

1 APPROVED: 04/20/20
2 EFFECTIVE: 04/20/20

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4
5 SNOHOMISH COUNTY COUNCIL
6 Snohomish County, Washington

7
8 EMERGENCY ORDINANCE NO. 20-027

9
10 RELATING TO GROWTH MANAGEMENT; ADOPTING AN INTERIM OFFICIAL
11 CONTROL TO SUSPEND AND TOLL THE EXPIRATION TIME PERIODS FOR
12 ALL APPLICATIONS, APPROVALS, AND PERMITS REGULATED BY
13 SCC 30.70.140; DECLARING AN EMERGENCY;
14 AND SETTING A HEARING DATE
15

16
17 WHEREAS, the World Health Organization has determined that a pandemic exists due
18 to the global spread of a highly contagious virus commonly known as COVID-19; and
19

20 WHEREAS, a state of emergency has been declared by the federal, state, county and
21 municipal governments in response to the COVID-19 pandemic; and
22

23 WHEREAS, on March 23, 2020, due to the COVID-19 pandemic, Governor Jay Inslee
24 (“governor”) issued Proclamation 20-25 (“Stay Home - Stay Healthy Order”) requiring all people
25 in Washington State to immediately cease leaving their home or place of residence except to
26 conduct or participate in essential activities or for employment in essential business services;
27 and
28

29 WHEREAS, on March 25, 2020, the governor provided official guidance stating that
30 construction activities are not considered essential under Proclamation 20-25, except in limited
31 circumstances; and
32

33 WHEREAS, on April 2, 2020, the governor issued Proclamation 20-25.1, extending the
34 Stay Home - Stay Healthy Order to May 4, 2020, and it is not known at this time how or when
35 non-essential construction activities will be allowed to resume; and
36

37 WHEREAS, the construction industry accounts for 8.5% of all jobs in Snohomish County
38 (“county”) and provides much-needed housing, including affordable housing, for county
39 residents. Construction-related activity is a significant tax generator and is an important
40 revenue source to the county to finance public safety and other needed public services; and
41

42 WHEREAS, the continuing COVID-19 pandemic adversely affects businesses of all
43 types, including the construction industry. Measures to combat the pandemic are necessary to
44 protect the health of the local construction work force. However, the shutdown of non-essential
45 construction activity by the state has the potential to cause severe financial and liability
46 hardships to builders and developers in the county who may be unable to initiate or finalize
47 development projects for an indeterminate time period during and immediately following the
48 shutdown; and
49

1 WHEREAS, due to the continuing COVID-19 pandemic, the construction industry is
2 experiencing a disruption in the construction material supply chain which is resulting in the lack
3 of available construction products, including safety equipment, and will potentially delay the
4 completion of projects once the shutdown is lifted. Decreased manufacturing output abroad,
5 where most construction supplies originate, is likely to remain disrupted for the near future; and
6

7 WHEREAS, the construction industry will experience delays in completing projects after
8 the shutdown is lifted due to the difficulties of ramping up the needed construction labor force.
9 Hiring and rehiring of the construction trades will take time. A portion of the labor force may
10 have left the region due to the work stoppage, have sought other sources of income, or have
11 decided not to return to construction work because of the continued threat of the virus. A
12 reduced labor force would increase competition between builders for skilled trades. Also, the
13 construction industry anticipates the implementation of new government worker safety
14 procedures, such as physical worker distancing requirements, which would likely result in a
15 reduction in the number of workers at a given job site, in turn requiring additional time to
16 complete projects; and
17

18 WHEREAS, the county's compliance with the governor's restrictions on non-essential
19 activities has resulted in the cessation of most project inspections by the county and state
20 during the shutdown and has created an inspection backlog which will delay the completion of
21 projects once the shutdown is lifted; and
22

23 WHEREAS, title 30 of the Snohomish County Code (SCC) imposes certain time
24 limitations and process requirements on development permit applications that may not be
25 achievable by applicants in the current emergency due to compliance with Proclamation 20-25;
26 and
27

28 WHEREAS, when public health considerations allow relaxation of measures to combat
29 the pandemic, resumption of construction activity will be an essential factor in reviving the local
30 economy as well as meeting the urgent need for housing. The ability of project applications that
31 might normally expire during the shutdown to continue through the development approval
32 process to completion by extending the procedural review timelines following the end of the
33 shutdown is critical to the economic recovery of the county; and
34

