

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 96-003

AMENDING SNOHOMISH COUNTY CODE TITLES 2, 3, 6, 9, 17, 18, 19, 19A,  
20, 21, 23, 26B, 27; 28, 29, 32, AND ADDING A NEW CHAPTER 32.50,  
RELATING TO PERMIT REVIEW AND APPEALS PROCEDURES TO  
IMPLEMENT THE REQUIREMENTS OF CHAPTER 347, LAWS OF 1995

BE IT ORDAINED:

Section 1. A new Chapter is added to Title 32 Snohomish County Code to read:

Chapter 32.50  
PERMIT PROCESSING

Sections:

- 32.50.010 Purpose
- 32.50.020 Applicability
- 32.50.030 Definitions
- 32.50.040 Application completeness determination
- 32.50.050 Application submittal information
- 32.50.060 Notice of application and comment period
- 32.50.070 Notice of application relationship to SEPA review
- 32.50.080 Combined notice
- 32.50.090 Combined county and agency hearing
- 32.50.100 Consistency determination
- 32.50.110 Permit review timelines
- 32.50.120 Consolidated permit review
- 32.50.130 Notice of decision
- 32.50.140 Exemptions

32.50.010 Purpose.

The provisions of this chapter implement certain state requirements contained in Chapter 347, Laws of 1995, relating to the integration of growth management planning and environmental review. These provisions constitute development regulations necessary to implement an integrated and consolidated permit review process which will be conducted within the review timelines specified by the applicable state provisions. These development regulations are

also adopted pursuant to Chapter 36.70A RCW, the State Growth Management Act.

#### 32.50.020 Applicability

The provisions of this chapter shall be applied to all county project permit applications, unless specifically exempted in part or in total by SCC 32.50.140. State agencies shall comply with the provisions of this chapter pursuant to RCW 36.70A.103.

#### 32.50.030 Definitions.

Unless the context clearly requires otherwise, intended definitions in this section apply throughout this chapter.

(1) "Project permit" or "project permit application" means any land use permit required from the county for a project action, approvals required by a critical areas ordinance, and site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan or development regulations. Project permits include those permits and approvals authorized in Titles 17, 18, 19, 19A, 20, 21, 27, 29. Project permit or project permit application shall not include right-of-way transactions subject to the procedures contained in Title 13 SCC. The term project permit, or project permit application shall not include minor administrative approvals granted by the department that:

(a) are associated with a primary project permit for which land use and environmental analysis has been conducted; for example, such minor approvals as, but not limited to: mechanical permits, electrical permits, plumbing permits, certificates of occupancy, landscape plan approval, clearing plan approval and similar approvals; or

(b) pertain to the maintenance of existing structures and facilities where land use is not affected; for example, such minor approvals as, but not limited to: reroofing approvals, tenant improvements and similar approvals.

(2) "Consistency" means a project's performance in accordance with the county's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the county comprehensive plan or subarea plans adopted under chapter 36.70A RCW, including but not limited to compliance and conformity.

(3) "Department" means the department of planning and development services.

#### 32.50.040 Application completeness determination

(1) (a) The department shall determine whether a project permit application is complete or incomplete within twenty-eight days after receiving the application, unless the project permit is exempted by SCC 32.50.140

(b) The determination shall be in writing and shall be mailed to the applicant, or provided to the applicant or his/her representative in person within

the specified time period. When an application is determined incomplete, the determination shall state what is necessary to make the application complete.

(2) The written determination of completeness shall, to the extent known by the department, identify other local, state or federal agencies that may have jurisdiction over some aspect of the permit application. The department may include other information in the determination of completeness such as, but not limited to, a preliminary determination of which development regulations will be used for project mitigation and a preliminary determination of consistency made pursuant to SCC 32.50.100.

3) A project permit application is complete for purposes of this section when it meets the submittal information required in SCC 32.50.050 for the type of permit requested, even though additional review information may be required, or project modification may later be undertaken. A determination of completeness shall not preclude the county from requesting additional information or studies either at the time of the notice of completeness or subsequently if additional information is required to evaluate the application, or if substantial changes in the proposed action occur.

(4) An application shall be deemed complete under this section if the department has not provided a written determination to the applicant within the time period specified in SCC 32.50.040(1)(a) or SCC 23.16.170.

(5) When the department has determined an application incomplete and the applicant has submitted additional information identified by the department as necessary for a complete application, the department shall notify the applicant whether the application is complete or what additional information is necessary to make the application complete within fourteen days of the applicant's submittal.

#### 32.50.050 Application submittal information

A list of submittal information required for project permits subject to the completeness determination of SCC 32.50.040 is contained within the individual county code for each type of nonexempt project permit, or in an application checklist authorized by the department. For example, a list of submittal requirements for subdivision applications pursuant to Title 19 SCC is contained in an application checklist; while a list of submittal requirements for shoreline permits is contained in Title 21 SCC. The list of submittal information for each permit type constitutes the information necessary to determine whether an application is complete pursuant to SCC 32.50.040.

#### 32.50.060 Notice of application and comment period

(1) Notice of application shall be provided to the public, and to other departments and agencies with jurisdiction for all project permit applications, unless exempted in SCC 32.50.140. The notice provisions of this section may be used to satisfy other notice requirements of county code when so specified.

All notices for public hearings shall be given at least fifteen days prior to the public hearing.

(2) Notice of application shall be given in the manner prescribed in subsection (4) of this section within seven days after a determination of completeness. Said notice shall start a twenty-one day public and agency comment period; EXCEPT, That for a shoreline substantial development, shoreline conditional use, and shoreline variance permit, the public and agency comment period shall be thirty days.

(3) Each notice shall be prepared in the department and include the following information in the format and sequence the department deems appropriate:

(a) Date of application, the date of the notice of completeness for the application, and the date of the notice of application;

(b) Project description and list of permits requested, assigned county file number, and contact person;

(c) A list of the following:

(i) Any studies requested of the applicant in the determination of completeness,

(ii) Any other required permits not included in the application to the extent known by the department, and

(iii) Any existing environmental documents that evaluate the proposed project, including the location where the documents can be reviewed;

(d) Date, time, place and type of public hearing, if applicable and if scheduled at the time notice is given, and how an interested party may become a "party of record";

(e) A statement indicating where the full text and/or map may be obtained when notice is for rezone actions and amendments to Title 18 SCC;

(f) Statement that a twenty-one day public and agency comment period starts following the date of the notice (except for a shoreline substantial development, shoreline conditional use, and shoreline variance where the notice shall state that a 30 day comment period starts following the date of the notice), and how an interested party may comment on the application, receive additional notice, participate in any hearings, and receive copies of decisions on the project, and procedures for appeals;

(g) Statement of the preliminary determination, if one has been made at the time of notice, of the development regulations that will be used for project mitigation and of consistency pursuant to SCC 32.50.100; and

(h) Any other information determined appropriate by the department.

(4) Notice shall be given by each of the following methods:

(a) Posting: The applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting public rights-of-way. If no public right-of-way exists, the signs shall be placed at the point of access to the property. Posting shall be evidenced by

submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within fifteen days of application, the department shall discontinue processing of the application until such verification is received. The signs shall remain posted throughout the permit review process until all appeal periods have expired, and may be updated and used for other posted notices required by county code for the proposed project. Signs and instructions for posting shall be provided to the applicant by the county;

(b) Publication: The department shall publish one notice in the official county newspaper; and

(c) Mailing: The department shall mail notice to:

(i) Each taxpayer of record and known site address within 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant; PROVIDED, That notice shall be mailed to each taxpayer of record and known site address with 1,000 feet of said boundaries when the existing zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030; PROVIDED, FURTHER, That mailed notice required by this subsection shall be increased to 1,500 feet for subdivision applications where each lot is 20 acres or larger, or one-thirty-second of a section or larger if described as a fraction of a section; and

(ii) Any city or town whose municipal boundaries are within one mile of a proposed subdivision; the Washington state department of transportation for every proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and any other federal, state, or local agency as deemed appropriate by the department.

(5) The mailed notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail a notice to each taxpayer of record and known site address.

(6) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons if named in an affidavit of mailing executed by the department. The failure of any person to actually receive the notice shall not invalidate any proposed action.

(7) The county may provide additional public notice by one or more of the following methods:

(a) Notifying the news media and community organizations;

(b) Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and

(c) Publishing notice in agency newsletters.

(8) The county may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(9) If an agency with jurisdiction does not respond within the comment time specified in subsection (2) of this section, a letter from the director will be sent to the agency urging them to respond immediately.

#### 32.50.070 Notice of application relationship to SEPA review

(1) A notice of application is not required for project permits categorically exempt from environmental review pursuant to Title 23 SCC and chapter 43.21C RCW, unless a public comment period or open record predecision hearing is required.

(2) For proposed permit actions subject to chapter 32.50 SCC, no threshold determination made pursuant to Title 23 SCC, except for a determination of significance, shall be issued until the expiration of the public comment period established for the notice of application pursuant to SCC 32.50.060(2).

#### 32.50.080 Combined Notice

Public notice given for project permit applications, SEPA documents, predecision hearings, and appeals hearings as required by this chapter and other provisions of county code may be combined when practical, where such combined notice will expedite the permit review process, and where provisions applicable to each individual notice are met by the combined notice.

#### 32.50.090 Combined county and agency hearing

When requested by an applicant, the county shall allow a predecision hearing to be combined with a hearing that may be necessary by another local, state, regional, federal, or other agency for the same project if the joint hearing can be held within the time periods specified in SCC 32.50.110, or if the applicant agrees to waive such time periods in the event additional time is needed in order to combine the hearings. The combined hearing shall be conducted within the geographic boundary of the county or the other local government with jurisdiction.

#### 32.50.100 Consistency determination.

(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. Review of a development permit application shall incorporate a determination of the project's consistency with applicable county development regulations or, in the absence of adopted development regulations, applicable comprehensive plan or subarea plan elements adopted under Chapter 36.70A RCW. Consistency under this section shall be determined by consideration of:

- (a) Type of land use permitted on the project site;
- (b) Level of development, such as units per acre or other measures of residential development density;

(c) Availability and adequacy of infrastructure, including public facilities and services needed to serve the project; and

(d) Character of the development, such as consistency of site plan components with applicable design standards, and consistency with other applicable development standards.

(2) The conclusions of a consistency determination made under this section shall be documented in the project permit decision. For those project permits requiring a predecision hearing by the hearing examiner, the department's staff report for the project shall include a recommended consistency determination.

#### 32.50.110 Permit Review Timelines

(1) The county shall issue a notice of final decision on a project permit application within one hundred twenty days of a determination that the permit application is complete, unless exempted in subsection 32.50.110(2) or 32.50.140 SCC. In determining the number of days that have elapsed after an application is determined complete, the following periods shall be excluded:

(a) Any period during which the applicant has been requested by the county to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the county notifies the applicant of the need for additional information until the date the county determines whether the additional information satisfies the request for information, or fourteen days after the date the information has been provided to the county, whichever is earlier. If the information submitted by the applicant under this subsection is insufficient, the county shall notify the applicant of the deficiencies and the provisions of this subsection shall apply as if a new request for information had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW and Title 23 SCC when said time period is consistent with the environmental impact statement preparation provisions of SCC 23.16.170(3);

(c) The period specified for administrative appeals of project permits as provided in chapter 2.02 SCC;

(d) Any period of time following the fifteen day time period for submitting a verification of posting as required in SCC 32.50.060(4)(a), where the applicant has not submitted the required verification, until such verification is submitted by the applicant; and

(e) Any period of time mutually agreed upon by the applicant and the county.

(2) The time limits established by subsection 32.50.110(1) SCC shall not apply to a project permit application that:

(a) requires an amendment to the county comprehensive plan or a development regulation in order to obtain approval;

(b) requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) is substantially revised by the applicant, in which case a new time period shall start from the date at which the revised project application is determined to be complete pursuant to the procedures of SCC 32.50.040.

(3) The county shall provide written notice to the applicant if a notice of final decision on the project has not been made within the time limits specified in this section. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of a notice of final decision.

(4) The department, in scheduling predecision hearings for project permits, shall schedule the hearing no later than day one hundred one of the one hundred twenty day time period in order to provide the hearing examiner adequate time to conduct the hearing and issue a decision pursuant to the provisions of Chapter 2.02 SCC.

#### 32.50.120 Consolidated permit review

Project permit applications pertaining to the same proposal may be consolidated for review and processing by the department.

(1) The department shall consolidate for permit processing purposes all project permit applications for the same proposal when each permit is subject to a predecision public hearing and where all permit applications have been submitted concurrently.

(2) When consolidated permit processing is requested by the applicant, each application for the same proposal may be consolidated when all permit applications have been submitted concurrently. If one or more of the permit applications is subject to the review time periods established in SCC 32.50.110, all consolidated permit applications, including project permit applications exempted in SCC 32.50.140, shall be reviewed within said time period, except as provided in subsection (3) of this section.

(3) When a project permit application subject to the provisions of SCC 32.50.110 is consolidated with a major project permit exempted in SCC 32.50.110(2)(a) or (b), the nonexempt permit shall be exempt from the time periods established under SCC 32.50.110.

(4) A project permit application being reviewed together with other permit applications under the consolidated process is subject to all requirements of permit application submittal, processing and approval that would otherwise apply if the permit application were being processed as a separate permit application.

(5) A final decision on certain consolidated permit applications may be preliminary and contingent upon approval of other permits considered in the consolidated permit process.



### 32.50.130 Notice of decision

A notice of final decision shall be provided for all project permit decisions as follows, unless exempted in 32.50.140 SCC:

(1) Notice of decision for administrative project permit decisions made by the department shall be given as follows:

(a) Notice shall be provided to the applicant and all parties that either have commented on the project permit application during its review by the department or have requested a notice of decision.

(b) The notice shall specify the appeal process for the permit decision and the time period for filing an appeal, and shall be mailed to applicable parties within the time period established by 32.50.110 SCC.

(2) Notice of decisions for project permit decisions issued pursuant to chapter 2.02 SCC shall be provided in accordance with the applicable provisions of chapter 2.02 SCC;

(3) The notice of decision may be a copy of the decision itself.

### 32.50.140 Exemptions

Certain project permits are exempt from all provisions of this chapter, other than a consistency determination. The exemptions listed in this section are consistent with the scope of exemptions allowed under RCW 36.70B.140. Project permits exempted in (1) through (3) of this section are projects that are generally reviewable in less than one hundred and twenty days. Project permits listed in (4) and (5) of this section are excludable under chapter 36.70B RCW. Project permits exempt from all provisions of this chapter, except the consistency determination required by SCC 32.50.100, are as follows:

(1) Administrative project permit for which final approval may be granted by the department and which are categorically exempt from environmental review under Title 23 SCC;

(2) The following administrative project permits for which final approval may be granted by the department and which are not categorically exempt from environmental review under Title 23 SCC:

(a) Single family residential, mobile home, or duplex permits, including accessory structures;

(b) Grading permits associated with single family residential, mobile home or duplex construction;

(c) Temporary dwelling permits;

(d) Accessory apartment permits;

(e) Flood hazard permits for single family residential or duplex construction; and

(f) Short subdivisions;

(3) Final plat approval;

(4) Landmark designations; and

(5) Approvals relating to the use of public areas and facilities, other than right-of-way transactions subject to Title 13 SCC which are not "project permits" subject to chapter 32.50 SCC.

Section 2. Snohomish County Code Section 2.02.010, last amended by Ordinance No. 80-115, on December 29, 1980, is **AMENDED** to read:

2.02.010 Purpose.

The purpose of this chapter is to: establish a quasi-judicial hearing system which will ensure procedural due process and appearance of fairness in regulatory hearings; ~~((and will))~~ provide an efficient and effective hearing process for quasi-judicial matters; and comply with state laws regarding quasi-judicial land use hearings.

Section 3. Snohomish County Code Section 2.02.100 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.100 Powers.

The examiner shall have authority to:

- (1) Receive and examine available information,
- (2) Conduct public hearings and prepare a record thereof,
- (3) Administer oaths and affirmations,
- (4) Examine witnesses, PROVIDED That no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law,
- (5) Regulate the course of the hearing,
- (6) Make and enter decisions,
- (7) At the examiner's discretion, hold conferences for the settlement or simplification of ~~((the))~~ issues and/or for establishment of special hearing procedures,
- (8) Dispose of procedural requests or similar matters,
- (9) Issue summary orders as provided for in SCC 2.02.125 and in supplementary proceedings, and
- (10) Take any other action authorized by or necessary to carry out this chapter.

The above authorities may be exercised on all matters for which jurisdiction is assigned either by county ordinance or by other legal action of the county or its elected officials. The examiner's decision shall be final and conclusive and may be reviewable by the council, the shorelines hearings board or court, as applicable. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance which grants jurisdiction.

Section 4. Snohomish County Code Section 2.02.125 last amended by Ordinance No. 95-032, on June 28, 1995, is **AMENDED** to read:

2.02.125 Procedures for appeals within the examiner's jurisdiction. Administrative appeals over which the examiner has jurisdiction shall be subject to the following procedural requirements:

(1) Appeals shall be addressed to the hearing examiner but shall be filed in writing with the department of planning and development services within ~~((45))~~ 14 calendar days of the date of action or, in those cases requiring personal or certified mail service, the date of service of the administrative action being appealed~~((,--and))~~ ; EXCEPT, That for a DNS, mitigated DNS, or DS requiring a comment period pursuant to WAC 197-11-340(2) and WAC 197-11-408(2), the appeal period shall run concurrently with and extend an additional 7 days beyond the end of the comment period. Appeals shall be accompanied by a filing fee in the amount of \$100.00; PROVIDED, That the filing fee shall not be charged to a department of the county or to other than the first appellant; and PROVIDED, FURTHER, That the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of procedural defect such as but not limited to untimely filing, lack of standing, facial lack of merit, etc.

(2) An appeal must contain the items set forth in the following subsections in order to be complete. The examiner, if procedural time limitations allow, may allow an appellant not more than 15 days to perfect an otherwise timely filed appeal if such appeal is incomplete in some manner.

(a) specific identification of the order, permit, decision, determination or other action being appealed (including the county's file number whenever such exists). A complete copy of the document being appealed must be filed with the appeal;

(b) specific identification of the county code provision which authorizes the appeal;

(c) the specific grounds upon which the appellant relies, including a concise statement of the factual reasons for the appeal and, if known, identification of the policies, statutes, codes, or regulations that the appellant claims are violated. In the case of appeals filed pursuant to Title 23 SCC, a specific listing of the environmental elements alleged to be inadequately or inappropriately addressed in the environmental document and the reasons therefor shall be included;

(d) the name, mailing address and daytime telephone number of each appellant together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any;

(e) the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and

(f) the required filing fee.

(3) Timely filing of an appeal shall stay the effect of the order, permit, decision, determination or other action being appealed until the appeal is finally disposed of by the examiner or withdrawn; PROVIDED, That filing of an appeal from the denial of a permit shall not stay such denial. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under county code.

(4) No new appeal issues may be raised or submitted after the close of the time period for filing of the original appeal.

(5) The department of planning and development services shall forward the appeal to the examiner's office within three working days of its filing.

(6) The examiner's office, within ~~((three))~~ two working days of receipt of the appeal, shall send written notice of the filing of the appeal to the department whose decision has been appealed (hereinafter referred to as the "respondent"); PROVIDED, That such notice is not required when the department of planning and development services is the respondent. The respondent, within ~~((three))~~ two working days of either receipt of an appeal or notification by the examiner's office of the filing of an appeal, whichever comes first, shall transmit to the examiner's office all relevant public files on the order, permit, decision, determination or other action being appealed.

(7) The examiner's office, within ~~((five))~~ three working days after receipt of the file from the respondent, shall send written notice of the filing of the appeal by first class mail, to the person named in an order or to the person who initially sought the permit, decision, determination or other action being appealed, whenever the appeal is filed by other than such person.

