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2 Effective: 07/11/20

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 20-019

8
9 RELATING TO GROWTH MANAGEMENT; AMENDING TITLE 30 SCC TO REVISE AND
10 REORGANIZE PROJECT PERMIT REVIEW AND APPEAL PROCEDURES AND
11 REQUIREMENTS
12

13 WHEREAS, counties and cities that are required to plan under the Growth Management
14 Act (GMA), chapter 36.70A of the Revised Code of Washington (RCW), must ensure that the
15 adoption of comprehensive plans and development regulations support the processing of permits
16 in a timely and fair manner to ensure predictability; and

17
18 WHEREAS, on December 9, 2002, Snohomish County (the “County”) adopted the
19 Unified Development Code as Title 30 of the Snohomish County Code (SCC) to consolidate and
20 streamline County land use and development codes and to eliminate duplication, inconsistency,
21 and ambiguity; and

22
23 WHEREAS, the Snohomish County Growth Management Act Comprehensive Plan
24 (GMACP) calls for the periodic review of administrative procedures and that administrative
25 procedures not required by law or necessary for the fair application of code requirements should
26 be considered for removal; and

27
28 WHEREAS, the provisions amended by this ordinance pertain to procedures for
29 reviewing project permit applications and for appealing permitting decisions under Title 30; and

30
31 WHEREAS, the county and the public benefit from a clear and internally consistent
32 development code and review processes that are internally consistent and predictable; and

33
34 WHEREAS, chapters 30.70, 30.71, and 30.72 SCC establish the procedures and process
35 requirements of project permit review and decisions. Over time, other chapters in Title 30 SCC
36 were amended to include references or modifications to project permit review procedures. In
37 some cases, the requirements of Title 30 SCC have become less clear; and

38
39 WHEREAS, the appeal of developments under the provisions of Title 30 are adjudicatory
40 and it is important to be fair to all interested parties and ensuring fairness requires amendments
41 to the unified development code; and

1 WHEREAS, the Snohomish County Planning Commission (“Planning Commission”)
2 held a public hearing on February 26, 2019, to receive public testimony concerning the code
3 amendments contained in this ordinance; and
4

5 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
6 Planning Commission voted 8-0 to recommend adoption of the code amendments contained in
7 this ordinance, as shown in its recommendation letter dated February 26, 2019; and
8

9 WHEREAS, subsequent to the Planning Commission’s recommendation, several
10 procedural amendments not subject to Planning Commission review were added to or removed
11 from the ordinance, including removing amendments related to legislative processes and
12 clarifying that land disturbing activities conducted as part of a project administered by the
13 department of public works or the county engineer are to be processed as Type 1 administrative
14 decisions; and
15

16 WHEREAS, on June 24, 2020, the Snohomish County Council (“County Council”) held
17 a public hearing after proper notice, and considered public comment and the entire record related
18 to the code amendments contained in this ordinance; and
19

20 WHEREAS, following the public hearing, the County Council deliberated on the code
21 amendments contained in this ordinance;
22

23 NOW, THEREFORE, BE IT ORDAINED:
24

25 Section 1. The County Council adopts the following findings in support of this
26 ordinance:
27

28 A. The foregoing recitals are adopted as findings as if set forth in full herein.
29

30 B. This is a proposal to amend Title 30 SCC to make process improvements related to project
31 permit review and organizational changes to the general code structure and to remove
32 unnecessary administrative procedures, including the processing of Planned Residential
33 Developments as Type 2 permits.
34

35 C. Consolidating permit type classifications into a single code section will help Title 30 SCC be
36 internally consistent, have a predictable organization, and avoid creating conflicts in future code
37 amendments.
38

39 D. Title 30 SCC makes provisions for minor and major revisions to approved site plans.
40 Mandating a separate final site plan review that does not include additional public hearing or
41 notice or additional information for purposes of environmental review is contrary to the goals
42 and policies of the GMACP.
43

44 E. Code amendments that ensure an accessible and user-friendly development code are
45 consistent with the GMACP.
46

1 F. Erroneous code references obscure the review process for all interested parties. Resolving
2 inconsistencies is important to maintaining a clear and transparent development code.

