

1 Adopted: July 26, 2017
2 Effective: August 12, 2017

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 17-045

8
9 RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS TO STREAMLINE
10 FINAL PLAT APPROVAL PROCEDURES; AMENDING SECTIONS 30.41A.300 AND
11 30.41A.640 AND REPEALING SECTIONS 30.41A.620, 30.41A.645, AND 30.41A.650 OF THE
12 SNOHOMISH COUNTY CODE
13

14 WHEREAS, counties and cities that are required to plan under the Growth Management
15 Act (“GMA”), Chapter 36.70A of the Revised Code of Washington (“RCW”), must ensure that
16 their comprehensive plans and development regulations encourage the availability of affordable
17 housing to all economic segments, encourage economic development, and encourage timely
18 and fair processing of development permits; and
19

20 WHEREAS, the Snohomish County GMA Comprehensive Plan (“GMACP”) – General
21 Policy Plan (“GPP”) directs Snohomish County to provide for expeditious and efficient
22 development, land use practices that reduce housing costs, and a regulatory environment that
23 facilitates growth of the local economy; and
24

25 WHEREAS, Chapter 30.41A of the Snohomish County Code (“SCC”) establishes
26 procedures for review and approval of final plats; and
27

28 WHEREAS, the Snohomish County Council (the “County Council”) currently is the
29 authorized decision-maker to approve or disapprove a proposed final plat; and
30

31 WHEREAS, Senate Bill 5674 (“SB 5674”) approved by the Washington State Legislature
32 in the 2017 Regular Session and signed into law by Washington State Governor Jay Inslee on
33 April 27, 2017, authorizes a local legislative authority to adopt an ordinance delegating final plat
34 approval to an established planning commission or agency, or administrative personnel and
35 becomes effective on July 23, 2017; and
36

37 WHEREAS, the County Council has the authority to amend provisions of the Snohomish
38 County Code related to review and approval procedures for final plats; and
39

40 WHEREAS, Snohomish County (the “County”) seeks to fairly, efficiently, and
41 expeditiously facilitate the development of additional housing opportunities for existing and
42 future residents of the county; and
43

44 WHEREAS, the County seeks to promote a healthy and vital business environment in
45 the county by reducing unnecessary permitting processes and costs; and
46

47 WHEREAS, the County seeks to ensure that government resources are wisely and
48 efficiently used in the administration of planning and land use development functions; and
49

50 WHEREAS, the County seeks to provide meaningful opportunities to the public to
51 engage in the planning process; and

1
2 WHEREAS, added time and cost in the final plat approval process can create
3 unintended risks and uncertainty for homebuilders and developers; and
4

5 WHEREAS, unnecessary delay in the final plat approval process can result in additional
6 housing costs and fewer housing choices for existing and future residents of the county; and
7

8 WHEREAS, the code amendments in this ordinance streamline the final plat approval
9 process by delegating approval to Snohomish County Department of Planning Development
10 Services ("PDS"), delegating limited discretionary authority to PDS to extend preliminary plat
11 approval, consolidating certain final plat approval procedures, eliminating unnecessary final plat
12 approval procedures, and making related housekeeping changes; and
13

14 WHEREAS, PDS has conducted early and continuous public participation in
15 development of the code amendments to Title 30 SCC that are contained in this ordinance; and
16

17 WHEREAS, code amendments contained in this ordinance constitute a Type 3 proposal
18 and procedural legislation under SCC 30.73.040(2)(b) and are therefore exempt from review by
19 the Snohomish County Planning Commission; and
20

21 WHEREAS, on July 26, 2017, the County Council held a public hearing after public
22 notice and considered public comments and the entire record related to the code amendments
23 contained in this ordinance; and
24

25 WHEREAS, following the public hearing, the County Council deliberated on the code
26 amendments contained in this ordinance;
27

28 NOW, THEREFORE, BE IT ORDAINED:
29

30 **Section 1.** The County Council adopts the following findings in support of this ordinance:
31