(8) The examiner may summarily dismiss an appeal in whole or in part without hearing if the examiner determines that the appeal is untimely, incomplete ~~((but only after having allowed the appellant an opportunity to perfect the appeal))~~, without merit on its face, frivolous, beyond the scope of ~~((his))~~ the examiner's jurisdiction or brought merely to secure a delay. The examiner may also summarily dismiss an appeal if he/she finds, in response to a challenge raised by the respondent and/or by the permit applicant and after allowing the appellant a reasonable period in which to reply to the challenge, that the appellant lacks legal standing to appeal. Except in extraordinary circumstances, summary dismissal orders shall be issued within 15 days following receipt of either a complete appeal or a ~~(( ))~~ request for issuance of such an order, whichever is later.

(9) Appeals shall be processed by the examiner as expeditiously as possible, giving proper consideration to the procedural due process rights of the parties. An open record appeal hearing shall be held before a final decision is issued unless the summary dismissal provisions of subsection (8), above, are utilized or the appeal is withdrawn. ~~((In no event shall more than 60 calendar days elapse after the filing of a complete appeal without either a prehearing conference or a public hearing having been convened, or a summary dismissal order having been issued.))~~ The examiner may consolidate multiple appeals of

the same action for hearing and decision making purposes where to do so would facilitate expeditious and thorough consideration of the appeals without adversely affecting the due process rights of any of the parties. (())

(10) Notice of open record appeal hearings conducted pursuant to this section, containing at a minimum the information required in SCC ~~((18.73.050(4)(a) — (e)))~~ 32.50.060(3)(b) through (e) and (h), shall be given as provided below not less than 15 calendar days prior to the hearing:

(a) The examiner's office shall give notice of all open record appeal hearings: by first class mail (unless otherwise required herein) to:

- (i) The appellant;
- (ii) The appellant's agent/representative, if any; and
- (iii) The respondent (by interoffice mail); and
- (iv) To the person named in an order or to the person who

initially sought the permit, decision, determination or other action being appealed, whenever the appeal is filed by other than such person;

(b) The department of planning and development services shall give notice of open record appeal hearings arising from Title 20 SCC:

- (i) In the same manner as required by SCC ~~((19.16.040))~~ 32.50.060(4) for hearings on preliminary subdivision applications; and
- (ii) By first class mail to parties of record as defined by SCC

(c) The department of planning and development services shall give notice of open record appeal hearings arising from Title 23 SCC by first class mail to:

- (i) Parties of record as defined by SCC 2.02.165;
- (ii) Agencies with jurisdiction as disclosed by documents in the appeal file; and

(iii) All taxpayers of record and known site addresses within 500 feet of any boundaries of the property subject to the appeal; PROVIDED, That the mailing radius for written notice shall correspond to the mailing radius required for the notice of hearing of any discretionary permit or action associated with the environmental document under appeal where such mailing radius is greater than 500 feet.

(d) The examiner's office shall give notice of open record appeal hearings other than those covered by subsections (b) and (c) above, by first class mail to parties of record as defined by SCC 2.02.165.

(11) Notices required by the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each person entitled thereto. Notices mailed pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated to mail the notices. The failure of any person to actually receive the notice shall not invalidate any action.

(12) The open record appeal hearing and examiner consideration of the appeal shall be limited solely to the issues identified by the appellant pursuant to the above subsections.

Section 5. Snohomish County Code Section 2.02.130 last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

2.02.130 Report of department.

(1) Where the open record hearing to be conducted before the examiner concerns a matter evolving from a land use statute or ordinance, the department of planning and development services shall coordinate and assemble the reviews of the other county departments and governmental agencies having an interest in the subject application/appeal and shall prepare a report summarizing the factors involved and the department's findings and recommendations.

(2) Where the open record hearing to be conducted before the examiner concerns a matter evolving from a statute or ordinance other than one dealing with land use matters, the department involved shall be responsible for preparing a report summarizing the factors involved and the department's findings and recommendations.

(3) At least seven calendar days prior to the scheduled open record hearing, the report shall be filed with the examiner and copies thereof shall be mailed by the preparing department to the applicant/appellant and made available for public inspection. Copies thereof shall be provided to interested persons upon payment of reproduction costs.

Section 6. Snohomish County Code Section 2.02.140 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.140 ((Public)) Open record hearings.

(1) Where a public hearing is required by statute or ordinance, the examiner shall hold at least one ((public)) open record hearing prior to rendering a decision on any such matter. All testimony at any such hearing shall be taken under oath. Notice of the time and place of the ((public)) open record hearing shall be given as required by county ordinance. At the commencement of the hearing the examiner shall give oral notice of the opportunity to become a party of record as provided for in SCC 2.02.165.

(2) Each person participating in ((a)) an open record hearing shall have the following rights, among others:

(a) to call, examine and cross-examine witnesses (subject to reasonable limitation by the examiner in accordance with the examiner's adopted rules of procedure) on any matter relevant to the issues of the hearing;

(b) to introduce documentary and physical evidence;

(c) to rebut evidence against him/her; and

(d) to represent him/herself or to be represented by anyone of his choice who is lawfully permitted to do so.

Section 7. Snohomish County Code Section 2.02.150 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.150 Examiner's decision.

A final decision shall be issued ~~((Within))~~within 15 calendar days of the conclusion of a hearing, ~~((unless a longer period is agreed to in writing or verbally on the record at a public hearing by the applicant/appellant))~~ but not later than 90 calendar days after the filing of a complete appeal, or for predecision hearings, not later than 120 days after an underlying application is determined to be complete, unless the applicant (or appellant where there is no underlying application) agrees in writing to extend the time period, the time period has been extended under some other authority, or a summary dismissal order has been issued. ~~((, the examiner shall render a written))~~ The final decision ~~((which))~~ shall include at least the following:

(1) Findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the county's comprehensive plan, other official policies and objectives and land use regulatory enactments (land use applications only).

(2) A decision:

(a) on the application which may be to grant, grant in part, return to the applicant for modification, deny without prejudice, deny or grant with such conditions, modifications, and/or restrictions as the examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives, and land use regulatory enactments as applicable; or

(b) on the appeal which may, in conformity with applicable statutes and/or ordinances, reverse or affirm, in whole or in part, or modify the order, permit, decision, determination or other action appealed from. To that end, the examiner shall have full authority to exercise all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

(3) A statement which indicates the procedure for reconsideration, if applicable, and appeal of an examiner decision.

Section 8. Snohomish County Code Section 2.02.160 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.160 Notice of examiner's decision.

~~((Not later than five calendar days following the rendering of a written decision, copies))~~ Copies of examiner decisions ~~((thereof))~~ shall be distributed as follows within the time period allowed by SCC 2.02.150:

- ~~(1)~~ Mailed by regular mail or inter-office mail, as appropriate, to the applicant and other parties of record in the case; and
- ~~(2)~~ Mailed by certified mail, return receipt requested, to the appellant in appeal cases ~~((; and))~~.
- ~~((3))~~ Sent by inter-office mail to affected county departments.

Section 9. Snohomish County Code Section 2.02.165 last amended by Ordinance No. 92-075, on July 22, 1992, is **AMENDED** to read:

2.02.165 ~~((Parties of record -))~~ Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

~~(1)~~ ~~((The term "parties"))~~ "Parties of record" ~~((, shall))~~ means for each application/appeal:

- ~~((1))~~ ~~(a)~~ The applicant/appellant;
- ~~((2))~~ ~~(b)~~ All persons, county departments and/or public agencies who testified at the ~~((public))~~ open record hearing;
- ~~((3))~~ ~~(c)~~ All persons, county departments and/or public agencies who individually submitted written comments concerning the specific matter ~~((to the responsible county department and/or to the hearing body))~~ into the hearing record prior to the close of the open record hearing (excluding persons who have only signed petitions or mechanically produced form letters); and
- ~~((4))~~ ~~(d)~~ All persons, county departments and/or public agencies who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the ~~((public))~~ open record hearing.

A ~~((person who becomes a))~~ party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal; PROVIDED A new parties of record register shall be started whenever an application/appeal comes on for supplementary hearing eighteen or more months after the most recent examiner decision was issued. ~~((That the))~~ The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

~~(2)~~ "Open Record Hearing" means a hearing that creates the record on a project permit application/appeal through testimony and submission of evidence and information.

~~(3)~~ "Closed Record Appeal" means an administrative appeal of a decision on a project permit application following an open record hearing. The closed record appeal hearing shall be conducted on the record with no or limited new



evidence or information allowed to be submitted and only appeal argument allowed.

Section 10. Snohomish County Code Section 2.02.167 last amended by Ordinance No. 95-032, on June 28, 1995, is **AMENDED** to read:

2.02.167 Reconsideration by hearing examiner.

(1) ~~((Reconsideration must have been sought by one or more parties))~~ A time period for any party of record to seek reconsideration before ((the)) filing ((of)) an appeal pursuant to SCC 2.02.((174)) 175, 2.02.195 or 21.16.090 shall be provided if and only if the applicant (or appellant where there is no underlying applicant) prior to the close of the open record hearing signs a written request for a reconsideration period and waiver of the timeline for decision issuance. Any such request shall be granted by the examiner. The provisions of this section shall apply once such a request is granted .

(2) Any party of record ~~((or a department of the county))~~ may file a written petition for reconsideration with the hearing examiner within 10 calendar days following the date of the examiner's written decision. The timely filing of a petition for reconsideration shall stay the effective date of the examiner's decision until such time as the petition has been disposed of by the examiner.

(3) The grounds for seeking reconsideration shall be limited to the following:

- (a) the examiner exceeded his jurisdiction;
- (b) the examiner failed to follow the applicable procedure in reaching his decision;
- (c) the examiner committed an error of law or misinterpreted the applicable comprehensive plan, provisions of the Snohomish County Code, or other county or state law or regulation;
- (d) the examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) newly discovered evidence alleged to be material to the examiner's decision which could not reasonably have been produced at the examiner's hearing; or
- (f) changes to the application proposed by the applicant in response to deficiencies identified in the decision.

(4) The petition for reconsideration must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the specific grounds upon which relief is requested; describe the specific relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

(5) The petition for reconsideration shall be deemed to have been denied if one of the actions specified in subsection (6), below, has not been taken within

10 calendar days of the end of the reconsideration period established in subsection (2), above.

(6) The petition for reconsideration shall be disposed of in writing by the same examiner who rendered the decision, if reasonably available. If such examiner is not reasonably available, the petition shall be disposed of by another examiner. The examiner may at his discretion:

(a) deny the petition;

(b) grant the petition and issue an amended decision in accordance with the provisions of SCC 2.02.150 following reconsideration;

(c) accept the petition and give all parties of record the opportunity to submit written comment. Notice of the filing of, together with a copy of, a petition for reconsideration to be handled in such a fashion shall be sent to all parties of record by the examiner's office. Parties shall have 10 calendar days from the date of such notice in which to submit written comments. The examiner shall either issue a decision in accordance with the provisions of SCC 2.02.150 or issue an order within 15 days after the close of the comment period setting the matter for further hearing in accordance with subsection (d), below; or

(d) accept the petition and set the matter for further open record hearing to consider new evidence, proposed changes in the application and/or the arguments of the parties. Notice of such further hearing shall be mailed by the examiner's office not less than 15 days prior to the hearing date to all parties of record. The examiner shall issue a decision following the further hearing in accordance with the provisions of SCC 2.02.150.

(7) A decision which has been subjected to the reconsideration process shall not again be subject to reconsideration; PROVIDED, That a decision which has been revised on reconsideration from any form of denial to any form of approval with preconditions and/or conditions shall be subject to reconsideration.

(8) The examiner may consolidate for action, in whole or in part, multiple petitions for reconsideration of the same decision where such consolidation would facilitate procedural efficiency.

Section 11. Snohomish County Code Section 2.02.171 last amended by Ordinance No. 95-004, on February 15, 1995, is **REPEALED**.

Section 12. A **NEW** section is added to Snohomish County Code Chapter 2.02 as follows:

2.02.175 Appeal to county council from examiner's decision.

Where the examiner's decision is final and conclusive with right of appeal to the council, the following provisions shall apply:

(1) Appeals may be filed by any aggrieved party of record. Where the reconsideration process of SCC 2.02.167 has been utilized no appeal may be

filed until the reconsideration process has been completed, and no appeal under this section((-)) by the petitioner for reconsideration((-)) may raise an issue which has not been the subject of a petition for reconsideration. Only the petitioner for reconsideration may appeal from the denial of a petition for reconsideration. Appeals shall be addressed to the Snohomish county council but shall be filed in writing with the department of planning and development services within 14 calendar days following the date of the examiner's decision and shall be accompanied by a filing fee in the amount of \$100.00. The filing fee shall not be charged to a department of the county or to other than the first appellant. The filing fee shall be refunded in any case where an appeal is summarily dismissed under subsection (7) of this section because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect.

(2) An examiner decision which has been timely appealed shall come on for council consideration at a closed record appeal hearing. Appeals shall be on the record with no new evidence allowed unless specifically requested by the council. Appeals shall be processed by the council as expeditiously as possible, giving proper consideration to the due process rights of the parties.

(3) The grounds for filing an appeal shall be limited to the following:

- (a) the examiner exceeded his jurisdiction;
- (b) the examiner failed to follow the applicable procedure in reaching his decision;
- (c) the examiner committed an error of law or misinterpreted the applicable comprehensive plan, provisions of the Snohomish County Code, or other county or state law or regulation; or
- (d) the examiner's findings, conclusions and/or conditions are not supported by the record.

(4) An appeal must contain the items set forth in the following subsections in order to be complete:

- (a) a detailed statement of the grounds for appeal;
- (b) a detailed statement of the facts upon which the appeal is based, including citations to specific hearing examiner findings, conclusions, exhibits or oral testimony;
- (c) written arguments in support of the appeal;
- (d) the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any;
- (e) the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and
- (f) the required filing fee.

(5) Timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by the council or withdrawn. The council may consolidate multiple appeals of the same action for hearing and decision making purposes where to do so would facilitate expeditious and thorough consideration of the appeals without adversely affecting the due

process rights of any of the parties. In the event of a conflict between time deadlines when multiple appeals are consolidated, the time deadlines of the first filed appeal shall control.

(6) No new appeal issues may be raised or submitted after the close of the time period established in subsection (1), above, for filing of the original appeal. All council proceedings shall be limited to those issues expressly raised in a timely written appeal or appeals.

(7) The council may summarily dismiss an appeal in whole or in part without hearing if it determines that the appeal is untimely, incomplete, without merit on its face, frivolous, beyond the scope of its jurisdiction or brought merely to secure a delay. The council may also summarily dismiss an appeal if it finds, in response to a challenge raised by the respondent and/or by the permit applicant and after allowing the appellant a reasonable period in which to reply to the challenge, that the appellant lacks legal standing to appeal. Except in extraordinary circumstances, summary dismissal orders shall be issued within 15 days following receipt of either a complete appeal or a request for issuance of such an order, whichever is later.

(8) Parties of record may file with the council written arguments through the end of the fourteenth (14) day following the date of the notice required in subsection (9), below. The appellant or appellants may file with the council written rebuttal arguments through the end of the twenty-first (21) day following the date of the notice required in subsection (9), below. All such submittals shall become a part of the record.

(9) Notice of the council's closed record appeal hearing shall be given in the following manner:

(a) within seven calendar days following timely filing of a complete appeal, notice (~~(thereof,)~~) of the appeal and of the date, time and place for the council's closed record appeal hearing, and of the deadline for submittal of written arguments as prescribed in SCC 2.02.175(8), shall be mailed by the council's office to the applicant/appellant, to the examiner, and to all other parties of record as defined in SCC 2.02.165;

(b) publication in the official county newspaper no less than 10 days prior to the date set for hearing; and

(c) conspicuous posting of the subject property by the applicant no less than 15 days prior to the date set for the hearing and in accordance with the public notice posting requirements for the underlying application.

(10) The council shall consider the matter based upon the record before the examiner, the examiner's decision, the written appeal statement and any written or oral arguments received by the council for its hearing. All oral testimony requested by the council pursuant to subsection (2) of this section shall be given under oath.

(11) At the conclusion of the public hearing, the council shall enter its decision which shall set forth the findings and conclusions of the council in support of its decision. The council may adopt any or all of the findings or

conclusions of the examiner which support the council's decision. The council may affirm the decision of the examiner, reverse the decision of the examiner either wholly or in part, or may remand the matter to the examiner for further proceedings in accordance with the council's findings and conclusions.

(12) The council's decision shall be reduced to writing, entered into the record of the proceedings, and copies thereof mailed to all parties of record within 15 days of the conclusion of the hearing, but not later than 60 calendar days after the filing of an appeal unless the applicant (or appellant where there is no underlying applicant) agrees in writing to extend the time period or unless the time period has been extended under some other authority.

Section 13. Snohomish County Code Section 2.02.180 last amended by Ordinance No. 92-075, on July 22, 1992, is **REPEALED**.

Section 14. Snohomish County Code Section 2.02.190 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.190 Effect of council action.

The council's decision ~~((to affirm an examiner decision or remand a matter to the examiner pursuant to SCC 2.02.180(2), or the council's decision after public hearing))~~ on an appeal~~((;))~~ shall be final and conclusive and may be reviewable by ~~((an action for a writ of review filed))~~ filing a land use petition in the Snohomish county superior court ~~((of Snohomish county))~~; in accordance with the provisions of Chapter 36.70C RCW except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC. Such an action may be brought ~~((by any party of record aggrieved by the council's decision by petition to the court for such a writ filed))~~ within ~~((45))~~ 21 calendar days of the date of the council's decision by any party of record aggrieved by the council's decision. The cost of transcribing the record of proceedings, of copying photographs, video tapes and any oversized documents, and of staff time spent in copying and assembling the record and preparing the return for filing with the court shall be borne by the ~~((applicant for the writ))~~ party filing the land use petition.

Section 15. Snohomish County Code Section 2.02.195 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

2.02.195 Appeal to court from examiner's decision.

(1) Where the examiner's decision on a land use matter is final and conclusive and may be reviewable by ~~((an action for writ of review filed))~~ the filing of a land use petition in Snohomish county superior court, in accordance with the provisions of chapter 36.70C RCW, the following provisions shall apply:

(a1) ((Reconsideration pursuant to SCC 2.02.167 must have been sought by one or more parties prior to the filing of a petition for a writ of review under this section.)) Where the reconsideration process of SCC 2.02.167 has been utilized, no land use petition may be filed until the reconsideration process has been completed and no land use petition under this section by the petitioner for reconsideration may raise an issue which has not been the subject of a petition for reconsideration.

(b2) Except as provided for in subsection (c) of this section, a land use petition may be filed ((Such an action may be brought)) by any aggrieved party of record ((or a department of the county, to the court for such a writ filed)) within ((15)) 21 calendar days following the date of the examiner's final decision ((on reconsideration)); PROVIDED, That only the petitioner for reconsideration may file a land use petition ((appeal)) from the denial of a petition for reconsideration. The cost of transcribing the record of proceedings, of copying photographs, video tapes, and oversized documents, and of staff time spent copying and assembling the record and preparing the return for filing with the court shall be borne by the ((applicant for the writ)) party filing the land use petition.

(c) A land use petition on an examiner's decision made pursuant to SCC 23.40.022 must be combined with a land use petition on the decision on the underlying permit. Where the underlying permit is heard on appeal by the county council, the land use petition on the examiner's decision shall be combined with a petition on the county council's decision, and shall be filed in accordance with SCC 2.02.190.

(2) Where the examiner's decision on a non-land use matter is final and conclusive and may be reviewable by an action for writ of review in Snohomish county superior court, the following provisions shall apply:

(a) Where the reconsideration process of SCC 2.02.167 has been utilized, no petition for a writ may be filed until the reconsideration process has been completed and no petition for a writ under this section by the petitioner for reconsideration may raise an issue which has not been the subject of a petition for reconsideration.