3
4 G. The county does not have an appointed building code board of appeals. SCC 30.50.020
5 designates the building official as the final decision-maker with regards to the building code.
6 Appeals of a decisions or determinations made by the building official relative to the application
7 and interpretation of the construction codes are filed in superior court under SCC 30.50.040.
8 Therefore, references to the building code board of appeals are obsolete.

9
10 H. The amendments clarify briefing requirements on appeals to the County Council, which will
11 make the appeals process run more smoothly.

12
13 I. The level of scrutiny applied in development review should be consistent and proportional.
14 Recent changes to Title 30 allow processing of short subdivisions without a public hearing,
15 which can achieve the same or higher densities than the Planned Residential Development
16 process. Planned Residential Developments are currently processed as a Type 2 application
17 requiring a public hearing regardless of the number of lots. The proposed changes would utilize
18 the same process for short subdivisions and Planned Residential Developments of nine or fewer
19 lots.

20
21 J. Recent development applications have demonstrated that there is a demand for smaller
22 projects in the Urban Center zone. Smaller projects usually attract less public interest and
23 scrutiny. Mandating a greater degree of scrutiny for small Urban Center projects not subject to
24 the Design Review Board is not necessary.

25
26 K. Eliminating the public hearing requirement that negatively impacts the proportionality and
27 timeliness of the development review process for Planned Residential Developments is
28 consistent with the planning goals of the GMA.

29
30 L. Modifying the review process to remove unnecessary administrative procedures not required
31 by the GMA or for environmental review purposes is consistent with goals contained in the
32 economic development element of the GMACP.

33
34 M. This ordinance is consistent with RCW 36.70A.020(7) and is not in conflict with the GMA
35 because it creates consistent processes for short subdivisions and Planned Residential
36 Developments that achieve similar densities, consolidates the processes for type 1 and 2
37 applications into a single chapter, and promotes goals of the GMA to have permits processed in a
38 timely and fair manner ensuring predictability.

39
40 N. The proposed code amendments remove freestanding signs in the Freeway Service (FS) and
41 Rural Freeway Service (RFS) zones from the list of Type 1 permits because such signs require
42 building permits not subject to SEPA, which are exempt from the requirements of chapter 30.70
43 SCC under SCC 30.70.015. Billboards are not permitted in the FS and RFS zones.

44
45 O. The proposed code amendments will better achieve, comply with, and implement the
46 following goals, objectives, and policies set forth in the GMACP General Policy Plan (GPP) by

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1 providing increased predictability and consistency in the review and processing of project permit
2 applications under Title 30 SCC. This proposal is consistent with Economic Development (ED)
3 Goal 2, Objective ED 2.A, Policy ED 2.A.1, Policy ED 2.A.3, for the reasons set forth below:
4

5 (1) Economic Development (ED) Goal 2: Provide a planning and regulatory environment
6 which facilitates growth of the local economy.
7

8 A regulatory environment that is fair, consistent, and predictable will encourage investment and
9 promote economic growth and development.
10

11 (2) Objective ED 2.A: Develop and maintain a regulatory system that is fair,
12 understandable, coordinated, and timely.
13

14 Consolidating process information can reduce opportunity for conflict or inconsistencies within
15 the code. Having permit process information located in a consolidated chapter creates a
16 predictable regulatory system.
17

18 (3) Policy ED 2.A.1: Snohomish County shall work to ensure that the Snohomish County
19 Code is an understandable, accessible, and user friendly document.
20

21 Organizational changes, eliminating or correcting erroneous references and citations, as well as
22 general language corrections are included in these amendments to improve the user-friendliness
23 of Title 30 SCC to allow for easier comprehension and greater predictability in implementation.
24

25 (4) Policy ED 2.A.3: To ensure timeliness, responsiveness, and increased efficiency, the
26 county shall develop and maintain a program of periodic review of the permitting process to
27 eliminate unnecessary administrative procedures that do not respond to legal requirements for
28 public review and citizen input.
29

30 These code amendments are proposed after consideration of administrative requirements that are
31 inefficient, unnecessary, and that provide no public benefit. These amendments were selected
32 following review of code concerns raised by Snohomish County Planning and Development
33 Services staff who work most frequently with SCC Title 30.
34

