30.43A.035 Permit expiration.

Administrative conditional use permits shall expire pursuant to SCC 30.70.140.

Section 33. A new section is added to Chapter 30.43B of the Snohomish County Code to read:

30.43B.030 Time limitation of application.

An application for a variance shall expire pursuant to SCC 30.70.140.

Section 34. A new section is added to Chapter 30.43C of the Snohomish County Code to read:

30.43C.050 Time limitation of application.

An application for a flood hazard permit shall expire pursuant to SCC 30.70.140.

Section 35. Snohomish County Code Section 30.43C.200, last amended by Amended Ordinance No. 05-068 on September 7, 2005, is amended to read:

30.43C.200 Permit expiration.

~~(((1))) The ((start of construction, as defined in SCC 30.91S.570, for any new construction or substantial improvement must commence within 180 days of the issuance of a flood hazard permit or the flood hazard permit will automatically expire)) flood hazard permit shall expire pursuant to SCC 30.70.140.~~
~~(((2)) A permit may be renewed for the original project description only once for up to 24 additional months.))~~

Section 36. A new section is added to Chapter 30.43D of the Snohomish County Code to read:

30.43D.030 Time limitation of application.

An application for a flood hazard variance shall expire pursuant to SCC 30.70.140.

Section 37. A new section is added to Chapter 30.43D of the Snohomish County Code to read:

30.43D.120 Approval expiration.

Approval of a flood hazard variance shall expire pursuant to SCC 30.70.140.

Section 38. Snohomish County Code Section 30.43F.100, added by Amended Ordinance No. 15-033 on June 3, 2015, is amended to read:

30.43F.100 Class IV-General forest practices – permit required.

(1) Permit required for Class IV-General forest practices. An approved Class IV-General forest practices permit shall be obtained from the department prior to conducting any forest practices described in SCC 30.43F.030(1).

(2) Procedure. The department shall process a Class IV-General forest practices permit application according to the procedures for a Type 1 administrative decision under chapter 30.71 SCC unless submitted concurrently with a Type 2 application under chapter 30.72 SCC, in which case the Class IV-General forest practices permit application shall be consolidated and processed as a Type 2 permit application. Applications for Class IV-General forest practices permits shall be submitted in compliance with the requirements in SCC 30.70.030, and may be processed concurrently with other development applications.

(3) General requirements. The department shall not issue a Class IV-General forest practices permit unless the following requirements are met:

(a) The applicant submits a completed State Environmental Policy Act checklist;

(b) The applicant has either obtained a land disturbing activity (LDA) permit under chapter 30.63B SCC, or has obtained a determination from the department that an LDA permit is not required; and

(c) The applicant provides verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to the submission of the permit application.

(4) Time limitation of application. An application for a Class IV-General forest practices permit shall expire pursuant to SCC 30.70.140.

1 ~~((4))~~ (5) Compliance with other conditions. If a Class IV-General forest practices permit is issued in
2 association with any other development permits or approvals, the applicant shall comply with any
3 conditions of approval established in those associated development permits or approvals.

4 ~~((5))~~ (6) Permit expiration and extension.

5 ~~((a))~~ A Class IV-General forest practices permit approval shall ~~((be valid for 18 months following the~~
6 ~~date of issuance unless a longer time period has been established through an associated approval~~
7 ~~issued by the county, in which case the time limits applicable to the associated approval shall apply))~~
8 expire pursuant to SCC 30.70.140.

9 ~~((b))~~ The director may grant, in writing, one extension of time, for a period of not more than 18 months.
10 The extension shall be requested in writing prior to expiration and must demonstrate justifiable cause.

11 ~~-(c) The fee for the permit extension shall be in accordance with chapter 30.86 SCC)).~~

12
13 Section 39. Snohomish County Code Section 30.50.140, added by Amended Ordinance No. 14-
14 060 on August 27, 2014, is amended to read:

15
16 **30.50.140 Time limitation of application.**

17
18 (1) An application for a permit for any proposed work shall expire 18 months after the date of filing. The
19 building official is authorized to grant one extension of time for an additional period not to exceed 18
20 months. The extension shall be requested in writing prior to expiration and justifiable cause
21 demonstrated.