- 32 A. The foregoing recitals are adopted as findings as if set forth in full herein.
33
34 B. The purpose of the code amendments are to streamline and simplify the approval process
35 for final plats while retaining the capacity for adequate review and maintaining the ability to
36 appeal under the Land Use Petition Act.
37
38 C. This ordinance will amend Title 30 SCC to modify the final plat approval process for
39 subdivisions that have been granted preliminary plat approval by delegating final approval
40 authority to PDS consistent with RCW 58.17.100 and 58.17.170, as amended by SB 5674,
41 delegating limited discretionary authority to PDS to extend preliminary plat approval,
42 consolidating certain final plat approval procedures, eliminating unnecessary final plat
43 approval procedures, and making related housekeeping changes.
44
45 D. In order to implement the administrative final plat approval process as soon as possible,
46 sections 5, 6, 7, and 8 of the ordinance will apply retroactively to final plat applications
47 received on or after the effective date of Senate Bill 5674, which amends state law to
48 authorize the streamlined approval process. The County Council finds that the public will
49 continue to receive appropriate notice and will maintain adequate opportunity to comment
50 on applications throughout the transition period.
51

1 E. Procedural requirements:
2

- 3 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
4
5 2. A notice of intent to adopt proposed code amendments was transmitted to the
6 Washington State Department of Commerce for distribution to state agencies on June 2,
7 2017 pursuant to RCW 30.70A.106(1).
8
9 3. This ordinance is a procedural action pursuant to Subsection 197-11-800(19) of the
10 Washington Administrative Code and is therefore exempt from the State Environmental
11 Policy Act ("SEPA"), Chapter 43.21C RCW.
12
13 4. This ordinance is a Type 3 proposal and procedural legislation pursuant to SCC
14 30.73.040(2)(b) and is therefore exempt from Planning Commission review.
15
16 5. The public participation process used in the adoption of the proposed code amendments
17 has complied with all applicable requirements of the GMA and SCC.
18
19 6. As required by RCW 30.70A.370, the Washington State Attorney General last issued an
20 advisory memorandum in December 2015 entitled "Advisory Memorandum: Avoiding
21 Unconstitutional Takings of Private Property" to help local governments avoid
22 unconstitutional takings of private property. The process outlined in the State Attorney
23 General's 2015 advisory memorandum was used by the County in objectively evaluating
24 the regulatory changes in this ordinance.
25

26 F. In developing the code amendments, the County considered the goals of the GMA,
27 specifically those goals related to housing, economic development, and permits. The code
28 amendments are consistent with:
29

- 30 1. GMA Goal 4: "Housing. Encourage the availability of affordable housing to all economic
31 segments of the population of this state, promote a variety of residential densities and
32 housing types, and encourage preservation of existing housing stock." The code
33 amendments will provide for an expedited and streamlined process for final plat approval
34 which may incentivize the creation of housing and reduce housing costs.
35
36 2. GMA Goal 5: "Economic development. Encourage economic development throughout
37 the state that is consistent with adopted comprehensive plans, promote economic
38 opportunity for all citizens of this state, especially for unemployed and for disadvantaged
39 persons, promote the retention and expansion of existing businesses and recruitment of
40 new businesses, recognize regional differences impacting economic development
41 opportunities, and encourage growth in areas experiencing insufficient economic growth,
42 all within the capacities of the state's natural resources, public services, and public
43 facilities." The code amendments will provide for an expedited and streamlined process
44 for final plat approval which may engender additional economic development for local
45 businesses and facilitate improved financial security by reducing unnecessary permitting
46 processes.
47
48 3. GMA Goal 7: "Permits. Applications for both state and local government permits should
49 be processed in a timely and fair manner to ensure predictability." The code
50 amendments will provide for an expedited and streamlined process for final plat approval
51 in accordance with applicable local and state laws.