35 P. Procedural requirements. 36

37 (1) This proposal is exempt from State Environmental Policy Act (SEPA) requirements
38 under WAC 197-11-800(19).
39

40 (2) The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
41

42 (3) Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
43 transmitted to the Washington State Department of Commerce for distribution to state agencies
44 on January 24, 2019.
45

1 (4) The public participation process used in the adoption of this ordinance has complied
2 with all applicable requirements of the GMA and the SCC.
3

4 (5) The Washington State Attorney General last issued an advisory memorandum, as
5 required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum:
6 Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the
7 unconstitutional taking of private property. The process outlined in the State Attorney General’s
8 2018 advisory memorandum was used by Snohomish County in objectively evaluating the
9 regulatory changes proposed by this ordinance.
10

11 (6) The amendments in this ordinance are procedural and Planning Commission review is
12 not required under SCC 30.73.040(2)(b).
13

14 Q. This ordinance is consistent with the record.
15

16 (1) This ordinance will amend SCC 30.31A.200 to correct incorrect code references and
17 clarify applicability.
18

19 (2) This ordinance will amend SCC 30.31A.210 to be consistent with amendments to
20 SCC 30.31A.300 that clarify the owner must maintain unified control through either final plan or
21 construction approval for the whole site.
22

23 (3) This ordinance will amend SCC 30.31A.310 due to other amendments which
24 consolidate the redundant plan requirement into a consolidated official site plan approval
25 process.
26

27 (4) This ordinance will amend SCC 30.34A.180 to waive the public hearing requirement
28 for projects exempt from the design review board so long as no interested party submits a timely
29 request for a public hearing.
30

31 (5) This ordinance will amend SCC 30.70.020 to remove outdated language regarding
32 when a formal pre-application is encouraged by the department compared to receiving general
33 customer service.
34

35 (6) This ordinance adds new section SCC 30.70.025 to consolidate the identification of
36 the permit types into a single table in lieu of disseminating this information throughout title 30
37 SCC.
38

39 (7) This ordinance amends the decision-making process of Planned Residential
40 Developments under chapter 30.42B SCC by allowing those developments of a size comparable
41 to a short subdivision to be decided administratively. The following sections within this chapter
42 are amended to address this change by removing process type references or removing references
43 to the hearing examiner as the sole decision-maker: SCC 30.42B.030, .200, .210, and .230.
44

1 (8) This ordinance amends SCC 30.70.015 to exempt project permits that are not subject
2 to environmental review but were previously reviewed and subject to a threshold determination
3 under RCW 43.21c.
4

5 (9) This ordinance amends SCC 30.70.020 to clarify that applicants may submit a pre-
6 application request for any development to obtain additional guidance from staff prior to
7 submittal. The value of pre-application review has changed over time as more information is
8 available through the PDS website and directly from PDS customer service practices.
9

10 (10) This ordinance adds a new section, SCC 30.70.025, to consolidate the permit type
11 listings found within title 30 SCC.
12

13 (11) This ordinance amends SCC 30.70.140 to clarify that subsection (a) and subsection
14 (b) are two different ways the expiration date of an application or permit approval may be
15 extended. SCC 30.70.140(2)(b) is further modified to clarify that the hearing examiner's
16 authority to modify the expiration date of a permit approval does not include the ability to extend
17 permit applications.
18

19 (12) This ordinance amends SCC 30.71.050 to remove an inaccurate reference to a
20 building code board of appeals.
21

22 (13) This ordinance amends SCC 30.72.080 to clarify what an appellant is expected to
23 provide for County Council to review.
24

25 (14) This ordinance amends SCC 30.72.100 to clarify that the appellant does not need
26 to submit comments in response to their own appeal but rather only in rebuttal to comments
27 refuting their appeal.
28

29 Section 2. The County Council makes the following conclusions:
30

- 31 A. The County has complied with all SEPA requirements with respect to this non-project action.
- 32
- 33 B. The proposal is consistent with the goals, objectives and policies of the GPP.
- 34
- 35 C. The proposal is consistent with Washington State law and the SCC.
- 36
- 37 D. The regulations proposed by this ordinance do not result in an unconstitutional taking of
38 private property for a public purpose.
39