35 WHEREAS, on April 2, 2020, the governor issued Proclamation 20-40, extending the
36 implementation of State Building Code amendments from July 1, 2020, to November 1, 2020;
37 and
38

39 WHEREAS, the Snohomish County Council ("county council") finds that it is in the best
40 interest of citizens of the county and the local economy to encourage a continuation of
41 construction activity delayed by the emergency restrictions and by the economic impacts of the
42 pandemic through the suspension and tolling of expiration dates for applications, approvals, and
43 permits; and
44

45 WHEREAS, this public health and economic crisis creates the immediate need for an
46 interim ordinance that would extend development permit application processing and permit
47 expiration time periods for active permit applications, approvals, and permits during this public
48 health emergency. This interim ordinance is intended to provide temporary relief related to the
49 work stoppage mandated by Proclamation 20-25; and
50

1 WHEREAS, RCW 36.70A.390 provides that the county council may adopt a moratorium,
2 interim zoning ordinance, interim zoning map, and/or interim official control; and
3

4 WHEREAS, RCW 36.70A.390 provides that a moratorium, interim zoning control or
5 interim official control may be effective for not longer than six months, but may be renewed for
6 one or more six-month periods if a subsequent public hearing is held and findings of fact are
7 made prior to each renewal; and
8

9 WHEREAS, the provisions of this interim ordinance are procedural in that they
10 temporarily suspend the expiration of permits, approvals, and applications to provide relief from
11 the work stoppage required under Proclamation 20-25. Accordingly, this interim ordinance is
12 exempt from the requirements of a threshold determination under the State Environmental
13 Policy Act pursuant to WAC 197-11-800(19) and does not require transmittal to the Washington
14 State Department of Commerce for comment; and
15

16 WHEREAS, it is the intent of the county council that the suspension and tolling of time
17 periods provided for in SCC 30.70.140 commence retroactively on March 23, 2020, the date the
18 governor issued Proclamation 20-25.
19

20 NOW, THEREFORE, BE IT ORDAINED:
21

22 Section 1. The county council adopts and incorporates the foregoing recitals as findings as if set
23 forth fully herein.
24

25 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the Snohomish County
26 Council finds and concludes that adopting an interim official control suspending and tolling the
27 expiration time periods for all applications, approvals, and permits regulated by SCC 30.70.140
28 is necessary for the immediate preservation of the public peace, health or safety. Based on the
29 findings set forth in this ordinance, the Snohomish County Council declares that an emergency
30 exists and this ordinance shall take effect immediately.
31

32 Section 3. The county council hereby adopts the following interim official control:
33

34 Expiration time periods for all applications, approvals, and permits regulated by SCC 30.70.140
35 that had not yet expired as of March 23, 2020, shall be suspended and tolled for 120 days from
36 March 23, 2020. The intent of the Snohomish County Council is that although this interim
37 official control is temporary, the tolling period permanently extends by 120 days the validity of all
38 applications, approvals, and permits regulated by SCC 30.70.140 that had not yet expired as of
39 March 23, 2020.
40

41 Section 4. Public hearing. The Snohomish County Council will hold a public hearing on this
42 matter on June 3, 2020, at the hour of 10:30 a.m., for the purpose of receiving public testimony
43 under RCW 36.70A.390. The notice for the public hearing shall specifically indicate that this
44 ordinance may be renewed for one or more six-month periods if a subsequent public hearing is
45 held and findings of fact are made prior to each renewal.
46

47 Section 5. Effective date. This ordinance, an interim official control, shall become effective
48 immediately upon its adoption.
49

1 Section 6. Expiration. This ordinance shall expire automatically six months from the date of
2 adoption, unless renewed or otherwise extended under RCW 36.70A.390.
3

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

14
15 PASSED this 20th day of April, 2020.
16
17

18 SNOHOMISH COUNTY COUNCIL
19 Snohomish County, Washington
20

21 
22 _____
23 Council Chair

24 ATTEST:

25 
26 _____
27 Clerk of the Council
28

29
30 () APPROVED
31 (X) EMERGENCY
32 () VETOED
33

34 DATE: _____, 2020
35
36

37 _____
38 Snohomish County Executive
39

40 ATTEST:
41 _____
42
43

44 Approved as to form only:

45 
46 _____ 4/16/20
47 Deputy Prosecuting Attorney

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