- 1
2 G. The code amendments will better achieve, comply with, and implement the Puget Sound
3 Regional Council's Multi-County Planning Policies ("MPPs") which set forth the following
4 policy related to the regulations contained in this ordinance:
5
6 1. Housing Policy 7: "Encourage jurisdictions to review and streamline development
7 standards and regulations to advance their public benefit, provide flexibility, and
8 minimize additional costs to housing." The code amendments will help realize the goal of
9 minimizing additional costs to housing by reducing delay and uncertainty.
10
11 H. The code amendments will better achieve, comply with, and implement the Snohomish
12 County Countywide Planning Policies ("CPPs") which set forth the following policy related to
13 regulations contained in this ordinance:
14
15 1. Housing Goal 11: "The county and cities should consider the economic implications of
16 proposed building and land use regulations so that the broader public benefit they serve
17 is achieved with the least additional cost to housing." The code amendments will
18 eliminate unnecessary processes that can lead to additional housing costs.
19
20 I. The code amendments will better achieve, comply with, and implement the following goals,
21 objectives, and policies contained in the County's GMACP – GPP by delegating final plat
22 approval authority to PDS, consolidating certain final plat approval procedures, eliminating
23 unnecessary final plat approval procedures, and making related housekeeping changes:
24
25 1. Housing Policy 1.D.3: "The county shall encourage expeditious and efficient infill
26 development in urban growth areas."
27
28 2. Housing Goal 3: "Land use policies and regulations should contribute as little as possible
29 to the cost of housing."
30
31 3. Housing Objective 3.A: "Encourage land use practices, development standards, and
32 building permit requirements that reduce housing production costs."
33
34 4. Economic Development Goal 2: "Provide a planning and regulatory environment which
35 facilitates growth of the local economy."
36
37 5. Economic Development Objective 2.A: "Develop and maintain a regulatory system that
38 is fair, understandable, coordinated and timely."
39
40 6. Economic Development Policy 2.A.2: "Snohomish County should stress predictability but
41 maintain enough flexibility in the Comprehensive Plan and development codes to allow
42 for timely response to unanticipated and desirable developments."
43
44 7. Economic Development Policy 2.A.3: "To ensure timeliness, responsiveness, and
45 increased efficiency, the county shall develop and maintain a program of periodic review
46 of the permitting process to eliminate unnecessary administrative procedures that do not
47 respond to legal requirements for public review and citizen input."
48

1
2 J. The code amendments are consistent with the record:
3

- 4 1. This ordinance will amend SCC 30.41A.300 to delegate the discretionary authority to
5 grant a four-month extension period for preliminary plat approval to PDS.
6
7 2. This ordinance will repeal SCC 30.41A.620 to simplify the final plat approval process.
8 Certain requirements of the section are consolidated under SCC 30.41A.640.
9
10 3. This ordinance will amend SCC 30.41A.640 to:
11
12 a. Delegate administrative approval authority of final plats to PDS pursuant to RCW
13 58.17.100 and 58.17.170, as amended by SB 5674;
14
15 b. Consolidate required approvals, as generally outlined under SCC 30.41A.620, to the
16 section; and
17
18 c. Make housekeeping changes.
19
20 4. This ordinance will repeal SCC 30.41A.645 to streamline the final plat approval process.
21
22 5. This ordinance will repeal SCC 30.41A.650 to streamline the final plat approval process.
23 Certain requirements of the section are consolidated under SCC 30.41A.640.
24

25 K. The code amendments are consistent with the record as set forth in the PDS Staff Report
26 dated June 27, 2017.
27

28 **Section 2.** The County Council makes the following conclusions:
29

- 30 A. The code amendments are consistent with Washington State law and Snohomish County
31 Code.
32
33 B. The code amendments are consistent with the MPPs.
34
35 C. The code amendments are consistent with the CPPs.
36
37 D. The code amendments are consistent with the GMACP and with the goals, objectives, and
38 policies of the GPP.
39
40 E. The County has complied with all SEPA requirements in respect to this non-project action.
41
42 F. The regulations contained in this ordinance delegate final plat approval authority consistent
43 with RCW 58.17.100 and 58.17.170, as amended by SB 5674.
44
45 G. The regulations contained in this ordinance clarify the time limitation procedures for final plat
46 approval and disapproval and delegate limited discretionary extension authority to PDS for
47 preliminary plat approvals consistent with RCW 58.17.140(2) and 58.17.140(4).
48
49 H. The regulations contained in this ordinance do not result in an unconstitutional taking of
50 private property for a public purpose.