40 Section 3. The Snohomish County Council bases its findings and conclusions on the
41 entire record of the county council, including all testimony and exhibits. Any finding, which
42 should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
43 adopted as such.
44

1 Section 4. Snohomish County Code Section 30.31A.200, adopted by Amended
2 Ordinance No. 10-072 on September 8, 2010, is amended to read:

3
4 **30.31A.200 Rezoning procedures.**

5
6 (1) *General Procedures.* Rezoning applications for the PCB, BP, and IP zones are considered for
7 approval by the hearing examiner through the normal rezoning process, pursuant to chapter 30.42A
8 SCC and require site plan approval as follows:

9 (a) For sites that are five acres or larger, a preliminary site plan shall be considered for
10 approval by the hearing examiner together with the rezoning application. A preliminary site plan is
11 not required for sites less than five acres in size; and

12 (b) A final plan for construction approval is required for all sites and is reviewed
13 administratively by the department after rezoning approval, or when applicable, after rezoning and
14 preliminary site plan approval. No development permits shall be issued until a final plan has
15 been approved in accordance with the provisions of this chapter.

16 (2) *Alternative Procedure - Concurrent Rezoning, Short Subdivision or Subdivision, and Final*
17 *Plan.* Concurrent applications for rezoning, short subdivision or subdivision, and final plans may
18 be made. All items required by SCC 30.31A.210 for a preliminary site plan shall be submitted
19 for the entirety of the rezoning site at the time application is made. The rezoning application, short
20 subdivision or subdivision, and final plans shall be processed concurrently pursuant to chapter
21 30.42A SCC and chapter 30.72 SCC.

22 (3) *County-Initiated Rezoning Alternative Procedure for BP, IP, and PCB.* When recommended
23 by the comprehensive plan, Snohomish County may initiate rezoning to BP, IP, and PCB as part
24 of the comprehensive plan implementation process pursuant to chapter 30.73 SCC as a Type 3
25 Process. When this alternative is exercised, the provisions of SCC 30.31A.020(1), (2), and (3)
26 shall be waived, including the portion that establishes minimum lot size for BP and PCB. Prior to
27 development of any BP, IP, or PCB site five acres or larger in size, the developer shall submit a
28 preliminary site plan and fees as required by chapter 30.86 SCC for hearing examiner review and
29 approval. Prior to the approval of a preliminary site plan the hearing examiner shall hold a public
30 hearing conducted pursuant to chapter ~~((30.74))~~ 30.72 SCC. Notice of the hearing shall be
31 provided in accordance with the notice requirements described in SCC ~~((30.74.060))~~ 30.72.030.

32
33 Section 5. Snohomish County Code Section 30.31A.210, adopted by Amended
34 Ordinance No. 17-070 on November 1, 2017, is amended to read:

35
36 **30.31A.210 Preliminary site plan.**

37
38 The preliminary site plan shall contain, at a minimum, the following:

39 (1) Textual Material.

40 (a) The names and addresses of the developer, land surveyor, engineer, architect,
41 planner, and other professionals involved;

42 (b) A document satisfactorily assuring unified control through the ~~((final plan))~~
43 construction approval stage for the total ~~((zone))~~ site;

44 (c) A description of intended type of uses and operations including timing of
45 development, if phased, and management control;

46 (d) A statement of intention to formally subdivide the property, if applicable;

- 1 (e) A description of proposed building design, including probable exterior finish;
- 2 (f) A provision for phasing out nonconforming uses and for removing existing structures
- 3 or incorporating them into the overall development scheme;
- 4 (g) A statement of landscape maintenance provisions;
- 5 (h) A traffic analysis, when required by the department of public works; and
- 6 (i) The general method proposed to comply with chapter 30.63A SCC.
- 7 (2) Graphic Material. Prints of drawings, the number and scale determined by the department
- 8 showing all the following information:
- 9 (a) A vicinity sketch locating the development;
- 10 (b) Property boundaries of the development area;
- 11 (c) All existing structures and improvements within the development area which are to
- 12 remain;
- 13 (d) Existing streets bounding and/or within the development area;
- 14 (e) Tentative traffic and pedestrian circulation pattern within the development area,
- 15 showing intended street widths;
- 16 (f) Tentative location of building lots and/or building areas and major areas intended for
- 17 open space;
- 18 (g) Phasing plan depicting development divisions, if applicable;
- 19 (h) General landscape plan showing areas to be landscaped, proposed plant height, and
- 20 treatment of existing vegetation; and
- 21 (i) Natural drainage courses and probable alterations which will be necessary to handle
- 22 the expected drainage from the proposal, including low impact development best management
- 23 practices.
- 24