22 (2) The fee for the permit application extension shall be in accordance with SCC 30.86.400(6).

23 ~~((3) The expiration and extension provisions of this section do not apply to applications subject to~~
24 ~~environmental review under chapter 30.61 SCC. Applications subject to environmental review under~~
25 ~~chapter 30.61 SCC are subject to the expiration and extension provisions of SCC 30.70.140.))~~

26
27 Section 40. Snohomish County Code Section 30.63B.270, last amended by Amended
28 Ordinance No. 14-053 on August 27, 2014, is amended to read:

29
30 **30.63B.270 Time limitation of application.**

31
32 ~~((4))~~ An application for a land disturbing activity permit shall ~~((be deemed to have been abandoned 18~~
33 ~~months after the date the applicant filed a complete application, unless the applicant has pursued the~~
34 ~~submittal of all necessary information and revisions requested by the department in good faith, or a~~
35 ~~permit has been issued))~~ expire pursuant to SCC 30.70.140.

36 ~~((2) The director is authorized to grant one extension of the permit application if abandoned. Such~~
37 ~~extension shall not exceed an additional 18 month period. The application extension shall be requested~~
38 ~~in writing and the applicant shall demonstrate a justifiable cause for the extension. A renewal fee shall~~
39 ~~be paid at the time of the renewal request pursuant to SCC 30.86.510(2).))~~

40
41 Section 41. Snohomish County Code Section 30.63B.280, added by Amended Ordinance No.
42 10-023 on June 9, 2010, is amended to read:

43
44 **30.63B.280 Permit expiration ((and renewal)).**

45
46 (1) Land disturbing activity permits shall expire ~~((18 months from the date of issuance))~~ pursuant to
47 SCC 30.70.140. However, the director may set an earlier expiration date for a permit or issue a permit
48 that is non-renewable, or both, if the director determines that soil, hydrologic or geologic conditions on
49 the project site necessitate that land disturbing activity, drainage improvements and site stabilization be
50 completed in less time.

(2) No land disturbing activity shall be performed under an expired land disturbing activity permit. An applicant shall obtain a new permit before starting work authorized under the expired permit.
~~((3) The director is authorized to grant, in writing, one permit extension of not more than 18 months. The permit extension shall be requested in writing and the applicant shall demonstrate justifiable cause for the extension. The request for extension shall be submitted to the department 30 days before the date of expiration of the original permit.~~
~~(4) Prior to extension of a permit, an on-site inspection may be required to determine whether the work authorized by the original permit complies with this chapter and any other applicable law or regulation.~~
~~(5) The renewal fee in SCC 30.86.510(2) for a permit extension request shall be paid at the time the extension request is submitted.~~
~~(6) The director may extend the timeframe for submitting an extension request under SCC 30.63B.280(3) for good cause, but shall not approve any extension request received later than 30 days after the date of expiration of the original permit.))~~

Section 42. Snohomish County Code Section 30.70.015, last amended by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.70.015 Exemptions.

The following ~~((actions))~~ permit types are exempt from the requirements of this subtitle, except the consistency determination required by SCC 30.70.100, and the expiration and vesting provisions of SCC 30.70.140 and SCC 30.70.300 shall apply:
~~((1) Street vacations under chapter 13.100 SCC;~~
~~—(2) Approvals relating to the use of public areas and facilities under title 13 SCC;))~~
~~((3)))~~ (1) Building permits exempt from the State Environmental Policy Act (SEPA);
~~((4)))~~ (2) Land disturbing activity permits exempt from SEPA; and
~~((5)))~~ (3) All other construction ~~((, mechanical, and plumbing))~~ permits pursuant to subtitle 30 SCC that are exempt from SEPA ~~((and related approvals, including certificates of occupancy)).~~

Section 43. Snohomish County Code Section 30.70.140, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.70.140 Expiration ((and extension of application)) of applications, approvals, and permits.