(b) Such an action may be brought by any aggrieved party of record by petition to the court for such a writ filed within 21 calendar days following the date of the examiner's decision on reconsideration: PROVIDED, That only the petitioner for reconsideration may file a petition for a writ from the denial of a petition for reconsideration. The cost of transcribing the record of proceedings, of copying photographs, video tapes, and oversized documents, and of staff time spent copying and assembling the record and preparing the return for filing with the court shall be borne by the applicant for the writ.

Section 16. Snohomish County Code Section 3.09.070, last amended by Ordinance No 93-077, on September 8, 1993, is **AMENDED** to read:

3.09.070 Appeals - Procedure.

(1) Any person aggrieved by the imposition of fees, charges or other sanctions authorized by SCC 3.09.050 and SCC 3.09.060 may appeal to the Snohomish county hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the executive and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.

(3) The decision of the examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish county superior court as provided in chapter 2.02 SCC.

Section 17. Snohomish County Code 6.01.151 last amended by Amended Ordinance 93-077, on September 8, 1993, is **AMENDED** to read:

6.01.151 Appeals - Procedure.

(1) Any person who has been served with a notice and order pursuant to SCC 6.01.135 or whose application for a license/permit has been denied may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing on a notice and order appeal, the licensing authority shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence. At the hearing on an appeal from the denial of a license/permit, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish county superior court as provided in chapter 2.02 SCC.

Section 18. Snohomish County Code Section 9.12.101, last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

9.12.101 Appeals - Procedure.

(1) Any person aggrieved by the issuance of any license required by this title, the denial of a license pursuant to SCC 9.08.070 or the issuance of a notice of violation pursuant to SCC 9.12.090 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) The enforcement stay contained in SCC 2.02.125(3) shall not apply to the impoundment of an animal which is vicious or cruelly treated.

(3) At the hearing, the director of the animal control agency and his officers shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.

(4) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish county superior court as provided in chapter 2.02 SCC.

Section 19. A **NEW** section is added to Chapter 17.02 of the Snohomish County Code to read:

17.02.019 Commercial building permit submittal/completeness requirements.

(1) The department of planning and development services shall establish, and may revise, submittal requirements in the form of a "commercial building permit application checklist." The checklist shall delineate specific submittal requirements (such as plans, forms and supporting documents) and completeness criteria for commercial building permit applications. The checklist shall be available to the public at the front counter of the department of planning and development services. For commercial building permits that are subject to chapter 32.50 SCC, the submittal requirements of this chapter, and other applicable code sections (e.g., SCC 32.10.230 ) shall be used to determine whether an application is complete pursuant to SCC 32.50.040.

(2) Submittal requirements established by the department must include at least the following:

- (a) Format details and number of site plan copies;
- (b) Applicant's name and address;
- (c) Legal description;
- (d) Site characteristics;
- (e) Existing and proposed structures;
- (f) Utility information including fire hydrant locations;
- (g) Vicinity map;
- (h) Site drainage information;
- (i) Location of existing and proposed parking and landscaping areas;
- (j) Building elevations and floor plans;
- (k) An environmental checklist;
- (l) Completeness requirements of any other applicable SCC sections; and
- (m) Applicable filing fees.



Section 20. Snohomish County Code Section 17.04.125 last amended by Ordinance No. 93-158, on December 29, 1993, is **AMENDED** to read:

17.04.125 (( )) Permit Processing and notice - New commercial construction, commercial additions, and multi-family construction.

(1) (( )) New commercial construction, commercial additions, and multi-family construction applications requiring environmental review/threshold determination pursuant to Title 23 SCC shall be subject to all the provisions of chapter 32.50 SCC including notice of application, completeness determination, consistency determination, time periods for permit processing, and notice of decision. (( ))

(2) (( )) New commercial construction, commercial additions, and multi-family construction applications not subject to SCC 17.04.125(1) shall:

(a) Provide a posted notice of application. Said notice shall be given within five working days of filing and application, and shall be given pursuant to the provisions of SCC 32.50.060(4)(a). At a minimum, such notice shall contain the information required in SCC 32.50.060(3)(a), (b), and (c); and

(b) Comply with the consistency determination provisions of SCC 32.50.100.

Section 21. A **NEW** section is added to Snohomish County Code Chapter 17.04 to read:

17.04.127 Consistency determination.

All permits subject to this Title shall comply with the consistency determination provisions of 32.50.100 SCC.

Section 22. Snohomish County Code Section 17.04.295 last amended by Ordinance No. 93-158, on December 29, 1993, is **AMENDED** to read:

17.04.295 (( )) Permit processing and notice - Grading permits for landfills and excavations requiring environmental review/threshold determination.

(1) (( )) An application for a grading permit for landfills and excavations requiring environmental review/threshold determination pursuant to Title 23 SCC(( )) shall be subject to all the provisions of chapter 32.50 SCC, including notice of application, completeness determination, consistency determination, time periods for permit processing, and notice of decision.(( ))

(2) (( )) Applications for a grading permit for landfills and excavations not subject to SCC 17.04.295(1) shall comply with the consistency determination provisions of SCC 32.50.100.

(3) The director of the department of planning and development services shall establish, and may revise, submittal requirements in the form of a "grading permit application checklist." The checklist shall delineate specific submittal requirements (such as plans, forms and supporting documents) and completeness criteria for grading permit applications. The checklist shall be available to the public at the front counter of the department of planning and development services. The submittal requirements of this chapter, and other applicable code sections (e.g., SCC 32.10.230 ) shall be used to determine whether an application is complete.

(4) Submittal requirements established by the director must include at least the following:

- (a) The applicant's name and address;
- (b) Vicinity map;
- (c) Grading plans, including cross-sections, drawn to scale;
- (d) Grading quantities;
- (e) Temporary erosion and sedimentation controls;
- (f) Locations of easements, structures, drain fields, septic tanks and wells if any;
- (g) An environmental checklist, if applicable;
- (h) A detailed drainage plan, if applicable;
- (i) Completeness requirements of any other applicable SCC sections; and,
- (j) Applicable filing fees.

Section 23. Snohomish County Code Section 18.44.060, last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

18.44.060 FS zone requirements.

(1) Each individual FS business is allowed to erect signs under the following conditions:

(a) One wall-mounted sign identifying the business conducted therein may be permitted. The sign must be solely supported by the attachment and the uppermost portion shall not extend more than five feet higher than the building at its highest point, subject further to the overall height regulation of this zone. Such sign may be an attached, single-face sign or a back-to-back, double-face sign and shall have a surface area not to exceed 150 square feet per face;

(b) One additional business identification sign, having a surface area not in excess of 50 square feet, may be permitted when attached flat to one wall of the building, but not to extend above the exterior wall top plate line to which attached;

(c) One freestanding sign for business identification may be permitted in place of the sign provided in subparagraph (1)(a) or (1)(b) only if it

can be proven that such sign attached to the building cannot be made visible to any motorist approaching the interchange on the limited access highway;

(2) ~~((d)) ((Application for approval of a-))~~ Permit processing- Freestanding signs.

(a) Freestanding sign applications shall be ((submitted))subject to all the ((hearing examiner)) provisions of chapter 32.50 SCC including, notice of application, completeness determination, consistency determination, time periods for processing, and notice of decision.

(b) Submittal/completeness requirements are contained within the "submittal checklist" attached to the commercial sign permit application.

(c) ~~((, who may regulate))~~ Regulation of sign type, size and location ((are)) is subject to ((the following)) these conditions:

(i) Where a sign attached to the building would be concealed by natural vegetation, the freestanding sign structure may be permitted only if the applicant agrees in writing to preserve, in full, such vegetation and replace it if destroyed. In such case, the applicant shall submit a drawing showing the location, height and diameter of each tree comprising the natural buffer,

(ii) Where permitted, the uppermost portion of the freestanding sign shall be a height not greater than 35 feet above the ground as measured from the average finished grade at the front face of the principal building,

(iii) Such freestanding sign shall be located no farther than 100 feet from the principal building; and

(iv) Freestanding, single-face identification signs, or back-to-back double-face identification signs, shall have a surface area not to exceed 150 square feet per face. A V-shaped, double-face sign with an interior angle of 60 degrees or less shall have a total surface area not to exceed 150 square feet. All other sign configurations shall have a surface area not to exceed 300 square feet, with no single face to exceed 100 square feet;

~~((2) The hearing examiner shall hold a public hearing on an application for the approval of a freestanding sign. Said hearing shall be conducted pursuant to chapter 2.02 SCC. Notice for said hearing shall be provided in accordance with the notice requirements for other than county initiated rezones in SCC 18.73.050, EXCEPT That all notices shall be sent to taxpayers of record and known site addresses within 500 feet of any boundary of the proposed site. The decision of the hearing examiner shall be final and conclusive with right of reconsideration and may then be appealed to the county council pursuant to chapter 2.02 SCC.)~~

(3) The department of planning and development services will receive the application and approve the application with or without conditions, deny the application, or return the application for revision based on compliance with SCC 18.44.060(1) and (2).

(4) Appeals of the department's decision regarding any freestanding sign shall be addressed to the hearing examiner pursuant to SCC 18.72.100.

~~((3))~~ (5) In addition to the business identification sign(s), advertising displays or signs may be permitted subject to the following limitations:

(a) Such signs shall not identify the business, as such, but shall be limited to advertising the product and/or service offered,

(b) The total surface area of all such signs shall not exceed 50 square feet, and no single surface area shall exceed 25 square feet,

(c) No business shall divide its display into more than four single sign faces or display surfaces,

(d) In no case shall the top of any display surface be more than seven feet above the ground as measured from the sign base,

(e) No advertising sign shall be located as to be readable primarily from a limited access highway; and

~~((4))~~ (6) Signs may be illuminated, but no rotating sign, flashing beacon or variable intensity light shall be permitted.

Section 24. Snohomish County Code 18.53.050 last amended by Ordinance No. 95-063, on August 9, 1995, is **AMENDED** to read:

18.53.050 Approval period.

In the event construction has not commenced within four years after the date of approval of a rezone to the townhouse zone or issuance of a conditional use permit for townhouses, the hearing examiner shall hold a public hearing to determine whether the rezone or conditional use permit should be revoked or whether the official site plan should be revised or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements described in 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b), (c), (d) and (h). ~~((for other than county initiated rezones in SCC 18.73.050.))~~ The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 25. Snohomish County Code Section 18.55.010 (6) last amended by Ordinance No. 95-063, on August 9, 1995, is **AMENDED** to read:

18.55.010 Mobile Home Parks - Establishment.

Where permitted mobile home parks shall meet the following minimum requirements:

(1) Minimum site size shall be five acres and maximum density shall be up to eight dwelling units per acre;

(2) Compliance with the standards established herein and issuance of a conditional use permit precludes the necessity to plat within any mobile home park; PROVIDED, that said park remains completely under single ownership; except when the owner(s) choose to divide the mobile home park land pursuant to Title 19A SCC.

(3) Any applicant shall submit, along with the application, plans, drawings and other information sufficient to enable the department of planning and development services to determine whether the mobile home park complies with the performance regulations contained in SCC 18.55.020 of this title. The submittals shall include the following:

(a) Overall site development plan showing location of all mobile home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulation. Such plans shall include at least the following:

- (i) Project staging and expected completion time,
- (ii) Location, width and typical cross-sections of internal circulation streets,
- (iii) Dimensions and areas of the mobile home park,
- (iv) Location and size of all mobile home pads,
- (v) Location and size of all parking and bulk storage areas,
- (vi) Location and size of open space areas required by SCC

18.55.020(8), and

(vii) Existing and proposed topography at contour intervals of no more than five feet;

(b) Storm drainage study with plans showing existing vegetation, slopes and drainage conditions, as well as proposed alterations and drainage control devices,

(c) General landscape plans showing location of buffer strips, open spaces, existing trees and plant materials to be preserved, proposed interior major tree plantings, berms, and other landscape features. Detailed landscape plans must be submitted to, and approved by, the department of planning and development services prior to initial site work, and

(d) Other maps, plans or documentation as deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal;

(4) The site plan, as approved by the hearing examiner, shall become the official site plan of the mobile home park. In order to insure development as per the approved plan, one or more of the following may be required by the hearing examiner:

(a) A performance bond or other security acceptable to the hearing examiner, sufficient to cover the estimated cost of required improvements,

(b) Construction or development of all, or a portion of, the improvements shown on the official site plan prior to occupancy; PROVIDED, That any improvements for which a bond is established, as provided for in subsection (1) above, shall not also be subject to this subsection.

A maintenance bond or other security acceptable to the hearing examiner and securing to the county the successful operation of required improvements for an appropriate period of time up to two years from construction and installation shall be required upon completion of said improvements to the satisfaction of the hearing examiner;

(5) Plans which are approved by the hearing examiner may, upon request of the property owner, be amended by the department of planning and development services as an administrative act. This authority shall be limited to amendments of a minor nature which cause no increase in intensity of use and which do not reduce performance standards below those set forth when approved and which do not increase the detrimental impact of the park on adjoining properties, and which do not substantially alter the design of the official site plan. The department of planning and development services shall make a record of any such requested amendment, its action thereupon, and the findings it determines to be controlling on its action; all such records and findings shall become a part of the permanent file of the subject mobile home park. No changes in points of vehicular access to the property shall be approved without written concurrence from the director of public works. Disagreements over amendments may be appealed by an aggrieved party to the hearing examiner. Requested amendments, which are deemed by the department of planning and development services to exceed the authority granted by this paragraph, shall be submitted to the hearing examiner for consideration in the manner provided in chapter 18.72 SCC for the issuance of a conditional use permit; and

(6) In the event construction has not commenced within 18 months after the date of approval by the hearing examiner, the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC to determine whether the mobile home park permit shall be revoked or whether the site plan should be modified or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements described in 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b), (c), (d) and (h). ~~((Notice of said hearing shall be provided in accordance with the notice requirements for conditional use permits in SCC 18.72.160.))~~ The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 26. Snohomish County Code Section 18.56.010, adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.56.010 Establishing in certain areas.

The FS zone is to be established only upon land abutting a frontage or access road of a limited access highway and under a single ownership or unified control. The ~~((proposed development))~~ official site plan approved for the zone must include provisions for the elimination of existing uses which are made nonconforming by the rezoning amendments.

Section 27. Snohomish County Code Section 18.56.030, last amended by Ordinance No. 95-063, on August 9, 1995, is **AMENDED** to read:

18.56.030 ~~((Issuing building permits))~~ Official site plan approvals.

~~((Prior to the issuing of the building permit for any structure in an FS zone,~~  
a)) (1) An official site plan for the zone, indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways; curbing, internal traffic circulation and parking; the location of structures, and the floor area devoted to accessory uses must be reviewed and approved by the hearing examiner concurrently with the freeway service rezone request; or

the department of planning and development services only for properties where the Freeway Service zone already exists.

(2) Official site plan applications shall be subject to all the provisions of chapter 32.50 SCC, including notice of application, completeness determination, consistency determination, time periods for permit processing, and notice of decision.

(3) Where only partial development of the zone is involved, the hearing examiner will evaluate the partial development plans as they contribute to or limit the possible ultimate development of the zone.

(4) Prior to the approval of an official site plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements ~~((for other county-initiated rezones in SCC 18.73.050))~~ of SCC 32.50.060(4). At a minimum, notice shall contain the information specified in 32.50.60(3)(b), (c), (d) and (h).

(5) The decision of the hearing examiner pursuant to SCC 18.56.030(1)(a) shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

(6) The decision of the department of planning and development services pursuant to SCC 18.56.030(1)(b) to grant, grant with conditions or deny an official site plan shall be final and conclusive unless appealed by an aggrieved

person to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(a) At the hearing, the appellant shall have the burden of proof, which burden, shall be met by a preponderance of the evidence.

(b) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provide in SCC 2.02.167, and may then be reviewable by filing a land use petition in Snohomish County superior court as provided in chapter 2.02 SCC.

Section 28. Snohomish County Code 18.60.030 last amended by Ordinance No.92-075, on July 22, 1992 is **AMENDED** to read:

18.60.030 Rezone Procedures.

(1) General Procedures. The PCB, BP, and IP zones require a two-step approval process:

(a) The preliminary plan and rezone application are considered together through the normal rezone process, and

(b) A final plan is reviewed administratively after the rezone has been approved. No development permits shall be issued until a final plan has been approved in accordance with the provisions of this chapter;

(2) Alternative Procedure - Concurrent Rezone, Preliminary Plat, and Final Plan. Concurrent applications for rezone, preliminary plat, and final plans may be made, PROVIDED That all items required by SCC 18.60.040 and SCC 18.60.050 are submitted for the entirety of the rezone site at the time application is made. The rezone application, preliminary plat, and final plans shall be processed as a master application in accordance with the procedures set forth in SCC 2.02.120;

(3) County Initiated Rezone Alternative Procedure for BP. When recommended by the county comprehensive plan, Snohomish county may initiate rezoning to BP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020(1), (2), (3) and (4) shall be waived, this includes that portion of SCC 18.42.020 that establishes minimum lot size for BP. Prior to development of the BP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements described in SCC 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of SCC 32.50.060(3)(b) through (e) and (h). ((for other than county initiated rezones in SCC 18.73.050.))

(4) County Initiated Rezone Alternative Procedure for IP. When recommended by the county comprehensive plan, Snohomish county may



initiate rezoning to IP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020 (1), (2), (3) and (4) shall be waived. Prior to development of the IP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements described in 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b) through (e) and (h). ~~((for other than county-initiated rezones in SCC 18.73.050.))~~

Section 29. Snohomish County Code Section 18.71.040, adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.71.040 Expansion of nonconforming use - ~~((Hearing examiner))~~  
Department of planning and development services approval required.  
A nonconforming use may be expanded throughout land held under single ownership at the effective date of the nonconformance and which has continued in unbroken single ownership to the present, upon the granting of a special use permit by the ~~((hearing examiner subsequent to a public hearing))~~ department of planning and development services; PROVIDED That such expansion does not increase the land area devoted to the nonconforming use by more than 100 percent of that in use at the effective date of the nonconformance, nor the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the effective date of the nonconformance; and PROVIDED FURTHER That said approval shall not be granted if the granting is found to be detrimental to surrounding properties, or to the implementation of the adopted comprehensive land use plan for the area, or would result in a significant increase in the intensity of the use of the nonconforming use. The ~~((hearing examiner))~~ department of planning and development services may impose conditions precedent to expansion of the use as provided for in SCC 18.72.060.

Section 30. Snohomish County Code Section 18.71.050 adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.71.050 Relocation necessitated by condemnation - ~~((Hearing examiner))~~  
Department of planning and development services approval required.  
When a nonconforming use is required to relocate due to condemnation or purchase for public use, the ~~((hearing examiner))~~ department of planning and development services may grant a special use permit for the relocation of such

nonconforming use on the same lot or on any contiguous lot which was under single ownership at the effective date of the nonconformance (~~(, subsequent to a public hearing)~~); PROVIDED That such relocation must be found not to be detrimental to the surrounding properties.

Section 31. Snohomish County Code Section 18.72.010, adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.72.010 Granting variances.

(1) Upon application therefor, the hearing examiner, except as provided in SCC 18.72.010(2), shall have ~~((the-))~~ authority to consider a variance from the provisions of this title when the conditions as set forth in SCC 18.72.020 have been found to exist, and ~~((the-examiner))~~ may grant a variance and impose conditions when the request is found to be in harmony with the general purpose and intent of this title.