25 Section 6. Snohomish County Code Section 30.31A.310, adopted by Amended
 26 Ordinance No. 02-064 on December 9, 2002, is amended to read:

27
 28 **30.31A.310 Approval of the final plan.**

- 29
- 30 (1) *Final plan approval subsequent to preliminary site plan.* The final plan or phased divisions
- 31 thereof shall be submitted to the director for final approval or disapproval. The director shall
- 32 submit copies of the final plan to appropriate departments for their review and comment. Any
- 33 reviewing department may request changes if they are consistent with the approved preliminary
- 34 site plan. Upon review and comment, the director shall approve the final plan in writing when
- 35 found to be in conformance with the approved preliminary site plan and this chapter. The
- 36 director may permit revision of the general design elements of the preliminary site plan so long
- 37 as it is found that impacts on adjoining properties are not significantly changed and major
- 38 environmental protection features of the preliminary site plan are maintained. Upon approval, the
- 39 final plan shall control all development of the property.
- 40 (2) *Final plan where no preliminary site plan is required.* The final plan shall be submitted to
- 41 the department for final approval or disapproval. The department shall transmit copies of the
- 42 final plan to appropriate departments for their review and comment. The final plan shall conform
- 43 to the applicable provisions of this chapter and other applicable provisions of county code. Upon
- 44 approval, the final plan shall control all development of the property.
- 45 (3) *Final plan consolidation with building permit site plan.* A final plan required pursuant to this
- 46 section may be consolidated with the site development (~~(plan)~~) plans otherwise required for a

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1 commercial building permit application or land disturbing activity permit on the property,
2 provided the provisions of SCC 30.31A.300 are met prior to permit issuance. Provided that the
3 plans for the construction permits are consistent with the preliminary site plan, no separate final
4 plan application or fees are required.

5
6 Section 7. Snohomish County Code Section 30.34A.180, last amended by Amended
7 Ordinance No. 17-006 on February 15, 2017, is amended to read:

8
9 **30.34A.180 Review processes.**

10
11 This section establishes the review processes to be utilized for any development application
12 subject to the requirements of this chapter. Applicants are encouraged to work cooperatively with
13 the city and/or town in whose urban growth area or MUGA the proposed development will be
14 located.

15 (1) The following applications shall be reviewed (~~((pursuant to))~~) under chapter 30.71 SCC:

16 (a) Minor development activities (~~((pursuant to))~~) under SCC 30.34A.025; (~~((and))~~)

17 (b) The expansion of an existing structure containing a permitted use (~~((pursuant to))~~)
18 under SCC 30.34A.026(-); and

19 (c) Projects exempt from a design review board public meeting under SCC
20 30.34A.165(1)(c).

21 (2) Development applications not meeting subsection (1) of this section shall be reviewed
22 (~~((pursuant to))~~) under chapter 30.72 SCC, except as follows:

23 (a) Following the public comment period pursuant to SCC 30.70.060, at least one
24 meeting shall be held to review comments on the development application. This meeting shall
25 include the:

26 (i) Department;

27 (ii) Applicant; and

28 (iii) City and/or town in whose urban growth area or MUGA the proposed
29 development will be located and any city or town whose municipal boundaries border the
30 proposed urban center development application.

31 (b) The city and/or town and applicant may mutually agree in writing to waive the one
32 meeting requirement in subsection (2)(a) of this section.

33 (c) Any changes agreed to by the department, city and/or town and applicant shall be:

34 (i) Consistent with county code;

35 (ii) Incorporated into the design of the development; and

36 (iii) Incorporated into the staff recommendation as conditions on the
37 development.

38 (d) All comments from the city and/or town shall be included in the staff report to the
39 hearing examiner for a Type 2 application.

40 (e) Applications that include low-income housing shall be given priority for expedited
41 plan review as authorized in SCC 30.76.020 and SCC 30.76.030.