~~((1) An application shall expire one year after the last date that additional information is requested if the applicant has failed to provide the information, except that~~
~~—(a) The department may grant one or more extensions pursuant to SCC 30.70.140(2) and (3) below;~~
~~—(b) The department may set an expiration date of less than one year when the permit application is the result of a code enforcement action; and~~
~~—(c) No application shall expire when under review by the department following submittal of a complete application or timely resubmittal of an application when all required information has been provided.~~
~~—(2) The applicant may request an extension to a date certain prior to expiration of the application. The department may grant an extension request if the criteria of SCC 30.70.140(3) are met. If granted, the department shall set a reasonable expiration date that may be different from the date requested by the applicant.~~
~~—(3) An applicant's extension request may only be granted when the following criteria are met:~~
~~—(a) A written request for extension is submitted at least 14 days prior to the expiration date;~~
~~—(b) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested information; and~~

~~—(c) The applicant provides a reasonable schedule for submittal of the requested information.~~

~~—(4) The department may extend an expiration date for an application with no written request from an applicant when additional time for county processing or scheduling of appointments is required, when the department needs information or responses from other agencies, or under other similar circumstances.~~

~~—(5) A permit application approved for issuance pursuant to subtitle 30.5 SCC but not paid for and issued shall expire six months after the date it is approved for issuance.))~~

(1) This section shall apply to:

(a) New applications, approvals, and permits set forth in SCC Table 30.70.140(1); and

(b) Existing applications set forth in SCC Table 30.70.140(1) that were deemed complete but that were not approved or denied prior to [insert effective date of this ordinance], provided that the department shall provide notice to the applicant one year prior to the expiration date of the application.

(2) SCC Table 30.70.140(1) establishes the expiration period for applications, approvals, and permits, except that:

(a) When an EIS is required, the expiration period of an application will be suspended until the FEIS is issued. The suspension of the expiration period for an application shall not exceed 18 months unless approved by the director; and

(b) When otherwise modified by the hearing examiner.

(3) The applicant is responsible for monitoring the expiration periods for an application, approval, or permit. The county is not required to inform an applicant when an application, approval, or permit will expire or has expired.

(4) For minor revisions under SCC 30.70.210 and major revisions under SCC 30.70.220, the term of expiration for an application shall be 12 months and shall not extend the term of the corresponding development application approval or concurrency determination.

SCC Table 30.70.140(1)

<u>Approval Type</u>	<u>Expiration of application</u>	<u>Expiration of approval or permit</u>
<u>Administrative Conditional Use Permit</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Administrative Conditional Use Permit – Temporary Dwelling During Construction</u>	<u>12 months</u>	<u>As determined in decision</u>
<u>Administrative Conditional Use Permit - Temporary Dwelling For Relative</u>	<u>12 months</u>	<u>Shall be subject to annual renewal</u>
<u>Administrative Conditional Use Permit - Other Temporary Uses</u>	<u>12 months</u>	<u>As determined in decision</u>
<u>Administrative Site Plan (pursuant to chapter 30.23A SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Binding Site Plan</u>	<u>36 months</u>	<u>6 months to record</u>

<u>Boundary Line Adjustment</u>	<u>12 months</u>	<u>12 months to record. The department may grant up to one 12-month extension.</u>
<u>Building Permit</u>	<u>Per subtitle 30.5 SCC</u>	<u>Per subtitle 30.5 SCC</u>
<u>Conditional Use Permit</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Flood Hazard Permit & Flood Hazard Variance</u>	<u>18 months</u>	<u>18 months from the date of issuance. Start of construction, as defined in SCC 30.91S.570, must commence within 180 days.</u>
<u>Forest Practices (Class IV-General)</u>	<u>18 months</u>	<u>36 months</u>
<u>Land Disturbing Activity</u>	<u>18 months</u>	<u>36 months</u>
<u>Official Site Plan and Site Plans (pursuant to chapters 30.31A and 30.31B SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Planned Residential Development</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Pre-application Concurrency Determination</u>	<u>6 months</u>	<u>Per SCC 30.66B.155</u>
<u>Rezones</u>	<u>36 months</u>	<u>Not applicable</u>
<u>Shoreline Conditional Use Permit</u>	<u>36 months</u>	<u>Per chapter 30.44 SCC</u>
<u>Shoreline Substantial Development Permit</u>	<u>36 months</u>	<u>Per chapter 30.44 SCC</u>
<u>Single Family Detached Units</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Special Use Permit (pursuant to chapter 30.42F SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Subdivisions</u>	<u>48 months</u>	<u>Per RCW 58.17.140, except that:</u> <ul style="list-style-type: none"> <u>For preliminary subdivisions that were approved on or after January 1, 2008, one or more</u>