(2) The department of planning and development services shall have authority to consider variance applications when the conditions as set forth in SCC 18.72.020 have been found to exist, and may grant a variance and impose conditions when the request is found to be in harmony with the general purpose and intent of this title, and only where the request is for relaxation of ten percent or less of the bulk regulations of chapter 18.42 SCC; unless the requested variance is required to be processed in accordance with SCC 18.72.075.

Section 32. Snohomish County Code Section 18.72.030 last amended by Ordinance No. 93-077, on September Sept. 8, 1993, is **AMENDED** to read:

18.72.030 Variances, conditional use and special use permits Effect of ~~((hearing examiner's-))~~ decision.

(1) The decision of the hearing examiner on a:

(a) variance shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167, and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC;

(b) conditional use or special use permit shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167, and may then be appealed to the county council pursuant to chapter 2.02 SCC;

(2) The decision of the department of planning and development services on a variance, or special use permit, shall be final and conclusive unless appealed by any aggrieved person to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(a) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(b) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC.

Section 33. Snohomish County Code Section 18.72.050, last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

18.72.050 Granting special use permits.

(1) Upon application therefor, the ~~((hearing examiner))~~ department of planning and development services may grant special use permits under the circumstances set forth in this title.

(2) The hearing examiner may grant special use permits pursuant to the provisions of SCC 18.72.075.

Section 34. Snohomish County Code Section 18.72.060, added by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.72.060 Conditional and special use permits - Conditions for granting.

When considering an application for a conditional use or special use permit, the hearing examiner and/or the department of planning and development services shall consider the applicable standards, criteria and policies established by this Title as they pertain to the proposed use and may impose specific conditions precedent to establishing the use. The conditions may:

(1) Increase requirements in the standards, criteria or policies established by this Title;

(2) Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;

(3) Require structural features or equipment essential to serve the same purpose set forth in (2) above;

(4) Impose conditions similar to those set forth in items (2) and (3) above as deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters; PROVIDED, the hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

(5) Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in

consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

(6) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need; and

(7) Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements.

Section 35. Snohomish County Code Section 18.72.070, last amended by Ordinance No. 93-077, Sept. 8, 1993, is **REPEALED**.

Section 36. A **NEW** section is added to Chapter 18.72 of the Snohomish County Code to read:

18.72.075 Concurrent applications-Approval authority.

When a variance processed under the authority of SCC 18.72.010(2), a special use permit processed under the authority of SCC 18.72.050(1), or both are submitted together with any other permit application requiring a predecision hearing by the hearing examiner, the variance and/or special use permit requests shall be processed concurrently, and the hearing examiner shall have the authority to consider the variance and/or special use permit.

Section 37. Snohomish County Code Section 18.72.100, last amended by Ordinance No. 95-004, Feb. 15, 1995, is **AMENDED** to read:

18.72.100 Administrative appeals - Procedure.

(1) Appeals may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any order, requirement, permit, decision or determination made by the director of the department of planning and development services or his designee in the administration and enforcement of the provisions of this title. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the examiner on an administrative appeal shall be final and conclusive with ~~((the))~~ an optional right of reconsideration as provided in 2.02.167 SCC and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

Section 38. A **NEW** section is added to Snohomish County Code Chapter 18.72 to read:

**18.72.135 Submittal/completeness requirements.**

(1) The department of planning and development services shall establish, and may revise, submittal requirements in the form of a "miscellaneous land use permit application checklist." The checklist shall delineate specific submittal requirements (such as plans, forms and supporting documents) and completeness criteria for variance, conditional use, special use, and temporary dwelling or temporary emergency use applications. The checklist shall be available to the public at the front counter of the department of planning and development services. For variance, conditional use, special use and temporary dwelling or temporary emergency use applications that are subject to 32.50 SCC, the submittal requirements of this chapter, and other applicable code sections (e.g., SCC 18.32.040(B)(22), (61), (62) and (63), 18.53.030, 18.54.020, 18.55.010 and 32.10.230 ) shall be used to determine whether an application is complete pursuant to SCC 32.50.040.

(2) Submittal requirements established by the department must include at least the following:

- (a) Format details and number of site plan copies;
- (b) Applicant's name and address;
- (c) Legal description;
- (d) Site characteristics;
- (e) Existing and proposed structures;
- (f) Utility information;
- (g) Vicinity map;
- (h) Conceptual drainage plan, if applicable;
- (i) An environmental checklist, if applicable;
- (j) Traffic study in conformance with Title 26B, if applicable;
- (k) Completeness requirements of any other applicable SCC sections; and
- (l) Applicable filing fees.

Section 39. Snohomish County Code Section 18.72.150, last amended by Ordinance No. 92-099 on September 2, 1992 is **REPEALED** and **RE-ENACTED** to read:

**18.72.150 Permit processing and notice - Variances, conditional use and special use permits; and administrative appeals.**

(1) Variances and special use permits subject to hearing examiner authority, conditional use, and administrative appeal applications shall be processed in accordance with all the provisions of chapter 32.50 SCC including notice of application, completeness determination, consistency determination,

time periods for permit processing, and notice of decision; and chapter 2.02 SCC.

(2) Variances and special use permits subject to the department of planning and development services authority shall be processed pursuant to all the provisions of chapter 32.50 SCC, as provided in SCC 18.72.150(1).

Section 40. Snohomish County Code Section 18.72.155, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.72.155 ~~((Processing procedure))~~ Permit processing and notice - Attached or detached accessory apartments and temporary dwellings or temporary emergency uses.

(1) Applications for an accessory apartment (attached or detached) permit, for a temporary permit for emergency uses or structures, for a temporary woodwaste recycling and temporary woodwaste storage permit, and for a temporary dwelling permit for relatives, shall be made in writing to the director of the department of planning and development services.

(2) The director of the department of planning and development services may prescribe the form in which application is made and the type of information to be provided by the applicant in the application ~~((, and ))~~.

(3) Applications for permit types identified in SCC 18.72.155(1) shall:

(a) Provide a posted notice of application. Said notice shall be given within five working days of filing an application, and shall be given pursuant to the provisions of SCC 32.50.060(4)(a). At a minimum, such notice shall contain the information required in SCC 32.50.060(3)(a), (b), and (c); and

(b) Comply with the consistency determination provisions of SCC 32.50.100.

(4) ~~((for))~~ For temporary uses, the director may grant those permits which meet the conditions listed in SCC 18.32.040 ~~((The director))~~ and may also impose special conditions to assure compatibility with surrounding properties.

(5) Temporary use permits for temporary woodwaste recycling and temporary woodwaste storage are valid for two years from the date of issuance and are eligible for renewal, subject to compliance with all applicable requirements of this title.

Section 41. Snohomish County Code Section 18.72.158, last amended by Ordinance No. 94-029, on April 6, 1994, is **REPEALED**.

Section 42. Snohomish County Code Section 18.72.160, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.72.160 Notice of hearing - Variance~~((-))~~, ~~((Conditional))~~conditional or special use permits.

Upon the filing of an application, where the hearing examiner has jurisdiction, for a variance pursuant to SCC 18.72.010(1), a conditional use or special use permit pursuant to SCC 18.72.050(2) by a property owner, the department of planning and development services shall set the time and place for a public hearing to consider the application, as provided for in ~~((the examiner's rules of procedure))~~ chapter 2.02 SCC. Notice of the first public hearing for such ~~((an))~~ applications shall be ~~((as set forth below:~~

~~(1) For all variance and conditional use permit applications -))~~ provided subject to the provisions of SCC 32.50.060(4). At a minimum, such notice shall contain the information required in SCC 32.50.060(3)(b), (c), (d) and (h).

~~((a) The applicant shall conspicuously post at least 15 days prior to the first hearing two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.~~

~~(b) The county, at least 15 days prior to the first public hearing, shall mail a notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;~~

~~(c) The county shall provide notice by one publication, at least 15 days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;~~

~~(2) For all conditional or special use permit applications:~~

~~(a) The applicant shall conspicuously post at least 15 days prior to the first hearing two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.~~

~~(b) The county, at least 15 days prior to the first public hearing, shall mail a notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the boundaries of the subject property and contiguous property owned by the applicant; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is~~

~~categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;~~

~~(c) The county shall provide notice by one publication, at least 15 days before the date of the first public hearing, in the official county newspaper and in a newspaper of general circulation in the affected area;~~

~~(3) The notices required in this section shall contain the information required in SCC 18.73.050;~~

~~(4) The notices required in the above subsections shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;~~

~~(5) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.)~~

Section 43. Snohomish County Code Section 18.72.175, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.72.175 Notice ((provisions))of decision and appeal process - Attached or detached accessory apartments and temporary dwelling or temporary emergency uses.

(1) Notice of the director's decision approving an attached or detached accessory apartment or a temporary dwelling or temporary emergency use permitted under the provisions of SCC 18.72.155 shall be ~~((mailed to all taxpayers of record and known site addresses within 500 feet of any boundary of the subject property, which notice shall state the manner of administratively appealing such a determination ))~~ provided pursuant to SCC ~~((18.72.100))~~; 32.50.130(1)

~~(2) ((The notices provided for in the above subsection shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;~~

~~(3) Notices mailed to the taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.)~~ Appeals of an administrative determination/decision for an attached or detached accessory apartment or a temporary dwelling or temporary emergency use shall be according to the provisions of SCC 18.72.100.



Section 44. A **NEW** Section is added to Chapter 18.72 of Snohomish County Code to read:

18.72.179. Expiration of conditional use, temporary use, special use, and variance applications.

(1) For all conditional use, temporary use, special use, or variance applications not exempt under SCC 32.50.140, the department shall:

(a) set an application expiration deadline of twelve months from the date of first notification that an application is incomplete pursuant to SCC 32.50.040(5), within which an applicant must submit the information necessary to make the application complete; and

(b) set an application expiration deadline of twelve months for submitting each correction, study or additional information the department may request pursuant to SCC 32.50.110(1)(a) for evaluating a complete application, calculated from the date of each request.

(2) If, upon determining that additional information is necessary to make an application complete, or upon requesting a correction, study or additional information to evaluate a complete application, the department determines that the required materials cannot reasonably be furnished within twelve months, the department may establish a reasonable application expiration deadline longer than twelve months.

(3) Failure to submit all requested materials within the application expiration deadlines shall cause the application to be considered abandoned. Failure to provide verification of any required posting within twelve months from the time posting is requested, shall also cause the application to be considered abandoned. The department shall then notify the applicant and return the application, plans and other submittals together with any unexpended portion of the application review fee.

Section 45. Snohomish County Code Section 18.72.190, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.72.190 ~~((Permit/variance))~~ R((r))eview of variances, conditional use, and special use permits.

The office of the hearing examiner shall ~~((retain))~~ have jurisdiction ~~((over))~~ to review all variances, ~~((and))~~ conditional use and special use permits. Upon a petition for review being filed by any person with a substantial interest in a variance, conditional use or special use permit, or by any public official, the examiner may, in his discretion, call a public hearing for the purpose of reviewing that variance, conditional use or special use permit. The review process provided for in this section is separate and distinct from the revision process set forth in SCC 18.72.192. Any such hearing shall be processed in accordance with the provisions of chapter 2.02 SCC. Upon accepting a petition for review the

examiner may, for good cause shown, direct that the department of planning and development services issue a stop work order to temporarily stay the force and effect of all or any part of the variance, conditional use or special use permit in question until the review is finally adjudicated. Notice of the public hearing shall be as provided in SCC ~~((18.72.160))~~ 32.50.060 (4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b), (c), (d) and (h). The examiner may reaffirm, modify or rescind all or any part of the variance, conditional use or special use permit being reviewed. The ~~((examiner's ))~~ decision of the hearing examiner~~((, after hearing,))~~ shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be ~~((appealed in the manner provided in))~~ reviewable by filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC, ~~((18.72.030 or SCC 18.72.070 for appeal of the type of approval under review))~~. The provisions of Title 28 SCC may also be applied to enforce any variance, conditional use or special use permit.

Section 46. Snohomish County Code Section 18.72.195, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.72.195 Continuing jurisdiction - Attached or detached accessory apartments and temporary dwelling or temporary emergency uses.

The director of the department of planning and development services shall retain continuing jurisdiction over all attached or detached accessory apartments and temporary dwelling or temporary emergency uses and may, for good cause, modify or revoke any permit issued under the authority of this chapter.

Section 47. Snohomish County Code Section 18.72.210, last amended by Ordinance No. 94-102, on November 2, 1994, is **AMENDED** to read:

18.72.210 Land use permit binder required.

The recipient of any variance, conditional use, or special use permit ~~((or variance-))~~ shall file a land use permit binder on a form provided by the hearing examiner or the department of planning and development services with the county auditor prior to initiation of any further site work, and/or prior to issuance of any development/construction permits by the county, and/or prior to occupancy/use of the subject property and/or the building thereon for the use/activity authorized, whichever comes first. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the ~~((permit or ))~~ variance or permit and as a notice to prospective purchasers of the existence of the ~~((permit or ))~~ variance or permit.

Section 48. A **NEW** section is added to Snohomish County Code Chapter 18.73 to read:

18.73.027 Submittal/completeness requirements.

(1) The department of planning and development services shall establish, and may revise, submittal requirements in the form of a "miscellaneous land use permit application checklist." The checklist shall delineate specific submittal requirements (such as plans, forms and supporting documents) and completeness criteria for rezone applications. The checklist shall be available to the public at the front counter of the department of planning and development services. The submittal requirements of this chapter, and other applicable code sections (e.g., SCC 18.51.040, 18.53.030, 18.60.040 and 32.10.230 ) shall be used to determine whether an application for rezone is complete pursuant to SCC 32.50.040.

(2) Submittal requirements established by the department must include at least the following:

- (a) Format details and number of site plan copies;
- (b) Applicant's name and address;
- (c) Legal description;
- (d) Site characteristics;
- (e) Existing and proposed structures;
- (f) Utility information;
- (g) Vicinity map;
- (h) Conceptual drainage plan, if applicable;
- (i) An environmental checklist, if applicable;
- (j) Traffic study in conformance with Title 26B, if applicable;
- (k) Completeness requirements of any other applicable SCC sections; and
- (l) Applicable filing fees.

Section 49. Snohomish County Code Section 18.73.045 amended by Ordinance No.93-158, on December 29, 1993, is **AMENDED** to read:

18.73.045 Notice of application - Other than county-initiated rezones.

~~((1) Within five working days of filing an application for a rezone, an applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right of way. If no public right of way exists, the signs shall be placed at the point of access to the property. At a minimum, the sign shall contain the following information: type of approval requested, assigned county file number, project description, if any, and county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired.~~

~~(2) Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing of the rezone application until such verification is received.)~~ Notice of application shall be given pursuant to the provisions of SCC 32.50.060.

Section 50. Snohomish County Code Section 18.73.050, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.73.050 Notice of hearing.

Notice of the first public hearing on the following described actions shall be as set forth below:

(1) Amendments to Title 18 SCC. Notice shall be given by one publication at least 15 days before the hearing in the official county newspaper as provided in SCC 32.50.060(4)(b).

(2) County Initiated Rezones.

(a) Notice shall be published at least 15 days before the hearing in the official county newspaper and in a newspaper of general circulation in the affected area;

(b) In addition to the notice required by subsection (a) of this subsection, at least 15 days before the date of the first public hearing before the planning commission or hearing examiner, the county shall endeavor to mail a notice of hearing to each taxpayer of record and known site addresses within the rezone area and to each taxpayer of record and known site addresses within 500 feet of any boundary of the proposed rezone area; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the existing zoning of the proposed rezone area is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;

(c) At least 15 days prior to the date of the first hearing, the county shall conspicuously post two or more signs throughout the area. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;

(3) Other than County-Initiated Rezones.

~~((a) Notice shall be given by one publication, at least 15 days before the hearing in a newspaper of general circulation in the area affected and in the official county newspaper,~~

~~(b) In addition to the notice required by subsection (a) of this subsection, at least 15 days before the date of the first public hearing before the hearing examiner, the county shall mail a notice of the hearing to each taxpayer of record and known site address within the rezone area and to each taxpayer of record and known site address within 500 feet of any boundary of the proposed~~

~~rezone area; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the existing zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030;~~

~~(c) At least 15 days prior to the date of the first hearing the applicant shall conspicuously post on the subject property two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;))~~  
Notice shall be given at least 15 days prior to the hearing in accordance with the provisions of SCC 32.50.060(4);

(4) Notice required by ~~((all subsections of))~~ SCC 18.73.050(1), (2) and (3) shall contain at a minimum the ~~((following))~~ information~~(:))~~ specified in SCC 32.50.060(3)(b) through (e) and (h).

~~((a) The time, place, and purpose of the public hearing;~~

~~(b) The formal identification or citation of the proposed action and a descriptive title;~~

~~(c) A summary of the provisions of the proposed action;~~

~~(d) A statement indicating how to become a "party of record" as defined in SCC 2.02.165; and~~

~~(e) A statement indicating where the full text and/or map may be obtained; and~~

~~(f) Said notice may also include any other information that the county finds may be of assistance in providing a complete and reasonably understandable summary;~~

~~(5) The department may prescribe additional methods for providing notice through its administrative procedures;~~

~~(6) The notices provided for in the above subsections shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address; and~~

~~(7) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.))~~

Section 51. Snohomish County Code Section 18.73.070, last amended by Ordinance No. 93-077, Sept. 8, 1993, is **AMENDED** to read:

18.73.070 Decision by hearing examiner.

When a rezone application is heard by the examiner, it shall be processed and a decision made thereon in accordance with the provisions of chapter 2.02 SCC. The decision of the examiner shall be final and conclusive with an optional

right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 52. Snohomish County Code Section 18.73.090, added by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.73.090 Appeal from council.

Action by the council on a rezone shall be final and conclusive. Review of the council's action may be brought by any person aggrieved if within ~~((45))~~ 21 calendar days from the date of such action, ~~((an application is submitted))~~ a land use petition is filed in ~~((to the))~~ Superior Court of Snohomish county in accordance with the provisions of Chapter 36.70C RCW. ~~((for a writ of certiorari, writ of prohibition or writ of mandamus.))~~

SECTION 53. A **NEW** Section is added to Chapter 18.73 of Snohomish County Code to read:

18.73.105. Expiration of rezone applications

(1) For all rezone applications not exempt under SCC 32.50.140, the department shall:

(a) set an application expiration deadline of twelve months from the date of first notification that an application is incomplete pursuant to SCC 32.50.040(5), within which an applicant must submit the information necessary to make the application complete; and

(b) set an application expiration deadline of twelve months for submitting each correction, study or additional information the department may request pursuant to SCC 32.50.110(1)(a) for evaluating a complete application, calculated from the date of each request.

(2) If, upon determining that additional information is necessary to make an application complete, or upon requesting a correction, study or additional information to evaluate a complete application, the department determines that the required materials cannot reasonably be furnished within twelve months, the department may establish a reasonable application expiration deadline longer than twelve months.

(3) Failure to submit all requested materials within the application expiration deadlines shall cause the application to be considered abandoned. Failure to provide verification of any required posting within twelve months from the time posting is first requested, shall also cause the application to be considered abandoned. The department shall then notify the applicant and return the application, plans and other submittals together with any unexpended portion of the application review fee.

Section 54. Snohomish County Code Section 19.16.010 last amended by Ordinance No. 91-114, on August 28, 1991, is **AMENDED** to read:

19.16.010 Application submittal.

(1) Prior to filing an application, an applicant is strongly encouraged to arrange a preapplication conference with the department, public works and parks representatives for the purpose of preliminary review and discussion of the proposal.