1
2 I. The County complied with the state and local public participation requirements under the
3 GMA and Chapter 30.73 SCC.
4

5 **Section 3.** The County Council bases its findings and conclusions on the entire record of
6 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
7 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
8

9 **Section 4.** Snohomish County Code Section 30.41A.300, last amended by Amended
10 Ordinance No. 16-004 on March 16, 2016, is amended to read:
11

12 **30.41A.300 Preliminary subdivision approval – term.**

13 (1) The standard term of approval for a preliminary subdivision is pursuant to SCC 30.70.140,
14 except that preliminary subdivision approval may be extended for a period not to exceed four
15 months by the department (~~county council~~) if the applicant demonstrates that a continued good
16 faith effort has been exerted to complete the final subdivision and provides justification of the
17 extenuating circumstances as to why the additional four months is required. A request for
18 consideration of the four-month extension shall be filed with the department (~~clerk of the~~
19 ~~council~~) at least 30 days prior to the date the approval is set to expire.
20

21 (2) The applicant may request final subdivision approval in phases, subject to the time
22 restrictions in SCC 30.70.140 and the terms of the preliminary subdivision approval. Open
23 space, amenities, and other requirements of the preliminary approval shall be completed
24 coincident with each phase of the final subdivision on a pro rata basis unless otherwise required
25 in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330,
26 must be applied for with the request to complete the final subdivision improvements in phases.
27

28 **Section 5.** Snohomish County Code Section 30.41A.620, added by Amended Ordinance
29 No. 02-064 on December 9, 2002, is repealed.
30

31 **Section 6.** Snohomish County Code Section 30.41A.640, last amended by Ordinance
32 No. 06-093 on November 8, 2006, is amended to read:
33

34 **30.41A.640 Public notice of final subdivision submittal and ~~((departmental review))~~**
35 **approval procedure for final subdivision.**

36 (1) The department shall examine the final subdivision application (~~(to ensure compliance with~~
37 ~~applicable law))~~ for adequacy of any required road improvements and right-of-way dedications,
38 the mathematical closure of all lots and boundaries, and any other conditions required for
39 compliance with the provisions of county code and conditions of preliminary approval. The
40 applicant shall provide computation records for the lots and boundaries. The department may
41 require additional information from an applicant where necessary to review the final subdivision
42 application. (~~Computation records for the lots and boundaries shall be furnished.~~)
43

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

1 ~~((3))~~ (2) Public notice of final subdivision submittal shall be provided by the department
2 within 21 days of determination that the application is complete by:

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

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

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

9 (d) Notices required ~~((in the))~~ pursuant to SCC ~~((30.41A.640(3)(a)))~~ 30.41A.640(2)(a),
10 30.41A.640(2)(b), and ((through)) 30.41A.640(2)(c) shall solicit comments on the final
11 subdivision recommendation. All comments shall be submitted to the department within 15 days
12 of the mailing of the public notice.