		<p><u>extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.</u></p> <ul style="list-style-type: none"> • <u>For preliminary subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of twelve years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.</u>
<u>Short Subdivisions</u>	<u>48 months</u>	<p><u>60 months, except that:</u></p> <ul style="list-style-type: none"> • <u>For preliminary short subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.</u> • <u>For preliminary short subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total</u>

		<u>term of twelve years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.</u>
<u>Urban Center Development</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Variance</u>	<u>36 months</u>	<u>Not applicable</u>

Section 44. A new section is added to Chapter 30.70 of the Snohomish County Code to read:

30.70.300 Vesting of applications.

The purpose of this section is to implement local vesting regulations that are best suited to the needs of the county and consistent with state law. This section is intended to provide property owners, permit applicants, and the general public assurance that the regulations for project development will remain consistent during the life of an application.

(1) Except for rezones, an application for a permit or approval type set forth in SCC Table 30.70.140(1) shall be considered under the development regulations in effect on the date a complete application is filed, pursuant to SCC 30.70.040. Provided, that projects under the authority of the director of the department of public works or the county engineer pursuant to SCC 30.63B.100 shall vest as of the date the county engineer approves a design report or memorandum for the project.

(2) Building permit or land disturbing activity permit applications that are subsequent and related to the development identified in an application listed in SCC 30.70.300(2)(a)-(m), shall vest to the development regulations in effect at the time a complete application listed in SCC 30.70.300(2)(a)-(m) is filed pursuant to SCC 30.70.040.

- (a) Administrative conditional use permit;
- (b) Administrative site plan (pursuant to chapter 30.23A SCC);
- (c) Binding site plan;
- (d) Conditional use permit;
- (e) Official site plan and site plan (pursuant to chapters 30.31A and 31.31B SCC);
- (f) Planned residential development;
- (g) Shoreline conditional use permit;
- (h) Shoreline substantial development permit;
- (i) Single family detached units;
- (j) Special use permits (pursuant to chapter 30.42F SCC);
- (k) Short subdivision;
- (l) Subdivision; and
- (m) Urban center development.

However, a complete application for any subsequent application must be submitted prior to the expiration date of the permit(s) or approval(s) applied for in the application types listed in this subsection.

(3) For the purpose of this section, "development regulation" means those provisions of title 30 SCC that exercise a restraining or directing influence over land, including provisions that control or affect the type, degree, or physical attributes of land development or use. For the purpose of this section, "development regulation" does not include fees listed in title 30 SCC or procedural regulations.

(4) A complete building permit application shall always be subject to that version of subtitle 30.5 SCC in effect at the time the building permit application is submitted.

(5) Notwithstanding any other provision in this section, any application dependent on approval of a rezone application shall not vest until the underlying rezone is approved.

Section 45 Snohomish County Code Section 30.86.100, last amended by Amended Ordinance No. 15-005 on March 18, 2015, is amended to read:

30.86.100 Subdivision fees.

Table 30.86.100 - 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) 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
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 SECURITY DEVICE ADMINISTRATION FEE ⁽⁵⁾	
Performance security option ⁽⁶⁾	\$24.50/Lot
Maintenance security ⁽⁷⁾	\$31.00/Lot
"MARKUP" CORRECTIONS FEE ⁽⁸⁾	\$240
SUBDIVISION ALTERATION	PLACEHOLDER POSITION
MODEL HOME FEES ⁽⁹⁾	
Base fee	\$360
Plus \$ per subdivision NOTE: For reference notes, see table following SCC 30.86.110.	120
PRELIMINARY SUBDIVISION EXTENSION ⁽¹⁰⁾	\$500
Reference notes for subdivision and short subdivision fee tables: (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) 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. (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 security devices 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(2).
- (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)) Table 30.70.140(1).