(2) An application shall be submitted with appropriate fees to the department and upon filing shall receive a file number and date of receipt. Requirements for a complete application are contained in SCC ((19.22.020)) 19.22.030 and 19.22.040. ~~((The time set forth in SCC 19.16.030 and 19.16.040 for hearing plat applications shall not run until all information required by SCC 19.22.030 and 19.22.040 has been provided in a complete and accurate manner. Within three weeks of the date of receipt of either a new application or re-submitted and/or additional information, the department shall determine if the application is complete and accurate for purposes of processing. The department shall notify the applicant in writing in a timely manner of this determination and shall return the application to the plat applicant if it is deemed incomplete or inaccurate. Resubmittals to the department with the necessary information making the application complete within six months of original filing will not be subject to additional plat filing fees but will be treated in all other respects as a new application.))~~ An application shall be subject to all the provisions contained in chapter 32.50 SCC, including notice of application, completeness determination, consistency determination, time periods for permit processing, and notice of decision.

(3) Expiration of preliminary plat applications.

(a) For all preliminary plat applications not exempt under SCC 32.50.140, the director shall:

(i) set an application expiration deadline of twelve months from the date of first notification that an application is incomplete pursuant to SCC 32.50.040(5), within which an applicant must submit the information necessary to make the application complete; and

(ii) set an application expiration deadline of twelve months for submitting each correction, study or additional information the department may request pursuant to SCC 32.50.110(1)(a) for evaluating a complete application, calculated from the date of each request.

(b) If, upon determining that additional information is necessary to make an application complete, or upon requesting a correction, study or additional information to evaluate a complete application, the department determines that the required materials cannot reasonably be furnished within twelve months, the department may establish a reasonable application expiration deadline longer than twelve months.

(c) Failure to submit all requested materials within the application expiration deadlines shall cause the application to be considered abandoned. Failure to provide verification of any required posting within twelve months from the time posting is first requested, shall also cause the application to be considered abandoned. The director shall then notify the applicant and return the application, plans and other submittals together with any unexpended portion of the application review fee.

~~((3))~~ (4) ~~((The applicant shall transmit no fewer than 21 copies to the department.))~~ Whenever a preliminary plat is revised prior to public hearing, the subdivider shall submit ~~((43))~~ copies of the revision, appropriately marked as such to the department. The number of copies to be determined by the department and specified in the preliminary plat submittal checklist. The department shall take responsibility for distribution of the copies to all relevant departments and agencies.

~~((4))~~ (5) Unless an applicant requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing consistent with SCC 32.50.120.

~~((5))~~ (6) The department shall process all preliminary plats in accordance with provisions of the state environmental policy act and with Title 23 SCC.

~~((6))~~ (7) The person(s) executing the application must provide a form from the county auditor's office showing that they have reserved the name of the plat being submitted. The name of the plat shall be reserved by the county auditor for a period not to exceed 40 months.

Section 55. Snohomish County Code Section 19.16.030 last amended by Ordinance No. 91-114, on August 28, 1991, is **REPEALED**.

Section 56. Snohomish County Code Section 19.16.035 added by Ordinance No.93-158, on December 29, 1993 is **AMENDED** to read:

#### 19.16.035 Notice of application - Subdivisions

~~((1)) Within five working days of filing an application for a preliminary plat, an applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right of way. If no public right of way exist, the signs shall be placed at the point of access to the property. At a minimum, the sign shall contain the following information: type of approval requested, assigned county file number, project description, and county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired.~~



~~\_\_\_\_\_ (2) Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing the subdivision application until such verification is received.)~~ Notice of application shall be given pursuant to the provisions of SCC 32.50.060.

Section 57. Snohomish County Code Section 19.16.040 last amended by Ordinance No. 95-004, on February 15, 1995 is **AMENDED** to read:

19.16.040 Notice of ((application)) hearing.

Notice of the public hearing to be held before the hearing examiner shall be given ((in each of the following manners)) in accordance with the provisions of SCC 32.50.060(4) not less than 15 calendar days prior to the hearing((:)) and shall contain at a minimum the information specified in SCC 32.50.060(3)(b), (c), (d), (e) and (h).

~~((1) The applicant conspicuously post on the subject property two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;~~

~~\_\_\_\_\_ (2) The department of planning and development services shall provide notice of hearing in the following manner:~~

~~\_\_\_\_\_ (a) Publication of one notice in the official county newspaper;~~

~~\_\_\_\_\_ (b) Publication of one notice in a newspaper of general circulation within the area where the real property which is proposed to be subdivided is located;~~

~~\_\_\_\_\_ (c) Mailed notice to each taxpayer of record and known site address within 500 feet of any portion of the boundary of the proposed subdivision and contiguous property owned by the applicant; PROVIDED, That mailed notice to each taxpayer of record and known site address within 1,000 feet of said boundaries when the existing zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030; PROVIDED, FURTHER, That mailed notice required by this subsection shall be increased to 1,500 feet for subdivision applications where each lot is 20 acres or larger, or one-thirty-second of a section or larger if described as a fraction of a section;~~

~~\_\_\_\_\_ (d) Mailed notice to any city or town whose municipal boundaries are within one mile of the proposed subdivision; to the department of transportation on every proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and to any other federal, state or local agency as deemed appropriate by the department;~~

~~———— (3) All hearing notices required by this section shall include the information required in SCC 18.73.050(4) and a description of the location of the proposed subdivision on the form of either a vicinity location sketch or a written description, other than a legal description;~~

~~———— (4) The notices provided for in the above subsections shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;~~

~~———— (5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.)~~

Section 58. Snohomish County Code 19.16.050 last amended by Ordinance 93-077, on September 8, 1993, is **AMENDED** to read:

19.16.050 Hearing and approval procedure.

(1) Preliminary plat applications shall be processed in accordance with the provisions of this title, ~~((and))~~ Title 23 SCC, and chapter 32.50 SCC and, in addition, in accordance with the provisions of chapter 2.02 SCC where applicable. Preliminary plats shall be approved, denied, or denied without prejudice by the hearing examiner within the time period for review contained in chapter 32.50 SCC. ~~((Approval of a preliminary plat by the))~~ The decision of the hearing examiner is final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

(2) A preliminary plat application which has been denied without prejudice pursuant to SCC 19.16.050(1) may be reactivated under the original case file and number and without additional filing fees if a revised application is submitted within six months of the date of the hearing examiner's decision. A new application shall be required in all other cases.

Section 59. Snohomish County Code Section 19.22.030 last amended by Ordinance No.91-114, on August 28, 1991, is **AMENDED** to read:

19.22.030 Format.

(1) Preliminary plats shall be prepared and bear the seal of a registered professional land surveyor in accordance with the requirements of chapters 19.22 and 19.28 SCC.

(2) Preliminary plats shall be accompanied by ~~((two))~~ copies of a completed environmental checklist prepared by the applicant, or their representative, on forms provided by the department.

(3) Preliminary plats shall be accompanied by ~~((two))~~ copies of a completed master application form, provided by the department, containing a notarized signature of the applicant on the original.

(4) Preliminary plats shall be drawn on paper having maximum dimensions of 32 inches by 42 inches, and at one of the following horizontal scales: 100 feet to the inch; 50 feet to the inch or 20 feet to the inch. The horizontal scale used for preliminary plats where each lot is five acres or larger, or one-one-hundred-twenty-eighth of a section or larger when described as a fraction of a section, may be 200 feet to the inch. Where vertical profiles are required by the director, the scale shall be (1" = 10') (1" = 5') (1" = 2'), respectively. Other scales or paper dimensions may be used where deemed appropriate by the director.

(5) All copies of preliminary plats shall be folded so as to have a maximum dimension of 8 x 13 inches. The title block shall be prominently visible when so folded.

(6) All revisions and ~~((replats))~~ plat amendments shall be labeled clearly as such and shall bear the number of the revision and the date of the revision or ~~((replat))~~ plat amendment in, or adjacent, to the title block.

Section 60. Snohomish County Code Section 19.22.040 last amended by Ordinance No.92-192 on December 11, 1992 is **AMENDED** to read:

19.22.040 Requirements for a complete application.

~~((The following information shall be shown on the preliminary plat map:~~

~~\_\_\_\_\_ (1) Title block, preferably located in the lower right hand corner, to contain:~~

~~\_\_\_\_\_ (a) Name of the preliminary plat;~~

~~\_\_\_\_\_ (b) Section, township and range;~~

~~\_\_\_\_\_ (c) Name, address, zip code and telephone number of the preparer;~~

~~\_\_\_\_\_ (d) Date of preparation and scale and north point.~~

~~\_\_\_\_\_ (2) Textual data, preferably to be located on the right hand side of the map or along the bottom, to contain:~~

~~\_\_\_\_\_ (a) Name, address, zip code and telephone number of applicant;~~

~~\_\_\_\_\_ (b) The names, addresses, zip codes and telephone numbers of all persons who have a real or possessory interest in the property to be subdivided;~~

~~\_\_\_\_\_ (c) The legal description of the plat;~~

~~\_\_\_\_\_ (d) The existing zoning on the subject property and proposed rezoning, if applicable;~~

~~\_\_\_\_\_ (e) The acreage contained within the plat, the number of lots being proposed, and the number of lots per acre of land;~~

~~\_\_\_\_\_ (f) The average lot size and the size of the smallest proposed lot; lot average calculation if SCC 18.46.030 of the Snohomish county zoning code is applicable;~~

~~\_\_\_\_\_ (g) Each lot shall contain sufficient square footage to meet minimum zoning and other requirements of this title exclusive of access panhandles and roads. For subdivisions where all lots are five acres or larger, or one one hundred twenty eighth of a section or larger when described as a fraction of a section, lot size computation may include the square footage of land contained in road easements, access panhandles and one half the width of the county road right-of-way abutting the subdivided property;~~

~~\_\_\_\_\_ (h) Determination of the acreage within the slope ranges of: 0 to 15%; 16 to 20%; 21 to 25%; 26 to 35% plus slope in accordance with chapter 18.46 SCC;~~

~~\_\_\_\_\_ (i) The acreage of open space to be contained in the plat, if any, and the percentage it represents of the total land area;~~

~~\_\_\_\_\_ (j) The road lineage, and acreage of road area and percentage it represents of the total land area;~~

~~\_\_\_\_\_ (k) The source of water supply to include the name of the purveyor, if any;~~

~~\_\_\_\_\_ (l) The method of sewage disposal, to include the name of sewer operator, if any;~~

~~\_\_\_\_\_ (m) Applicable school district;~~

~~\_\_\_\_\_ (n) Applicable fire district.~~

~~\_\_\_\_\_ (3) Vicinity sketch, preferably to be located in the upper right hand corner of the map, clearly identifying the location of the property at a scale of not less than one inch to 2,000 feet and including municipal boundaries, township and section lines, major road, railroad and transmission rights-of-way, and indication of the scale used.~~

~~\_\_\_\_\_ (4) Plat representation, to contain:~~

~~\_\_\_\_\_ (a) The boundary lines of the tract to be subdivided;~~

~~\_\_\_\_\_ (b) The development status of contiguous land including the name of any adjacent plats;~~

~~\_\_\_\_\_ (c) The zoning boundary lines, if any;~~

~~\_\_\_\_\_ (d) The approximate dimensions of each lot:~~

~~\_\_\_\_\_ (i) Lots should be numbered consecutively through the total number of lots in the preliminary plat. No letters shall be used for tract designations;~~

~~\_\_\_\_\_ (ii) In the case of a replat, the lots, blocks, streets, alleys, easements and parks of the original plat shall be shown by dotted lines in their proper positions in relation to the new arrangement of the plat, the new plat being so clearly shown in solid lines as to avoid ambiguity;~~

~~\_\_\_\_\_ (e) Contour lines with intervals sufficient to clearly show drainage, slopes and road grades within the proposed development and within 200 feet of external boundary lines of the plat. The intervals shall be two or five feet, except~~

~~as provided in SCC 19.22.040(4)(f). All contours shall be referenced to mean sea level. Slopes shall be determined in accordance with SCC 18.46.030 on one copy of the plat;~~

~~\_\_\_\_\_ (f) The contour interval for subdivisions where all lots are 20 acres or larger, or one thirty second of a section or larger when described as a fraction of a section shall be no greater than 20 feet, PROVIDED, That, the contour interval shall be no greater than five feet within 100 feet of the centerline of any proposed roadway, and PROVIDED, FURTHER, That the contour interval shall be no greater than five feet where significant fill or excavation is proposed pursuant to SCC 19.22.040 (4)(m), or where additional topographic information is necessary to determine that an adequate building envelope exists on any proposed lot;~~

~~\_\_\_\_\_ (g) The names, locations and widths of all existing streets, road rights of way, easements, other public ways, watercourses and major transmission facilities, rights of way, within the proposed development and within 200 feet of the external lot lines of the plat;~~

~~\_\_\_\_\_ (h) The layout and widths of proposed rights of way and easement lines within the plat;~~

~~\_\_\_\_\_ (i) All existing structures within the preliminary plat and all existing structures within 25 feet of the external lot lines of the plat shall be shown in their approximate locations;~~

~~\_\_\_\_\_ (j) Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the plat;~~

~~\_\_\_\_\_ (k) All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deeds for the common use of the property owners of the subdivision with the purposes clearly indicated;~~

~~\_\_\_\_\_ (l) In any subdivision to be served by on-site sewage disposal systems, the preliminary plat shall show the location of soil test sites and provide soil analysis data as is required by the Snohomish health district;~~

~~\_\_\_\_\_ (m) Identification of any areas proposed to be significantly altered by fill or excavation or having fill presently in place which could significantly impact plat development;~~

~~\_\_\_\_\_ (n) Base flood elevation data, pursuant to SCC 27.24.010(c)(4) when proposed subdivision is located in part or wholly within a flood hazard area.~~

~~\_\_\_\_\_ (o) The following identification of a proposed lot or lots which may be developed with a duplex structure, both to be shown on the face of the plat:~~

~~\_\_\_\_\_ (i) a note which indicates the lot number or numbers of the affected lots; and~~

~~(ii) A note within, (or next to, with indicator) the lot boundaries of the affected lot or lots.~~

~~Failure to disclose the intent to develop a lot or lots with duplexes is subject to the provisions of SCC 19.56.025.~~

~~\_\_\_\_\_ (5) Required supporting documents:~~

~~\_\_\_\_\_ (a) Two copies of an environmental checklist.~~

~~\_\_\_\_\_ (b) Five copies of a traffic study in conformance with Title 26B SCC; or waiver from same as deemed appropriate by the department of public works.~~

~~\_\_\_\_\_ (c) If proposed modifications are requested pursuant to chapter 19.28 SCC, two copies of a completed application form for same, as provided by the department.~~

~~\_\_\_\_\_ (d) Two copies of a certificate of title showing the names and addresses of all persons, firms or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. )~~

(1) The department of planning and development services shall establish, and may revise, submittal requirements in the form of a "preliminary plat submittal checklist." The checklist shall delineate specific submittal requirements (such as the plans, forms and supporting documents required by SCC 19.22.030) and completeness criteria for preliminary plat applications. The checklist shall be available to the public at the front counter of the department of planning and development services. The submittal requirements of this chapter, and other applicable code sections (e.g., SCC 18.51.040, 19.22.030, 32.10.230 and 32.30.030 ) shall be used to determine whether an application for preliminary plat is complete pursuant to SCC 32.50.040.

(2) Submittal requirements established by the director must include at least the following:

- (a) Format details and number of preliminary plat map copies;
- (b) Title documentation;
- (c) Applicant's name and address;
- (d) Legal description;
- (e) Zoning information;
- (f) Site characteristics;
- (g) Number of lots;
- (h) Existing and proposed structures;
- (i) Utility information;
- (j) Vicinity map;
- (k) Preliminary drainage and grading plan;
- (l) Location of existing and proposed open space;
- (m) An environmental checklist;
- (n) Traffic study in conformance with Title 26B, if applicable, and
- (o) Completeness requirements of any other applicable SCC sections; and
- (p) Applicable filing fees.

Section 61. Snohomish County Code 19.40.010 last amended by Ordinance No.95-004, on February 15, 1995, is **AMENDED** to read:

19.40.010 Procedure for filing.

(1) For purposes of filing a final plat, the subdivider shall submit two dark line prints, and a stable base polyester film or other approved material (hereinafter referred to as mylar) to the department. The department shall examine the plat for compliance with the provisions of this title;

(2) Each filing of a final plat shall be accompanied by final plat filing fee in the amount of \$1,500 which shall be paid to the department;

(3) After receiving a copy of the final plat, the department shall examine, or have examined, the map as to sufficiency of affidavits and acknowledgments, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to subdivisions with this title, and with the conditions of approval. Traverse sheets (computation of coordinates), and work sheets showing the closure of the exterior boundaries and of each irregular lot and block, and the calculation of each lot size shall be furnished. If the final plat is found to be in correct form, and the matters shown thereon are sufficient, the department shall obtain the signature of the department of public works on the mylar of the plat map. Upon confirmation of compliance with the conditions of approval, a public meeting will be scheduled for final consideration of the plat map before the council. Each formal plat map shall be accompanied by an updated certificate of title showing the names of all persons, firms or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the purposes of 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 plat;

(4) Each preliminary plat submitted for final approval of the county council shall be accompanied by the following agencies' recommendations for approval or disapproval:

(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;

(b) Department of planning and development services, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) Department of public works;

(d) Other relevant federal, state or local agencies. None of the agencies listed in subsections (a) and (c) of this section shall modify the terms of its recommendation without the consent of the applicant;

(5) The department shall coordinate the final plat review process among the appropriate county departments and other agencies and, after compliance with the public notice provisions of subsection (6) below, shall transmit a recommendation for final plat action to the council;

(6) Public notice of final plat submittal shall be provided within 21 days of submittal by:

(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final plat, and to those official parties of record listed in the hearing examiner and county council decisions, as appropriate, on the subject preliminary plat application;

(b) Posting ~~((by the applicant in conspicuous locations on the subject property of two or more signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Posting shall be evidenced by submittal of a verified statement confirming date and locations of posting))~~ in accordance with the provisions of SCC 32.50.060(4)(a); and

(c) Mailing to all parties that have provided written comment on the preliminary plat;

(d) Notices required in the above subsections shall solicit comments on the final plat recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice;

(7) The county council shall consider the final plat for final action at a public meeting. Public testimony shall be allowed at the public meeting, and shall be limited to whether the final plat is consistent with the conditions of preliminary plat approval;

(8) Public notice of the time, date and location of the council's public meeting for final plat action shall be given five days prior to the public meeting by:

(a) Mailing to the applicant;

(b) Mailing to all parties who provided comment on the notice of recommendation for final plat action;

(c) Posting notice of time, date and location of the public meeting on the signs required pursuant to SCC 19.40.010(6)(b);

(9) After finding that the final plat has been completed in accordance with the provisions of this title, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of preliminary plat approval have been met, and that the interests of the county are fully protected, the council, upon consideration of the final plat at a public meeting, will sign the final plat accepting such dedications as may be included thereon. Written notice of the council decision to approve shall be given by:

(a) Mailing to the applicant;

(b) Mailing to all parties of record listed in the hearing examiner and county council decisions, as appropriate, on the subject preliminary plat application;

(c) Mailing to all parties who individually wrote and submitted letters concerning the subject plat application;



(d) Mailing to all parties who testified at the public meeting on final action;

(e) Mailing to all parties that were mailed public notice pursuant to SCC 19.40.010(6)(a), and to the department of ecology; and

(f) Publication in the county official newspaper.