13 ~~((4))~~ (3) The department shall coordinate the final subdivision review process among the
14 appropriate county departments and other agencies ~~((and,))~~ after compliance with the public
15 notice provisions of SCC 30.41A.640(2). ~~((30.41A.640(3), and upon confirmation of compliance~~
16 ~~with the conditions of preliminary approval shall transmit a recommendation for final subdivision~~
17 ~~approval to the council. The final subdivision application shall be scheduled for consideration at~~
18 ~~a regular or special meeting of the council.))~~

19 (4) The final subdivision shall be approved or disapproved by the department. The
20 department shall base its decision on the following:

21 (a) The recommendations of the Snohomish Health District and any purveyors with
22 jurisdiction as to the adequacy of the sewage disposal and potable water supply;

23 (b) The recommendation of the provider with jurisdiction as to the adequacy of electrical
24 availability;

25 (c) The recommendation of the department of public works;

26 (d) The recommendation of the fire marshal;

27 (e) The recommendations of other relevant federal, state, and local agencies;

28 (f) The requirements of state law, the county code, and all other applicable codes;

29 (g) The submittal of a certificate of title prepared by a title insurance company no more than
30 30 days prior to submittal of the final subdivision which must show the names of all persons,
31 firms, or corporations whose consent is necessary to dedicate land for public usage, as well as
32 any easements or other encumbrances to the land proposed for subdivision;

33 (h) Any evidence of ownership interests not shown on title; and

34 (i) Compliance with all conditions imposed in the granting of the preliminary subdivision.

35 (5) Upon finding that the final subdivision has been completed in accordance with the county
36 code, that the plat is in proper form for recording as established by the submittal requirements,
37 that all required improvements have been completed or the arrangements or contracts have
38 been entered into to guarantee that such required improvements will be completed, that all
39 conditions of the preliminary subdivision approval and requirements of state law and county
40 code have been met, and that the interests of the county are fully protected, the department
41 shall obtain the necessary signatures on the final plat and the director shall sign the final plat,
42 accepting such dedications and easements as may be included thereon, for final approval.

43
44 **Section 7.** Snohomish County Code Section 30.41A.645, last amended by Amended
45 Ordinance No. 03-047 on June 4, 2003, is repealed.

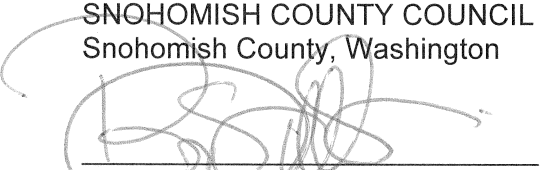
46
47 **Section 8.** Snohomish County Code Section 30.41A.650, last amended by Amended
48 Ordinance No. 03-047 on June 4, 2003, is repealed.

1
2 **Section 9.** Applicability. The code amendments contained in Sections 5, 6, 7, and 8 of
3 this ordinance shall apply retroactively to final plat applications submitted on or after July 23,
4 2017. Final plats submitted prior to July 23, 2017 shall be processed according to the
5 procedures in effect at the time of submittal. The code amendments contained in Section 4 of
6 this ordinance shall apply prospectively to requests for consideration of a four-month extension
7 of preliminary subdivision approval pursuant to SCC 30.41A.300(1) filed on or after the effective
8 date of this ordinance. Requests for consideration of a four-month extension of preliminary
9 subdivision approval pursuant to SCC 30.41A.300(1) filed prior to the effective date of this
10 ordinance shall be processed according to the procedures in effect at the time of filing..
11


12 **Section 10.** Severability and savings. If any section, sentence, clause, or phrase of this
13 ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings
14 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
15 the validity or constitutionality of any other section, sentence, clause, or phrase of this
16 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance
17 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
18 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and
19 effect for that individual section, sentence, clause, or phrase as if this ordinance had never been
20 adopted.
21

22 PASSED this 26th day of July, 2017.
23

24 SNOHOMISH COUNTY COUNCIL
25 Snohomish County, Washington

26
27
28
29 
30 _____
31 Brian Sullivan, Council Chair

32 ATTEST:

33 
34 _____
35 Debbie Eco, CMC
36 Clerk of the Council

37 APPROVED
38 EMERGENCY
39 VETOED
40

41 DATE: 8/2/17
42 
43 _____
44 County Executive

45 ATTEST:

46 
47 _____
48 Deputy Prosecuting Attorney

49 Approved as to form only:
50 _____
51 Deputy Prosecuting Attorney

D-10