Section 46. Snohomish County Code Section 30.86.110, last amended by Amended Ordinance No. 09-018 on June 3, 2009, 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 (the 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
Plus \$ per acre	\$78
Plus \$ per lot	\$78
SHORT SUBDIVISION MODIFICATION APPLICATION	\$960
PLAN/DOCUMENT RESUBMITTAL FEE (2)	\$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
PRELIMINARY SHORT SUBDIVISION EXTENSION(3)	\$500

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) This fee applies to preliminary short subdivision approval extensions pursuant to SCC ((30.41B.300)) Table 30.70.140(1).

Section 47. Snohomish County Code Section 30.86.220, last amended by Amended Ordinance No. 15-005 on March 18, 2015, is amended to read:

30.86.220 Administrative conditional use permit fees.

Table 30.86.220 - ADMINISTRATIVE CONDITIONAL USE PERMIT (ACU) FEES⁽¹⁾

PRE-APPLICATION CONFERENCE FEE	\$480
ADMINISTRATIVE CONDITIONAL USE (ACU) PERMIT, Except: ACU for Expansion of a nonconforming use as provided below	\$180
ACU FOR EXPANSION OF A NONCONFORMING USE	
Base fee	\$1,200
Plus \$ per acre	\$60
Total maximum fee for expansion of a nonconforming use	\$3,600
((TIME EXTENSION REQUEST))	(((\$120))
MINOR REVISION REQUEST	\$240
MAJOR REVISION REQUEST	\$960
*TEMPORARY WOODWASTE RECYCLING PERMIT	\$600
*TEMPORARY WOODWASTE STORAGE PERMIT	\$600
ANNUAL RENEWAL FEE FOR ANY TEMPORARY USE	\$48

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Reference note:

(1) Administrative conditional use permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 shall be set at \$0.00.

Section 48 Snohomish County Code Section 30.86.230, last amended by Amended Ordinance No. 07-108 on November 19, 2007, is amended to read:

30.86.230 Variance fees.

Table 30.86.230 -VARIANCE FEES

PRE APPLICATION CONFERENCE FEE	\$480
STANDARD VARIANCE	\$1,200
SINGLE FAMILY RESIDENCE REQUEST FOR A SINGLE	
REVISION TO A DIMENSIONAL REQUIREMENT	\$600
((TIME EXTENSION REQUEST))	((\$420))
MINOR REVISION REQUEST	\$312
MAJOR REVISION REQUEST	\$1,248

Section 49. Snohomish County Code Section 30.86.510, last amended by Amended Ordinance No. 10-086 on October 20, 2010, is amended to read:

(1) This section establishes drainage and land disturbing activity fees that apply when drainage or land disturbing activity review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law. Construction applications referenced in this code section include applications for grading permits submitted prior to September 30, 2010, and building, right-of-way and land disturbing activity permit applications.

(2) Fees for plan review and inspection of drainage plans and land disturbing activities are established in SCC Table 30.86.510(2)(A) and (B). SCC Table 30.86.510(2)(A) and (B) includes fees for plan review and inspection of independent activities as well as fees for plan review and inspection of multiple activities. Whenever two or more proposed activities subject to fees in SCC Table 30.86.510(2) are submitted concurrently as part of the same project, the applicant shall only pay one fee; the applicable fee shall be the one associated with the proposed activity that meets the highest threshold level in SCC Table 30.86.510(2)(A) and (B).

(3) Drainage and land disturbing activity fees shall be based upon the fee table in effect at the time of payment.

(4) For complete applications submitted to the department on or after September 30, 2010, the applicable drainage and land disturbing activity fees in SCC Table 30.86.510(2)(A) and (B) shall be

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paid as follows:

(a) For applications that require preliminary land use approval or for which site plan approval is required or requested prior to the submittal of construction applications, the following percentages of the fees shall be paid as follows:

(i) Fifty percent of the fees shall be paid upon submittal of the initial application(s) for land use or site plan approval;

(ii) Twenty-five percent of the fees shall be paid upon submittal of the construction application(s); and

(iii) Twenty-five percent of the fees shall be paid prior to permit issuance;

(b) For all other applications, except single-family residential building permit applications, 75 percent of the fees shall be paid upon submittal of the construction application(s) and 25 percent of the fees shall be paid prior to permit issuance; and

(c) For single-family residential building permit applications, 50 percent of the fees shall be paid upon submittal of the construction application(s) and 50 percent of the fees shall be paid prior to permit issuance.