The final plat may be denied upon findings and conclusions that the conditions of preliminary plat approval have not been met. If approved, the final plat shall then be returned to the subdivider for filing for record with the county auditor and must be filed within 30 days from the date of approval by the council. If the council does not approve the final plat, it may grant the project proponent a period of time, not to exceed four months, to bring the final plat into compliance with the conditions of preliminary plat approval and set a specific time and date for the council to reconsider the final plat. Notice of a council decision extending the time period for compliance with the conditions of preliminary plat approval shall be given as prescribed in SCC 19.40.010(8), and to all parties who have requested notification of the council's decision;

(10) The notices provided for in the above subsections shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;

(11) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

Section 62. Snohomish County Code Section 19.56.010 last amended by Ordinance No. 85-088, on Sept. 18, 1985, is **AMENDED** to read:

#### 19.56.010 Court Review.

~~Any decision approving or disapproving any plat ((or parcel map reviewed as provided under this title shall be reviewable for unlawful, arbitrary, capricious action or nonaction by writ of review before the superior court of Snohomish county. Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under SCC 19.16.040;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within 30 days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the county for such review shall be borne by the appellant.)~~ shall be reviewable by filing a land use petition in Snohomish county superior court under the provisions of Chapter 36.70C RCW.

Section 63. Snohomish County Code Section 19A.30.140, added by Amended Ordinance No.95-062, on August 9, 1995, is **AMENDED** to read:

19A.30.140 Appeals.

(1) Any person aggrieved by an action of the director pursuant to SCC 19A.30.010(2) may appeal the decision to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At an appeal hearing, the appellant shall have the burden of proof, which shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court, as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21 RCW, 197-11 WAC and 23.40 SCC.

Section 64. Snohomish County Code Section 20.20.045 last amended by Ordinance No.95-026, on May 24, 1995, is **AMENDED** to read:

20.20.045 Public notice and commenting.

(1) Public notice of application shall be given for preliminary short plat applications and modification requests, if applicable as provided in SCC 32.50.060; EXCEPT, That, individual notice shall be given in accordance with the following time periods:

(a) For mailed and published notice: within 15 days of application submittal; and

(b) For posted notice: within 5 days of application submittal.

~~((Such notice shall solicit comments on the preliminary short subdivision; shall contain a summary of the proposed action; shall contain a statement indicating how to become a party of record as defined in SCC 2.02.165; and may contain any other information which the county finds may be of assistance in providing a complete and reasonably understandable summary. Said notice shall be given as follows:~~

~~—————(a) Within 15 days of receiving an application, the department shall mail to all taxpayers of record and known site addresses within 500 feet of the subject property and contiguous property owned by applicant and, where the application is located adjacent to a right of way of a state highway, to the state department of transportation; PROVIDED, That notice shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the existing zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030,~~

~~—————(b) Within 15 days of filing an application, an applicant shall publish notice in the official county newspaper and in a newspaper of general circulation in the area where the proposal is located, and~~

~~\_\_\_\_\_ (c) Within five working days of filing an application, an applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right-of-way. If no public right-of-way exists, the signs shall be placed at the point of access to the property. The signs shall remain posted throughout the review process and until all appeal periods have expired. Posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing of the short subdivision application until such verification is received;))~~

~~(2) ((Public notice may be given at the discretion of the department to community organizations of record. Such notice shall solicit comments on the preliminary short subdivision and shall be given within 15 days after application submittal;~~

~~\_\_\_\_\_ (3) Comments on the preliminary short subdivision shall be returned to the department of planning and development services within ((15)) 21 days of the notice given pursuant to subsection (1) above;~~

~~\_\_\_\_\_ (4) Public notice of preliminary short subdivision approval, and final short subdivision approval where no preliminary approval is given, shall be mailed to all parties of record, as defined in SCC 2.02.165, on the preliminary short subdivision;~~

~~\_\_\_\_\_ (5) Public notice of short subdivision denial shall be given pursuant to subsection (4)(a) above, and shall also be mailed to the applicant;~~

~~\_\_\_\_\_ (6) The notices provided for in subsections (4) and (5) above shall specify the appeal process available and deadline for filing appeals pursuant to SCC 20.20.000;~~

~~\_\_\_\_\_ (7) The notices provided for in the above subsections shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;~~

~~\_\_\_\_\_ (8) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.)) Notice of any decision made on a preliminary short subdivision application and modification request, if applicable, shall be given as provided in SCC 32.50.130.~~

Section 65. Snohomish County Code Section 20.20.070 last amended by Ordinance No.90-201, on January 7, 1991, is **AMENDED** to read:

20.20.070 Department procedure on application.

(1) The department shall distribute one copy of the preliminary short plat application to each reviewing section within the department and one copy to each of the following:

- (a) County health district;
- (b) County public works department;
- (c) Washington state department of transportation, if the preliminary short plat application covers property located adjacent to the right-of-way of a state highway;
- (d) Any city or town whose municipal boundaries are within one mile of the proposed short subdivision; and
- (e) Any other federal, state or local agencies as may be relevant.

(2) The department shall then set a date for return of findings and recommendations from each relevant agency, the date to be ~~((45))~~ 21 days from the date of distribution.

**SECTION 66.** A **NEW** Section is added to Chapter 20.20 of Snohomish County Code to read:

20.20.075 Expiration of preliminary short plat applications

(1) For all preliminary short plat applications the department shall:

(a) set an application expiration deadline of twelve months from the date of first notification that an application is incomplete pursuant to SCC 20.24.010-.040, within which an applicant must submit the information necessary to make the application complete; and

(b) set an application expiration deadline of twelve months for submitting each correction, study or additional information the department may request for evaluating a complete application, calculated from the date of each request.

(2) If, upon determining that additional information is necessary to make an application complete, or upon requesting a correction, study or additional information to evaluate a complete application, the department determines that the required materials cannot reasonably be furnished within twelve months, the Director may establish a reasonable application expiration deadline longer than twelve months.

(3) Failure to submit all requested materials within the application expiration deadlines shall cause the application to be considered abandoned. Failure to provide verification of any required posting within twelve months from the time posting is requested, shall also cause the application to be considered

abandoned. The department shall then notify the applicant and return the application, plans and other submittals together with any unexpended portion of the application review fee.

Section 67. Snohomish County Code Section 20.20.080, last amended by Ordinance No. 94-045, on June 1, 1994, is **AMENDED** to read:

20.20.080 Department action.

(1) The department shall consider and review the preliminary short plat and short subdivision with regard to:

(a) Its ~~((conformance to the general purposes of the comprehensive plan and planning standards and specifications as adopted by the laws of the state of Washington and Snohomish county))~~ consistency with applicable development regulations and comprehensive plan or subarea plan elements in accordance with the consistency determination provisions of SCC 32.50.100, and its conformance with other applicable county and state regulations;

(b) Whether appropriate provisions are made in the short subdivision for: open space, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and school and schoolgrounds;

(c) The physical characteristics of the short subdivision site and may disapprove because of flood, inundation, or swamp conditions. It may require construction of protective improvements as a condition of approval;

(d) All other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and whether the public use and interest will be served by approval of the short subdivision and, if applicable, dedication.

(2) The department may:

(a) Approve the preliminary short subdivision and short plat with or without conditions; or

(b) Deny the preliminary short subdivision and short plat without prejudice in accordance with SCC 20.20.030; or

(c) Deny the preliminary short subdivision and short plat; or

(d) Submit the preliminary short subdivision and short plat to the hearing examiner for his consideration together with the department's recommendation only where right-of-way dedication is proposed for a new public roadway. The examiner shall hear the application in accordance with the procedures of chapter 2.02 SCC and with such notice as is required for hearings on preliminary plat applications; the examiner's decision shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the council pursuant to chapter 2.02 SCC.

(3) The preliminary short subdivision shall be approved only if the department or the hearing examiner makes written findings that, if developed in accordance with the conditions imposed by the department or hearing examiner, the short subdivision makes appropriate provision for the public health, safety, and general welfare and for open spaces, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and that the public use and interest will be served by the approval of the short subdivision and, if applicable, dedication. In determining whether appropriate provision has been made:

(a) for open space, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, provisions of chapter 18.46 SCC pertaining to development on steep slopes, provisions of Title 24 SCC pertaining to drainage and other utility easements, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(b) for drainage ways, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, provisions of Title 24 SCC pertaining to drainage, provisions of Title 27 SCC pertaining to development in flood hazard areas, provision of Title 25 SCC pertaining to surface water management, provisions of Title 21 SCC pertaining to development in areas subject to shoreline management jurisdiction, and/or other applicable provisions of this title;

(c) for streets, roads, alleys and other public ways, the department shall refer to the provisions of Title 26B SCC, the county road ordinance, provisions of Title 16 SCC, the uniform fire code, provisions of Title 24 SCC pertaining to drainage, provisions of Title 13 SCC pertaining to roadway construction and design standards, the standards specified in the Washington state department of transportation design manual, the standards specified in the American association of state highway and transportation officials urban and rural highway design manuals, and/or other applicable provisions of this title;

(d) for transit stops, the department shall refer to the standards specified in the Snohomish county transportation authority land use and public transportation manual, and/or other location and construction standards of community transit of Snohomish county and METRO for such facilities;

(e) for potable water, the department shall require documentation of compliance with Snohomish health district regulations and procedures pertaining to potable water, in accordance with any applicable interlocal agreement between Snohomish county and the Snohomish health district;

(f) for sanitary wastes, the department shall require documentation of compliance with Snohomish health district regulations pertaining to on-site sewage disposal, and shall also refer to applicable provisions of this title;

(g) for parks, recreation and playgrounds, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, including the Snohomish county parks and recreation plan, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(h) for schools, school grounds, and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, Title 13 SCC pertaining to roadway construction and design standards, and adequate documentation pursuant to Title 23 SCC on a case by case basis that unsafe walking conditions exist.

Section 68. Snohomish County Code Section 20.20.090, last amended by Ordinance No. 94-013, on February 23, 1994, is **AMENDED** to read:

20.20.090 Review of decision on short subdivisions.

(1) Decision by Department.

(a) Any person aggrieved by a decision by the department to deny or issue preliminary approval of a short subdivision, or final approval where no preliminary approval was given may appeal such decision to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(b) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(c) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be ~~((appealed to the county council pursuant to))~~ reviewable by the filing of a land use petition in Snohomish county superior court, as provided in chapter 2.02 SCC.

(2) Decision by Hearing Examiner. When the hearing examiner hears a short subdivision application pursuant to SCC 20.20.080 ~~(2)(d)~~, the examiner's decision thereon shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

Section 69. Snohomish County Code Section 20.24.010 last amended by Ordinance No.94-045, on June 1, 1994, is **AMENDED** to read:

20.24.010 Application requirements.

~~((An application for a short subdivision shall be submitted with all information required by the short subdivision application checklist, which is set forth as follows:))~~

**SHORT SUBDIVISION  
APPLICATION CHECKLIST**

The following items are required for a complete application pursuant to state law and SCC 20.24.020.

Other information will be required in accordance with applicable Snohomish county codes before preliminary short plat approval can be granted. The applicant will be notified if any additional requirements are warranted. Please refer to the handout, "Short Subdivision Filing Instructions" for specifics.

Application form:

~~\_\_\_\_\_ I. Application Form~~

~~\_\_\_\_\_ 1. Name, address and telephone number of the applicant(s) and all person(s) having an ownership interest in the real property.~~

~~\_\_\_\_\_ 2. Name, mailing address and telephone number of applicant's representative.~~

~~\_\_\_\_\_ 3. General location of property, including directions from nearest intersection of major streets.~~

~~\_\_\_\_\_ 4. Legal description of the property to be subdivided.~~

~~\_\_\_\_\_ 5. Date parcel was created as a legal tract of land.~~

~~\_\_\_\_\_ 6. Approximate acreage of total property.~~

~~\_\_\_\_\_ 7. Present use of property.~~

~~\_\_\_\_\_ 8. Source of water supply. If public system is used, the name of the provider.~~

~~\_\_\_\_\_ 9. Method of sewage disposal. If sanitary sewer, the name of the district with jurisdiction.~~

~~\_\_\_\_\_ 10. List of all assessor's tax account numbers involved (all 14 digits).~~

~~\_\_\_\_\_ 11. Section, Township, Range and existing zoning classification(s).~~

~~\_\_\_\_\_ 12. A certification by the applicant(s) disclosing the entire contiguous land in which there is an interest by reason of ownership contract for purchase, earnest money agreement, or option by any person, firm, or corporation in any manner connected with the development of the applicant(s), and the names, addresses and telephone numbers of all such persons, firms or corporations.~~

~~\_\_\_\_\_ 13. Notarized signature(s) of applicant(s) and all person(s) having an ownership interest in the real property.~~

~~\_\_\_\_\_ II. Preliminary Short Plat~~

~~\_\_\_\_\_ 1. The preliminary short plat shall be prepared by and bear the seal of a registered professional land surveyor.~~

~~\_\_\_\_\_ 2. The preliminary short plat shall have a minimum dimension of 18 by 24 inches and shall be drawn at a horizontal scale of 50 feet to one inch or such other scale as the department determines will clearly portray all of the drafting detail. All copies of the preliminary short plat shall be folded so as to have a maximum dimension of 9 by 13 inches. The title block shall be prominently visible when so folded.~~

~~\_\_\_\_\_ 3. The preliminary short plat shall contain a title block, located in the lower right hand corner, to include:~~



~~\_\_\_\_\_ (a) The names, addresses and telephone numbers of the applicant(s), all parties having an ownership interest in the real property and the land surveyor; and~~

~~\_\_\_\_\_ (b) The date of preparation and date of any preliminary short plat revisions (all revisions shall be initialed by the land surveyor).~~

~~\_\_\_\_\_ 4. The preliminary short plat shall contain text data to be shown on the right hand side of the drawing. The text data shall include:~~

~~\_\_\_\_\_ (a) The legal description of the proposed short subdivision;~~

~~\_\_\_\_\_ (b) The existing zoning on the subject property;~~

~~\_\_\_\_\_ (c) The proposed land use;~~

~~\_\_\_\_\_ (d) The square footage contained within the short subdivision. The number of lots and the average lot size in square feet; lot size average calculation if SCC 18.42.080 is utilized;~~

~~\_\_\_\_\_ (e) The source of water supply and the name of the purveyor;~~

~~\_\_\_\_\_ (f) The method of sewage disposal and the name of the operator of the applicable sewage disposal system; and~~

~~\_\_\_\_\_ (g) Applicable fire and school district.~~

~~\_\_\_\_\_ 5. The preliminary short plat shall delineate:~~

~~\_\_\_\_\_ (a) The boundary lines of the tract to be subdivided;~~

~~\_\_\_\_\_ (b) The development status of contiguous land, including identification of any adjacent subdivisions and short subdivisions;~~

~~\_\_\_\_\_ (c) The zoning boundary lines, if any;~~

~~\_\_\_\_\_ (d) The dimensions of each lot;~~

~~\_\_\_\_\_ (e) The lot area computed in square feet, deleting areas contained in road easements and access panhandles;~~

~~\_\_\_\_\_ (f) Consecutive numbers for all lots in the preliminary short plat;~~

~~\_\_\_\_\_ (g) Contour lines with intervals sufficient to clearly show drainage, slopes and road grades within the proposed short subdivision and within 50 feet of external boundary lines of the short subdivision. The contour intervals shall be two or five feet. All contours shall be referenced to mean sea level and a bench mark; its location and elevation shall be noted. Slopes shall be determined in accordance with SCC 18.46.030 on one copy of the short plat;~~

~~\_\_\_\_\_ (h) The names, locations and widths of all existing streets, road rights-of-way, easements, other public ways, watercourses, railroad rights-of-way and utilities within the proposed short subdivision and within 50 feet of the external lot lines of the short subdivision;~~

~~\_\_\_\_\_ (i) The layout widths of all proposed rights-of-way and easement lines within the short subdivision, and a center line profile of all proposed public and private road(s) within the short subdivision;~~

~~\_\_\_\_\_ (j) The location of all existing structures within the short subdivision and all existing structures within 25 feet of the external lot lines of the short subdivision;~~

~~\_\_\_\_\_ (k) Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the short subdivision;~~

~~\_\_\_\_\_ (l) All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deeds for the common use of the property owners of the short subdivision with the purposes clearly indicated;~~

~~\_\_\_\_\_ (m) Base flood elevation data, pursuant to SCC 27.24.010(e)(4) when the short subdivision is located in whole or in part within a flood hazard area;~~

~~\_\_\_\_\_ (n) Identification of any critical areas as defined in chapter 24.08.040 SCC;~~

~~\_\_\_\_\_ (o) The location of the nearest fire hydrant;~~

~~\_\_\_\_\_ (p) Identification of any native growth protection areas and other lands within the short subdivision where development is restricted;~~

~~\_\_\_\_\_ (q) The location of building setback lines on each lot in accordance with the requirements of chapter 18.42 SCC;~~

~~\_\_\_\_\_ (r) Identification of lot or lots which may be developed with a duplex structure. Failure to disclose the intent to develop a lot or lots with duplexes is subject to the provisions of SCC 20.36.025; and~~

~~\_\_\_\_\_ (s) A vicinity map, preferably located in the upper right hand corner, clearly identifying the location of the property at a scale of not less than one inch to two thousand feet and including municipal boundaries, township and section lines, major roads, railroad and transmission rights of way, rivers, streams and lakes and indication of the scale used.~~

~~III. Required Supporting Documents (Two copies unless noted otherwise):~~

~~\_\_\_\_\_ 1. Any covenants, conditions and restrictions presently encumbering the land and any proposed encumbrances. (2 copies)~~

~~\_\_\_\_\_ 2. A current short plat certificate prepared by a title company no more than 30 days prior to the date of preliminary short plat application, giving a full and correct description of the property to be short subdivided, showing all encumbrances to title, and showing all persons having an ownership interest in the property. (2 copies)~~

~~\_\_\_\_\_ 3. A preliminary drainage plan.))~~

(1) The department of planning and development services shall establish, and may revise, submittal requirements in the form of a "short plat submittal checklist." The checklist shall delineate specific submittal requirements (such as plans, forms and supporting documents) and completeness criteria for preliminary short subdivision applications. The checklist shall be available to the public at the front counter of the department of planning and development services. The submittal requirements of this chapter, and other applicable code sections (e.g., SCC 18.51.040, 32.10.230 and 32.30.030 ) shall be used to determine whether an application is complete.

(2) Submittal requirements established by the department must include at least the following:

(a) Format details and number of short plat map copies;

(b) Title documentation;

(c) Applicant's name and address;

- (d) Legal description;
- (e) Zoning information;
- (f) Site characteristics;
- (g) Number of lots;
- (h) Existing and proposed structures;
- (i) Utility information;
- (j) Vicinity map;
- (k) Preliminary drainage and grading plan;
- (l) Location of existing and proposed open space;
- (m) An environmental checklist, if applicable;
- (n) Traffic study in conformance with Title 26B, if applicable;
- (o) Completeness requirements of any other applicable SCC sections; and
- (p) Applicable filing fees.

Section 70. Snohomish County Code Section 20.28.010, last amended by Ordinance No. 95-035, on June 28, 1995, is **AMENDED** to read:

20.28.010 Minimum standards.

The public use and interest require, as to the following subject matters, that the following minimum standards be met, unless a modification is granted subject to the provisions of chapter 20.32 SCC:

(1) That each lot shall contain sufficient square footage to meet minimum zoning and health requirements. The square footage of land contained in road easements or access panhandles shall not be included in the lot size computation.

(2) Public bridges and storm drainage facilities shall be subject to the approval of the county road engineer. Private bridges and storm drainage facilities shall be subject to the approval of the director of the department of planning and development services.

(3) Where any abutting county road has insufficient width to conform to minimum road width standards for Snohomish county, sufficient additional right-of-way shall be dedicated to Snohomish county on the short plat to conform the abutting half to such standards where reasonably necessary as a result of the proposed development or to make appropriate provision for public roads.

(4) If the lots are to be served by septic tanks, soil data and percolation rates may be required by the Snohomish health district. Notations regarding the conditions for health district approval may be required to be inscribed upon the short plat.

(5) Access to Arterials. Lots within a short subdivision shall be designed so that access to arterials shall be limited to one joint access thereto and a waiver of the right of direct access shall be required as a condition of approval except that, if the subdivider presents proof that direct access to such lots is

necessary to the development of his property and the department so finds, the department may permit direct access. This shall not apply to any parcels of one-one-hundred-twenty-eighth of a section or five acres or more.

(6) Access to the boundary of all short subdivisions shall be provided by an opened, constructed and maintained county road or county roads except that access to the boundary of a short subdivision by private road may be permitted where such private roads are otherwise permitted by this resolution. Access to each lot shall meet the access requirements of chapter 18.41 SCC.

(7) Minimum access to all lots within a short subdivision containing any lot less than one-one-hundred-twenty-eighth of a section, or five acres in area shall be provided by an opened, constructed and maintained county road or a private road designed and constructed in accordance with the engineering design and development standards adopted under chapter 13.05 SCC. Access to two single-family lots or one duplex lot may be provided by a driveway, constructed in accordance with the engineering design and development standards, within a shared access easement.

(8) Short subdivisions where each lot contains one-one-hundred-twenty-eighth of a section, or five acres or more in area, and where the final short plat map is filed as a record of survey, may take access from an opened, constructed and maintained county road or roads, or from a private road designed and constructed in accordance with the engineering design and development standards adopted under chapter 13.05 SCC; PROVIDED, That the county engineer may waive some or all improvement standards of this subsection when he finds that the existing private road is adequate to serve the additional lots, and that the applicant demonstrates full standards are unnecessary, impossible to achieve or result in an inequitable financial burden. When private road access is provided, a registered professional engineer shall certify, prior to final approval, that road drainage facilities, including cross culverts, and other site improvements, have been constructed and installed in accordance with this title and sound engineering practice.

(9) The maximum number of lots that may be served by a private road shall be eight, generating a maximum of 80 average daily trips in designated urban growth areas adopted by the county council pursuant to chapter 36.70A RCW and a maximum of 90 average daily trips in areas not included within the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW, ~~((unless modification is granted by the hearing examiner))~~ or unless the short subdivision contains no lot having an area of less than one-one-hundred-twenty-eighth of a section or five acres. In all other cases, access to any lot shall be by an opened, constructed and maintained county road or roads. Trip generation shall be determined based on the latest edition of the ITE trip generation report published by the Institute of Traffic Engineers.

(10) Where access to a short subdivision is to be provided via an existing or proposed private road that has the potential of providing access for more than eight lots, or more than 80 average daily trips in designated urban growth areas,

or more than 90 average daily trips in areas not included within urban growth areas, the short subdivision shall provide for the future conversion of such private road to a public road and construction of such private road to public road standards, in accordance with the engineering design and development standards adopted under chapter 13.05 SCC.

(11) If the subdivider uses a private road, each lot owner or successors in interest having access thereto shall have a responsibility for maintenance of such private road. Any private road shall also contain a utilities easement.

(12) Short subdivisions located in special flood hazard areas as defined by Title 27 SCC shall comply with the provisions of SCC 27.24.010(3).

Code reviser's note: See note at beginning of chapter 20.20 SCC regarding applicability of Ord. 94-045.

Section 71. Snohomish County Code Section 20.32.020, last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

20.32.020 ~~((Public hearing required))~~ Request for Modification.

Requests for modification shall be ~~((heard by the hearing examiner and))~~ processed by the department in accordance with the procedures established in this title ((chapter 2.02 SCC )) for processing a preliminary short subdivision. ~~((with such notice as is required for hearings on preliminary plat applications. The hearing examiner's decision shall be final and conclusive with right of reconsideration and may then be appealed to the council pursuant to chapter 2.02 SCC.))~~

Section 72. Snohomish County Code Section 20.32.030, last amended by Ordinance No. 95-004 on February 15, 1995 is **AMENDED** to read:

20.32.030 Minimum processing time.

Modification applications shall be filed concurrently with a short plat application at the Snohomish county department of planning and development services ~~((no later than 26 days prior to the hearing examiner public hearing)), or~~ if it is determined that a modification is required during review of a short plat application, a denial without prejudice shall be issued by the department and an application for modification shall be filed concurrent with resubmittal of the proposal.

Section 73. Snohomish County Code Section 20.32.040, last amended by a Resolution adopted on August 28, 1972, is **AMENDED** to read:

20.32.040 Authority to modify.

If the ((hearing examiner-))department finds unusual hardship or extraordinary difficulties, the minimum requirements may be modified to mitigate the hardship; PROVIDED, That the public use and interest is protected and the development is in keeping with the general spirit and intent of these regulations.

Section 74. A **NEW** Section is added to Chapter 20.32 of the Snohomish County Code to read:

**20.32.060 Granting Modifications.**

In addition to any other conditions in this chapter for granting modifications, the following conditions shall also apply:

(1) Lot area provisions of SCC 20.28.010(1) may be modified to include square footage within access easements and/or ownership panhandles in lot size computation of the total lot area only if said access easement or ownership panhandle does not have future potential to be converted to a public road in consideration of all surrounding development; and

(2) SCC 20.28.010(7), (9), and (10) may be modified only after the director of public works has reviewed and provided comments regarding any road standards, safety, and/or operational issues related to the modification request, including whether if granted, the modification should be conditioned to require access improvements in accordance with SCC 26B.55.055. Where the modification would allow construction of a private road where a public road would otherwise be required by this chapter, the modification may only be granted if a public road is not needed to provide access and transportation circulation in accordance with SCC 26B.55.055.

Section 75. A **NEW** section is added to Chapter 20.32 of the Snohomish County Code to read:

**20.32.070 Department action.**

The department shall issue its decision for a modification granted pursuant to SCC 20.32.060 as a part of and included within its decision on the proposed short plat application with associated rights of appeal as specified in SCC 20.20.090. Upon preliminary approval of the short plat application, specific conditions of approval and/or restrictions to be placed on the face of the final short subdivision shall be included as required to clearly reflect the modification, if granted.

Section 76. Snohomish County Code Section 20.36.050, last amended by Ordinance No. 93-077, Sept. 8, 1993, is **AMENDED** to read:

**20.36.050 Revocation procedure.**

Prior to the revocation of any approved short plat, notice will be mailed to the short subdivider at the address listed by him setting a date and time not less than 15 days or more than 30 days after date of mailing where he may present his views to the hearing examiner. The hearing shall be conducted by the examiner upon such notice and under the procedure established by SCC 20.20.090. Issuance of or final approvals of any building permits may be withheld until action on the proposed revocation is completed. The hearing examiner's decision shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC. Appropriate administrative or legal action may be taken after the meeting date provided for herein. If it is determined that such is necessary to prevent imminent sales, legal action may be instituted without notice.

Section 77. Snohomish County Code Section 21.16.020 last amended by Ordinance No.95-004, on February 15, 1995, is **AMENDED** to read:

21.16.020 Application for substantial development, conditional use, or variance permits.

Any person desiring to apply for a substantial development, conditional use, or variance permit on any part of the shorelines of the state within Snohomish county, shall apply to the department of planning and development services, using forms supplied by that office. The application shall not be considered complete until the following minimum information is provided:

- (1) Name, address, and telephone number of applicant;
- (2) Relation of applicant to property owner;
- (3) Name, address, and telephone number of property owner;
- (4) General location and legal description of the proposed development;
- (5) Current use of property;
- (6) Proposed use of property;
- (7) Name of water area and/or wetlands within which development is proposed;
- (8) Site plan map, showing (a) site boundary, (b) property dimensions in vicinity of project, (c) ordinary high-water mark, (d) typical cross section or sections, showing existing ground elevations, proposed ground elevations, height of existing structures, and height of proposed structures, (e) existing and proposed land contours using five-foot intervals in water areas and 10-foot intervals in areas landward of the ordinary high-water mark, (f) dimensions and locations of existing structures which will be maintained, and of proposed structures, (g) source, composition, and volume of fill material, (h) composition and volume of any extracted materials, and proposed disposal areas, (i) location of proposed utilities, such as water, sewer, electricity, gas, septic tanks and drainfields, (j) shoreline designation according to the master program, and (k) shorelines of statewide significance;

(9) Vicinity map, showing (a) site location using natural points of reference (roads, prominent landmarks, etc.), (b) proposed disposal areas, and (c) the general nature of land uses within 1,000 feet in all directions from the development site (e.g., residential to south, commercial to north, etc.);

(10) Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;

(11) Approximate dates of construction initiation and completion;

(12) Short statement explaining why this project needs a shoreline location, and how the proposed development is consistent with the policies of the shoreline management act of 1971;

(13) Listing of any other permits for the project from state, federal, or local governmental agencies for which the applicant has applied or will apply;

(14) Any additional materials which are required to ascertain compliance with the applicable provisions of the master program and county code.

(15) For permits that are subject to chapter 32.50 SCC, the submittal requirements of this chapter and other applicable code sections (e.g., SCC 32.10.230 ) shall be used to determine whether an application is complete pursuant to SCC 32.50.040.

Section 78. Snohomish County Code Section 21.16.040, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

21.16.040 ((Notice requirement)) Permit processing.

~~((1) Upon receipt of a complete and proper application for a substantial development, conditional use, or variance permit, the department of planning and development services shall instruct the applicant to:~~

~~(a) Post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting a public right-of-way within five working days of filing an application. If no public right-of-way exists, the signs shall be placed at the point of access to the property. At a minimum, the sign shall contain the following information: type of permit requested, assigned county file number, project description and county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting. If verification of posting is not returned to the department within 15 days of application, the department shall discontinue processing of the permit application until such verification is received.~~

~~(b) Publish notices thereof at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within Snohomish county at least 30 days prior to county action; and~~

~~(c) Mail notice at least 30 days prior to county action to all taxpayers of record and known site addresses, as shown by the records of the~~



county assessor, within 500 feet of the boundary of the property upon which the substantial development, conditional use, or variance is proposed; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030. At the discretion of the department, posting of the notice in at least three conspicuous places in the area under consideration may be substituted for mailed notice;

(2) ~~An affidavit that the notice has been properly published pursuant to SCC 21.16.040(1)(b) above, and deposited in the U.S. mail or posted as applicable pursuant to SCC 21.16.040(1)(c) above, shall be submitted by the applicant to the department prior to county action on the permit application.)~~

Substantial development, conditional use, and variance applications shall be subject to all the provisions of chapter 32.50 SCC, including notice of application, completeness determination, consistency determination, time periods for permit processing, and notice of decision.

~~((Notice forms shall be supplied by the department. In accordance with WAC 173-14-070, all notices of application for substantial development, conditional use, or variance permits shall be in the following form:~~

~~NOTICE OF APPLICATION FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE OF VARIANCE PERMIT (use appropriate permit)~~

~~NOTICE IS HEREBY GIVEN that \_\_\_\_\_, (state full name), who is \_\_\_\_\_, (describe relationship to property, such as owner, lessee, etc.) of the below described property has filed an application for a \_\_\_\_\_ (substantial development, conditional use, or variance) permit for the development of (describe development, including uses) located at (street address, if known, or distance and direction to nearest town) within the \_\_\_\_\_ quarter section of Section \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, W.M., in the County of Snohomish, Washington. Said development is proposed to be within \_\_\_\_\_ (name of water area) and/or its associated wetlands.~~

~~Any person desiring to express their views or be notified of the action taken on this application should notify the department of Planning and Development Services, in writing, within 30 days of the final date of publication of this notice which is \_\_\_\_\_. Publication dates of this notice are \_\_\_\_\_ and \_\_\_\_\_.)~~

Section 79. Snohomish County Code Section 21.16.050, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

21.16.050 ((Public hearing required, when)) Department action.

~~((1) The approval or denial of certain applications, which involve significant economic, health, safety, environmental and land use issues, and/or conflicts with the county's adopted plans, policies or regulations, should be preceded by a public hearing before the hearing examiner in order to allow interested persons to present their views.))~~

~~((2) A public hearing shall be required prior to final county action on any substantial development, conditional use, or variance permit for which a declaration of significance, pursuant to the state environmental policy act, has been issued.))~~

~~((3) A public hearing shall be required prior to the county's denial of a substantial development, conditional use, or variance permit.))~~

~~((4) In all other cases, the department of planning and development services shall determine whether a public hearing is warranted. The determination of the department of planning and development services shall be based on the review of a complete application with respect to compliance with the policies and regulations of the shoreline management act, master program, comprehensive plan, and other adopted county regulations, policies, and ordinances (e.g., slope policy, Title 26B SCC); the provisions of the state environmental policy act (chapter 43.21C RCW); and comments received from interested persons. If the department of planning and development services finds that a public hearing would assist in implementing the county's adopted plans, policies, regulations, and ordinances, or that certain persons or the environment could be adversely affected by the proposed development, a public hearing shall be held. The determination of the department of planning and development services pursuant to this paragraph shall be final and not subject to appeal.))~~

(1) The department shall consider and review the complete substantial development, conditional use, and/or variance permit application(s) with respect to:

(a) compliance with:

(i) the policies and regulations of the this title and the shoreline management master program;

(ii) the appropriate county subarea comprehensive plan, and other adopted county regulations, policies, and ordinances;

(iii) the provisions of Title 23 SCC and the state environmental policy act (chapter 43.21C RCW);

(iv) the provisions of SCC 32.50.100; and

(b) comments received from interested persons.

(2) The department may:

(a) Approve the substantial development, conditional use, or variance permit application with or without conditions; or

(b) Submit the substantial development, conditional use, or variance permit application to the hearing examiner for consideration together with the department's recommendation in order to allow interested persons to present their views. Applications to be considered by the examiner subsequent

to a predecision hearing shall be processed in accordance with the provisions of chapter 32.50 SCC.

(i) Any recommendation for permit application denial shall require hearing examiner consideration.

(ii) Factors weighed in determining the need for hearing examiner consideration include the presence of significant economic, health, safety, environmental and land use issues, and/or conflicts with the county's adopted plans, policies or regulations.

(3) The determination of the department of planning and development services pursuant to SCC 21.16.050(2) (a) shall be final and not subject to an administrative appeal, but only an appeal to the shorelines hearings board pursuant to SCC 21.16.090.

Section 80. Snohomish County Code Section 21.16.070, last amended by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

21.16.070 County action on permit applications requiring public hearing.

(1) The department of planning and development services shall notify the applicant, in writing, of the requirement for a hearing as soon as possible following the receipt of a complete and proper application for a substantial development, conditional use, or variance permit and, in no case, later than 30 days following the publication of the ~~((second))~~ notice described in SCC 21.16.040, unless a longer period is agreed to, in writing, by the applicant.

(2) Within a reasonable time following the determination of the department of planning and development services that a public hearing should precede the issuance or denial of a substantial development, conditional use, or variance permit, the department of planning and development services shall schedule the application for public hearing before the hearing examiner. Said hearing shall not be scheduled until the requirements of the state environmental policy act and Snohomish county environmental policy ordinance have been fulfilled, and fees according to SCC 21.16.030(2) have been paid.

~~(3) The department of planning and development services shall ((publish notice of the date, time, place, and purpose of the hearing in a newspaper of general circulation in the county, and in a newspaper of general circulation in the affected area, at least 15 calendar days prior to the hearing. In addition, at least 15 days prior to the hearing the department of planning and development services shall mail notice of the hearing to all taxpayers of record and known site addresses within 500 feet of the property considered; PROVIDED, That notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the zoning of the subject property is categorized as a resource, rural, R-20,000 or rural use zone according to SCC 18.12.030. In addition, at least 15 days prior to the hearing the applicant shall conspicuously post on the subject property at his/her own expense, two or more~~

~~signs as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting;~~

~~\_\_\_\_\_ (4) The notices provided for in the above subsections shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address;~~

~~\_\_\_\_\_ (5) Notices mailed to taxpayers of record and known site addresses pursuant to the above subsections shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the department to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.~~

~~Said notice shall be in the following form:~~

~~NOTICE OF PUBLIC HEARING~~

~~SHORELINES~~

~~CONDITIONAL USE,~~

~~OR VARIANCE PERMIT~~

~~NOTICE IS HEREBY GIVEN that the SNOHOMISH COUNTY HEARING EXAMINER (state full name) will hold a PUBLIC HEARING on~~

~~\_\_\_\_\_ (date), at \_\_\_\_\_, (time),~~

~~\_\_\_\_\_ (meeting room name), \_\_\_\_\_ (number)~~

~~Floor, County Administration Building, Everett, Washington at which time and place the following will be considered. \_\_\_\_\_ (time) a.m./p.m.~~

~~\_\_\_\_\_ (type of permit - substantial development, shorelines variance or shoreline conditional use)~~

~~File No. ZA \_\_\_\_\_~~

~~(state full name of applicant) has filed an application for a~~

~~\_\_\_\_\_ (type of permit - substantial development, shorelines variance or shoreline conditional use) to/for \_\_\_\_\_~~

~~(description of proposed use, development, activity, etc.). The proposed project is located within \_\_\_\_\_ (name of water area) and/or its associated wetlands. The property, comprised of approximately \_\_\_\_\_ (number) acres is described as follows:~~

~~legal description~~

~~The property is generally located \_\_\_\_\_ A~~

~~(mitigated Declaration of Non-Significance) (existing environmental document)~~

~~(Final Environmental Impact Statement) (use applicable terms) has/have been~~

~~issued for this proposal by the lead agency, \_\_\_\_\_~~

~~(name of lead agency), in accordance with the Snohomish County Environmental~~

~~Policy Ordinance, Title 23. Any person desiring to become a party of record for this application shall:~~

~~\_\_\_\_\_ (1) notify the department of planning and development services in writing prior to the public hearing date;~~

~~\_\_\_\_\_ (2) testify at the hearing; or~~

~~\_\_\_\_\_ (3) sign a party of record register at the hearing.~~

~~Said document(s) and a complete text and map of the subject request can be reviewed at the department of planning and development services. Contact \_\_\_\_\_ (planner's name), phone \_\_\_\_\_.~~

~~DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.~~

~~PUBLISHED: \_\_\_\_\_ (date)~~

~~BY: \_\_\_\_\_~~

~~SCHEULING OFFICIAL~~

~~DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES)) provide notice of public hearing as provided in SCC 32.50.060(4) at least 15 days prior to the hearing.~~

(4) The hearing examiner shall consider the proposed substantial development, conditional use, or variance permit based on information from the application; observations from a site inspection; written comments from interested persons; the advice of the various county departments; and views expressed during a public hearing. The hearing examiner may request that an applicant furnish information concerning a proposed substantial development, conditional use, or variance permit, in addition to information required in an application. The decision of the hearing examiner shall be final and conclusive. Review of the examiner's decision shall be as provided by SCC 21.16.090.

Section 81. Snohomish County Code Section 21.16.090 last amended by Ordinance 93-077, on September 8, 1993, is **AMENDED** to read:

21.16.090 Appeals to shorelines hearings board.

(1) Any person aggrieved by the granting or denying of a substantial development permit by the county may seek review by filing a request for review with the shorelines hearings board, the department of ecology, and the attorney general within ~~((30))~~ 21 days of the receipt of the county's final order by the department of ecology; PROVIDED, That where the reconsideration process of ((pursuant to)) SCC 2.02.167 ((must have been sought by one or more parties prior to the filing of an)) has been utilized, no appeal may be filed under this section until the reconsideration process has been completed; PROVIDED FURTHER, That only the petitioner for reconsideration may appeal from the denial of a petition for reconsideration.

(2) Any person aggrieved by the final action of the department of ecology on a conditional use permit may seek review by filing a request for review with the shorelines hearings board, the department of ecology, and the attorney general within ~~((30))~~ 21 days of the date that the department of ecology's final decision is transmitted to the county and the applicant.

(3) All requests for review of final permit decisions are governed by the procedures established in RCW 90.58.180, WAC 173-14-170, WAC 173-14-174,

and chapter 461-08 WAC (the rules of practice and procedure of the shorelines hearings board).

Section 82. Snohomish County Code Section 23.16.161 last amended by Ordinance No. 94-037, on May 4, 1994, is **REPEALED**.