(5) When inspection services are requested for complete construction applications submitted to the department before September 30, 2010, and for which permits or approvals are issued on or after September 30, 2010, the following percentages of the applicable fees in SCC Table 30.86.510(2)(A) shall be paid as follows:

(a) Fifty percent of the fees shall be paid prior to single-family residential building permit issuance when the permit application included the submittal of a stormwater site plan or stormwater pollution prevention plan; and

(b) Twenty-five percent of the fees shall be paid prior to permit issuance for all applications, except as provided above in subsection (5)(a).

Table 30.86.510(2)

FEEES FOR DRAINAGE AND LAND DISTURBING ACTIVITIES

(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION ⁽¹⁾	DRAINAGE (new, replaced, or new plus replaced impervious surface in square feet)	GRADING (cut or fill in cubic yards, whichever is greater)	FEE
Level 1(a): Drainage only	1 - 1,999		\$ 375
Level 1(b): Grading only		1 - 500	\$ 350
Level 1(a)+(b): Drainage and Grading	1 - 1,999 and 1 - 500		\$ 725
Level 2	2,000 - 4,999 and 0 - 500		\$ 1,575
Level 3	5,000 - 9,999 and/or 501 - 4,999		\$ 2,450
Level 4	10,000 - 39,999 and/or 5,000 - 14,999		\$ 4,800
Level 5	40,000 - 99,999 and/or 15,000 - 69,999		\$ 12,700
Level 6	100,000 or more and/or 70,000 or more		\$ 34,700
(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION ⁽¹⁾	CLEARING ⁽²⁾		FEE
Level 1	1 - 6,999 sq. ft.		\$ 750
Level 2	7,000 sq. ft. or more		\$ 1,650
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of native vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of		\$ 2,800

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	native vegetation to pasture.	
(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:		
Pre-application site review		\$ 250
Subsequent plan review ⁽³⁾		\$ 350
Field revisions ⁽⁴⁾		\$ 350
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842		See SCC 30.86.515
Investigation penalty ⁽⁷⁾		100% of the applicable drainage and land disturbing activity fee
((Renewal of a land disturbing activity application or permit ⁽⁵⁾))		((\$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed))
Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan		\$ 60 per hour
Drainage plan review for mining operations ⁽⁶⁾		\$ 156 per acre
Monitoring associated with drainage plan review for mining operations		\$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2)		
(a) Land Use		(a) \$ 850
(b) Engineering		(b) \$ 975
(a)+(b) Land Use and Engineering Combination		(a)+(b) \$ 1,655
(D) SECURITY DEVICE ADMINISTRATION FEES:		
Performance Security		\$ 19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for all other permits
Maintenance Security		\$ 15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for all other permits
REFERENCE NOTES:		
(1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.		
(2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 - 6 for drainage and/or grading plan review and inspection also apply.		
(3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on "markup" plans, drawings, or other required submittal documents.		
(4) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.		
(((5))) ((Requests for renewals of land disturbing activity approvals or permits must include a written statement of the percentage of approved or permitted activity that remains to be completed. Applicants may provide this written statement for all level 1 projects. The engineer of record must provide the written statement for all other projects.))		
(((6))) (5) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land. Fees for phased mine developments and mining site restoration plans of phased mine developments shall be calculated separately for each phase of mining based upon the area for each phase.		
(((7))) (6) Any person who commences any land disturbing activity before obtaining the necessary permits shall be subject to an investigation penalty in addition to the required permit fees.		

Section 50. A new section is added to Chapter 30.91C of the Snohomish County Code to read:

30.91C.267 Construction, commence (Commence construction).

"Construction, commence" ("Commence construction") means the point in time demarking the breaking of ground for the construction of a development.


Section 51. 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 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 the 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.

PASSED this 16th day of March, 2016

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Terry Ryan
Council Chair


ATTEST:


Debbie Eco, CMC
Clerk of the Council

☒ APPROVED
☐ EMERGENCY
☐ VETOED

Date: 3/22/16, 2016

ATTEST:


Dave Somers
County Executive

Approved as to form only:

Deputy Prosecuting Attorney

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