Section 83. Snohomish County Code Section 23.16.163 last amended by Ordinance No. 94-037, on May 4, 1994, is **REPEALED**.

Section 84. A **NEW** Section is added to Chapter 23.16 of Snohomish County Code to read:

23.16.164 Expiration of all applications subject to SEPA

(1) If the Responsible Official determines that the information initially supplied is not reasonably sufficient to evaluate the environmental impacts of the proposal and make a threshold determination, further information may be required of the applicant in conformance with WAC 197-11-100 and WAC 197-11-335. If further information is required, the Responsible Official shall set an application expiration deadline of twelve months for submitting the further information, calculated from the date of the request.

(2) If the Responsible Official determines that the further information cannot reasonably be furnished within twelve months, the Responsible Official may establish a reasonable application expiration deadline longer than twelve months.

(3) Failure to submit all requested further information within the application expiration deadlines shall cause the application to be considered abandoned. The department shall then notify the applicant and return the application, plans and other submittals together with any unexpended portion of the application review fee.

Section 85. A **NEW** Section is added to Chapter 23.16 of the Snohomish County Code to read:

23.16.170 Time limits applicable to the SEPA process.

The following time limits (expressed in calendar days) shall apply to the SEPA process for all private projects and for all governmental proposals:

(1) Categorical Exemptions. A determination that a project is categorically exempt shall be made within 28 days of the date of application submittal;

(2) Threshold Determinations.

(a) The lead department shall determine whether information required in SCC 23.16.180 is complete within 28 days of the date of application submittal.

(i) A completeness determination made under this chapter for proposed permit actions subject to the permit application completeness determination of SCC 32.50.040 shall be consolidated with the completeness determination for the underlying project permit application and shall be subject to all the provisions of SCC 32.50.040.

(ii) A completeness determination made under this chapter for proposed permit actions not subject to the permit application completeness determination provisions of SCC 32.50.040 shall be subject to the provisions of SCC 32.50.040(1)(b), (4) and (5).

(iii) A completeness determination made pursuant to this chapter or chapter 32.50 SCC does not constitute a threshold determination under this title.

(b) Threshold determinations made for proposed actions subject to the time periods established for project permit review in SCC 32.50.110, shall be made as early as possible in the permit review process as is necessary to meet permit review time limitations specified in chapter 32.50 SCC, and for project permits requiring a predecision hearing, no later than day 49 of the 120 day permit review period. If a proposal is substantially revised and/or altered so as to require the county to conduct a complete re-evaluation of proposal impacts in conjunction with a substantial project redesign, the revised proposal shall be processed as a new application for the purposes of meeting the review time period requirements of this chapter and chapter 32.50 SCC.

(c) For proposed permit actions subject to chapter 32.50 SCC, no threshold determination made pursuant to this Title, except for a determination of significance, shall be issued until the expiration of the public comment period established for the notice of application pursuant to SCC 32.50.060(2).

(d) Threshold determinations made for proposed actions not subject to the provisions of chapter 32.50 SCC shall be made within 90 days of a determination that the application is complete pursuant to this section and SCC 23.16.180.

(3) EIS preparation. The time periods necessary for EIS preparation will vary on a case-by-case basis and is dependent upon the nature of the proposed action, and the number and complexity of the environmental elements to be included in the document. The time periods for preparing an EIS shall be consistent with the time periods specified by the department of planning and development services, or consistent with time periods mutually agreed to by the lead department and project applicant.

Section 86. A **NEW** Section is added to Chapter 23.16 of the Snohomish County Code to read:

23.16.180 Submittal requirements and completeness determination

(1) The following information for actions not exempt under this Title is necessary for a complete application and the completion of an adequate environmental review pursuant to this title, and shall be submitted by the applicant at the time of permit application submittal:

(a) A signed and completed environmental checklist, including written responses to all questions; and

(b) Supporting documentation, including any additional information necessary to comprehensively disclose and evaluate whether the proposal is likely to have significant adverse environmental impacts.

(2) The information required in subsection (1)(a) of this section shall also be included as part of the information necessary for a complete application pursuant to SCC 32.50.040 for any proposed action for which the underlying project permit is subject to the provisions of SCC 32.50.040.

Section 87. Snohomish County Code Section 23.28.040 last amended by Ordinance No.93-077, on September 8, 1993, is **AMENDED** to read:

23.28.040 Public notice requirements--General

(1) Snohomish county shall give public notice of the issuance of a DNS (WAC 197-11-340(1) and (2)), DS (WAC 197-11-300(3)), draft EIS (WAC 197-11-455(5)), and draft supplemental EIS (WAC 197-11-620), as follows:

~~(a) ((Publishing notice in the official county newspaper and in newspaper of general circulation in the area where the proposal is located;))~~ Publishing, posting and mailing as provided in SCC 32.50.060 (4) and:

~~((b) Conspicuous posting of the property by the applicant with two or more signs, as determined by the department. Signs and instructions for posting shall be provided to the applicant by the county. Posting shall be evidenced by submittal of a verified statement confirming the date and location of posting;~~

~~)) (b) ((discretionary permit or action associated with the issuance of a DNS, DS, draft EIS or draft supplemental EIS where such mailing radius-))~~

~~((c) Notifying public or private groups which have expressed interest in a certain proposal or geographic area or in the type of proposal being considered.~~

~~((2) The county may provide additional public notice by one or more of the following methods:~~

~~\_\_\_\_\_ (a) Notifying the news media;~~

~~\_\_\_\_\_ (b) Placing notices in appropriate regional, neighborhood, ethnic or trade journals;~~

~~\_\_\_\_\_ (c) Publishing notice in agency newsletters.~~



~~(3) All notices shall specify the appeal process available and deadline for filing appeals.)~~

Section 88. Snohomish County Code Section 23.40.022 added by Ordinance No.95-076, on August 30, 1995, is **AMENDED** to read:

23.40.022 Appeals of threshold determinations and final EIS adequacy for administrative and quasi-judicial permits.

(1) Any person with standing may appeal to the hearing examiner a final threshold determination or the adequacy of a final EIS related to applications filed under Titles 13, 16, 17, 18 (except area-wide rezones), 19, 19A, 20, 21, 24, 27, and 29 SCC; EXCEPT. That appeals of a final threshold determination or the adequacy of a final EIS related to a shoreline substantial development, shoreline variance, and shoreline conditional use permit for which a final county decision on said permit is made by the department may be appealed to the state Shorelines Hearing board together with the underlying permit appeal.

(2) Appeals, other than those excepted above shall be filed and processed pursuant to the provisions of chapter 2.02 SCC; PROVIDED, That the time period established therein for the filing of any such appeal shall commence on the date of either the posting of the property or the publication of notice, whichever occurs later, of the DNS, mitigated DNS, DS or final EIS being appealed(; and ~~PROVIDED FURTHER, That for a DNS, mitigated DNS or DS requiring a comment period pursuant to SCC 23.28.040 and SCC 23.28.160, the appeal period shall commence at the close of the comment period)~~.

(3) Any appeal from a DS filed pursuant to this section shall be adjudicated by the examiner prior to the issuance of any administrative approval or the convening of any required hearing on the merits of the underlying application, whichever is applicable. Adjudication of all other appeals filed pursuant to this section shall be combined with a hearing on the merits of the underlying application where such hearing is otherwise required, or combined with the hearing on an appeal from an administrative decision where such appeal is authorized. Actions taken pursuant to SCC 23.16.280 are exempt from the requirements of this subsection.

(4) The examiner's decision on any appeal shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewed pursuant to SCC 23.40.040.

Section 89. Snohomish County Code Section 23.40.040 last amended by Ordinance No. 93-077, on September 8, 1993, is **AMENDED** to read:

23.40.040 Judicial review.

(1) No person may seek judicial review of environmental determinations made pursuant to this title unless such person has first appealed such

environmental determinations using the procedures set forth in the preceding sections of this ~~(())~~ chapter, where applicable.

(2) Proceedings for judicial review shall be governed by RCW 43.21C.075(4), (5), (6), (7), (8) and (9) and 43.21C.080.

Judicial review under this section shall without exception be of the county's final decision on the underlying application or proposal, together with its accompanying environmental determinations as required by RCW 43.21C.075(6)(c).

(3) The official notice required pursuant to the requirements of RCW 43.21C.075(5)(a), shall state ~~((that a judicial appeal raising SEPA issues shall be brought in the superior court of Snohomish county at Everett, Washington))~~ the date and place for commencing an appeal.

~~((4) The notice of intent to commence a judicial appeal required by RCW 43.21C.075(5)(a) shall be filed with the clerk of the county council.))~~

Section 90. Snohomish County Code Section 24.12.320, last amended by Ordinance No. 93-077, September 8, 1993, is **AMENDED** to read:

24.12.320 Appeals - Procedure.

(1) Any aggrieved person may appeal any decision or determination of the director under this title to the county hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC.

Section 91. Snohomish County Code Section 26B.57.015, added by Ordinance No. 95-039, June 28, 1995, is **AMENDED** to read:

26B.57.015 Appeals - Procedure.

(1) Any person aggrieved by a decision applying this title to a development may appeal such decision:

(a) to the hearing examiner in those cases where no other administrative appeal procedure is provided by county code. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC;

(b) in conjunction with an appeal of the underlying application/permit in those cases where administrative appeal of the underlying application/permit is expressly authorized by county code; or

(c) together with the underlying decision pursuant to the provisions of chapter 2.02 SCC in those cases where this title has been applied by the hearing examiner in conjunction with an application/permit over which the examiner exercised original jurisdiction.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner pursuant to subsection (1)(a) shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

(4) The effect of and procedures for appeal from decisions rendered pursuant to subsections (1)(b) and (1)(c) shall be subject to all provisions of county code regarding the underlying application/ permit.

Section 92. Snohomish County Code Section 27.16.040, last amended by Ordinance No.84-014, on February 27, 1984, is **AMENDED** to read:

27.16.040 Permit application.

All persons applying for a flood hazard permit shall ~~(( ))~~ make application to the department~~((;))~~ using the flood hazard permit application forms supplied ~~((by that office))~~. The application shall not be considered complete until the following minimum information is provided:

- (1) Name, address and telephone number of applicant;
- (2) Name, address and telephone number of property owner;
- (3) Project description;
- (4) Name of the stream or body of water associated with the flood plain in which the development is proposed;
- (5) General location of the proposed development, including direction and distance from the nearest town or intersection;
- (6) Site plan map showing: (a) site boundaries, (b) location and dimensions of the proposed development or structure, (c) location and volume of any proposed fill material, (d) location of existing structures.
- (7) Information required by other sections of this title.

For permits that are subject to chapter 32.50 SCC, the submittal requirements of this chapter and other applicable code sections (e.g., SCC 32.10.230 ) shall be used to determine whether an application is complete pursuant to SCC 32.50.040.

Section 93. Snohomish County Code Section 27.16.050 last amended by Ordinance No.84-014, on February 27, 1984, is **AMENDED** to read:

27.16.050 Permit review.

Flood hazard zone permit applications will be reviewed to determine:

- (1) That the floodproofing requirements and other provisions of this chapter have been satisfied.
- (2) That if the proposed development is located in the floodway, the floodway encroachment provisions of SCC 27.32.020(2) are met.

(3) That if the proposed development is located in the density fringe area, the provisions of chapter 27.36 SCC are met.

(4) That if the proposed development includes the alteration or relocation of a watercourse, the provisions of SCC 27.24.010 (4) are met.

(5) That the proposed development is a permitted use under this title.

(6) That the consistency determination provisions of SCC 32.50.100 have been met.

Section 94. Snohomish County Code Section 27.16.080, last amended by Ordinance No. 93-077, September 8, 1993, is **AMENDED** to read:

27.16.080 Appeals - Procedure.

(1) The decision of the department to grant, grant with conditions or deny a flood hazard zone permit shall be final and conclusive unless appealed by any aggrieved person to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ((an action for writ of review filed)) filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

Section 95. Snohomish County Code Section 27.44.010, last amended by Ordinance No. 86-092, on September 10, 1986, is **AMENDED** to read:

27.44.010 Procedure.

Requests for variances from the provisions of this title shall be considered by the ~~((hearing examiner))~~ department pursuant to all provisions of this chapter ((18.72 SCC, relating to zoning code variances unless expressly modified herein)) except when the provisions of SCC 27.44.035 are applicable. Submittal/completeness requirements shall be those specified pursuant to SCC 18.72.135. Application shall be made using the department's master permit application form; and a filing fee for a variance shall be required, as prescribed under SCC 18.72.140(1).

Section 96. A **NEW** section is added to Chapter 27.44 of the Snohomish County Code to read:

27.44.015 Notice of application and comment period.

Notice of application shall be provided to the public, and other departments and agencies with jurisdiction as prescribed in SCC 32.50.060.

Section 97. Snohomish County Code Section 27.44.030, added by Ordinance No. 84-014, on February 27, 1984, is **AMENDED** to read:

27.44.030 Conditions for granting.

Before a variance to the provisions of this title may be granted, it shall be shown that:

(1) There are special circumstances applicable to the subject property or to the intended use, such as shape, topography, location or surroundings, that do not apply generally to the other property or class of use in the same vicinity and zone;

(2) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located;

(3) For residential new construction and residential substantial improvements, that such construction and improvements are contained on a lot one-half acre or less in size which is contiguous to and surrounded by existing structures constructed below the base flood elevation;

(4) Such a variance is the minimum necessary, considering the flood hazard, to afford relief;

(5) Failure to grant the variance would result in exceptional hardship to the applicant;

(6) The granting of such a variance will not result in:

- (a) Increased flood heights;
- (b) Additional threats to public safety;
- (c) Extraordinary public expense;
- (d) Creation of nuisances;
- (e) Fraud on, or victimization of the public; and
- (f) Conflicts with other existing local laws or ordinances.

(7) Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;

(8) The granting of such variance will not adversely affect the comprehensive plan.

Section 98. A **NEW** section is added to Chapter 27.44 of the Snohomish County Code to read:

27.44.035 Concurrent applications-Approvals required by department and hearing examiner.

When a flood hazard area variance application processed under the authority of SCC 27.44.010 is submitted together with any other permit application requiring a pre-decision hearing by the hearing examiner, the flood hazard area variance request shall be processed concurrently, and the hearing examiner shall have the authority to consider the flood hazard area variance.

Section 99. Snohomish County Code Section 27.44.040, added by Ordinance No. 84-014, on February 27, 1984, is **AMENDED** to read:

27.44.040 ~~((Notification))~~ Notice of decision.

(1) Notice of decision shall be provided as prescribed in SCC 32.50.130.

(2) All decisions to grant a variance pursuant to this chapter shall contain notification to the applicant that:

~~((1))~~(a) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance which may be as high as \$25.00 per \$100.00 of insurance coverage or more; and

~~((2))~~(b) Such construction below base flood level increases risks to life and property.

Section 100. A **NEW** Section is added to Chapter 27.44 of the Snohomish County Code to read:

27.44.045 Appeals.

(1) The decision of the department regarding a flood hazard area variance application shall be final and conclusive unless appealed by any aggrieved person pursuant to SCC 27.16.080.

(2) The decision of the hearing examiner on a flood hazard area variance shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167, and may then be reviewable by filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC, and 23.40 SCC.

Section 101. Snohomish County Code Section 28.12.065, last amended by Ordinance No. 93-077, Sept. 8, 1993, is **AMENDED** to read:

28.12.065 Appeals - Procedure.

(1) Any person who has been served with a notice and order pursuant to SCC 28.12.020 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the director shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.

(3) The hearing examiner's decision shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

Section 102. Snohomish County Code Section 29.12.020 last amended by Ordinance NO.85-059, on July 10, 1985, is **AMENDED** to read:

29.12.020 Criteria for approval.

In reviewing the proposed boundary line adjustment, the director shall make the following determinations:

(1) That the proposed boundary line adjustment will not violate applicable zoning code requirements;

(2) That the proposed boundary line adjustment will not detrimentally affect access, design or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the health district, the department of public works, or any other agency or department with expertise; and

(3) If within a formal subdivision, that the proposed boundary line adjustment will not violate the conditions of preliminary approval.

(4) That the consistency determination provisions of SCC 32.50.100 have been met.

Section 103. Snohomish County Code Section 29.16.020, last amended by Ordinance No. 93-077, Sept. 8, 1993, is **AMENDED** to read:

29.16.020 Appeals - Procedure.

(1) Appeals may be taken to the hearing examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any order, requirement, permit, decision or determination made by the director or his designee in the administration and enforcement of the provisions of this title. Appeals shall be filed and processed pursuant to the provisions of chapter 2.02 SCC.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by ~~((an action for writ of review filed))~~ filing a land use petition in

Snohomish county superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and 23.40 SCC.

Section 104. The department will brief the planning commission and council on the implementation of the one hundred-twenty day process within nine months and fifteen months of enactment of this ordinance. The briefing will focus on how the timelines are being met as well as any implementation issues.

Section 105. Effective Date. This ordinance shall take effect on April 1, 1996. The director of the department of planning and development services and the hearing examiner may immediately take such steps as are necessary to ensure that this ordinance is implemented on its effective date.

Section 106. Applicability of Ordinance.

(1) All project permit applications submitted on or after April 1, 1996, shall be subject to all of the provisions of the ordinance.

(2) All project permit applications submitted prior to April 1, 1996, and determined to be complete on or after April 1, 1996, shall be subject to all of the provisions of the ordinance upon the determination of completeness.

(3) All project permit applications determined to be complete prior to April 1, 1996, and for which a threshold determination is issued on or after April 1, 1996, shall be processed under the provisions of the ordinance upon the issuance of the threshold determination, except for the one hundred and twenty day time frame provisions established under SCC 32.50.110 and 2.02.150.

(4) All project permit applications requiring public hearing and determined to be complete prior to April 1, 1996, and for which a threshold determination was issued prior to April 1, 1996, shall be processed under the provisions of the ordinance upon the issuance of a notice of public hearing, except for the one hundred and twenty day time frame provisions established under SCC 32.50.110 and 2.02.150.

(5) All appeals to hearing examiner filed on or after April 1, 1996, shall be subject to the appeal provisions of SCC 2.02.125 and 2.02.150, 2.02.160, and 2.02.167.

(6) All appeals to council filed on or after April 1, 1996, shall be subject to the appeal provisions of SCC 2.02.175 and 2.02.190.

(7) All project permit applications that have received a notice of hearing prior to April 1, 1996, shall not be subject to the provisions of the ordinance, except as otherwise provided in this section.



(8) All project permit applications shall be subject to the consistency determination provisions of SCC 32.50.100, PROVIDED the determination shall only consider the project's consistency with applicable regulations or plans adopted under Chapter 36.70A RCW which were in effect at the time the project permit application was determined to be complete.

(9) The application expiration deadline provisions contained in SCC 18.72.179, 18.73.105, 19.16.010(4), 20.20.075 and 23.16.164 shall also apply to applications submitted prior to April 1, 1996, subject to the Director or Responsible Official first providing the applicant a notice of an application expiration deadline and/or posting deadline of a full twelve months. If the Director or Responsible Official determines that the required materials cannot reasonably be furnished within twelve months, the Director or Responsible Official may establish a reasonable application expiration deadline longer than twelve months.

(10) Where the provisions of this ordinance do not apply, project permit applications shall be reviewed under the applicable provisions of the Snohomish County Code in effect prior to April 1, 1996.

PASSED this 21st day of February, 1996.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

*Richard C. Johnson*  
Chair

ATTEST:

*Sheila McCaustic*  
Clerk of the Council, *asst.*

APPROVED  
 VETOED  
 EMERGENCY

Date: 2/29/96

*Robert J. Drewel*  
County Executive

ROBERT J. DREWEL  
County Executive

ATTEST:

*Maureen B. Abel*