42 (3) Marijuana retail in the UC zone shall require a conditional use permit and shall be reviewed
43 under chapter 30.72 SCC.

1 Section 8. Snohomish County Code Section 30.41A.040, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.41A.040 Procedure, special notice, and timing requirements.**

5
6 (1) The hearing examiner may approve, approve with modifications, or deny subdivisions under
7 the ~~((circumstances))~~ criteria set forth in this chapter. ~~((The decision is processed as a Type 2~~
8 ~~application as described in chapter 30.72 SCC.))~~

9 (2) A preliminary subdivision application may be denied without prejudice by the hearing
10 examiner ~~((pursuant to SCC 30.71.060))~~ under SCC 30.72.060. If denied without prejudice, the
11 application may be reactivated under the original project number and without additional filing
12 fees if a revised application is submitted within six months of the date of the hearing examiner's
13 decision. In all other cases a new application shall be required.

14 (3) In addition to the notice required by chapter 30.70 SCC, the department shall distribute
15 copies of the preliminary subdivision application to each of the following and shall allow 21
16 days from the date of published notice for the agencies to submit comments on the proposal:

- 17 (a) Snohomish Health District;
18 (b) Department of public works;
19 (c) Washington State Department of Transportation;
20 (d) Any city or town whose municipal boundaries are within one mile of the proposed
21 subdivision or whose urban growth area includes the subject site, or whose public utilities
22 would be used by the proposed subdivision; and
23 (e) Any other federal, state, or local agencies as may be relevant.

24
25 Section 9. Snohomish County Code Section 30.41B.030, adopted by Amended
26 Ordinance No. 02-064 on December 9, 2002, is amended to read:

27
28 **30.41B.030 Procedure and special notice requirements.**

29
30 (1) ~~((Short subdivisions shall be processed as a Type 1 administrative decision except that if a~~
31 ~~dedication of right of way for a new public road is proposed or required, a Type 2 process~~
32 ~~decision by the hearing examiner shall be used.))~~The decision maker may approve, approve with
33 conditions, deny, or deny without prejudice a proposed short subdivision application.

34 (2) A preliminary short subdivision application which has been denied without prejudice may be
35 reactivated under the original project file number and without additional filing fees if a revised
36 application is submitted within six months of the date of the denial without prejudice.

37 (3) The department shall distribute copies of the preliminary short subdivision application to
38 each reviewing section within the department and to each of the following and shall allow 21
39 days from the dated published notice for the agencies to submit comments on the proposal:

- 40 (a) Snohomish Health District;
41 (b) Department of public works;
42 (c) Washington State Department of Transportation;
43 (d) Any city or town whose municipal boundaries are within one mile of the proposed
44 short subdivision or whose urban growth area includes the subject site or whose public utilities
45 would be used by the proposed short subdivision; and

1 (e) Any other federal, state, or local agencies as may be relevant.
2 (4) Public notice of application shall be provided as set forth in SCC 30.70.050.

3
4 Section 10. Snohomish County Code Section 30.41D.020, added by Amended
5 Ordinance No. 02-064 on December 9, 2002, is amended to read:

6
7 **30.41D.020 Procedure.**

8
9 ~~((The department will process a binding site plan according to the procedures for a Type 1
10 administrative decision.))~~ Submittal requirements are established and implemented ~~((per))~~ under
11 SCC 30.70.030. A binding site plan application will be processed concurrently with any other
12 application for development of the same site, unless the applicant requests otherwise.

13
14 Section 11. Snohomish County Code Section 30.41F.020, added by Amended
15 Ordinance No. 07-022 on April 23, 2007, is amended to read:

16
17 **30.41F.020 Procedures.**

18
19 ~~((1) Single family detached units applications shall be processed as a Type 1 administrative
20 decision pursuant to SCC 30.71.030.
21 (2) Public notice of applications shall be provided as set forth in chapter 30.70 SCC for Type 1
22 applications.))~~
23 ~~((3))~~ (1) At the request of the applicant, ~~((applications))~~ a single family detached units
24 application may be combined with other types of permits or be processed concurrently with other
25 types of permits ~~((pursuant to))~~ under SCC 30.70.120.
26 ~~((4))~~ (2) The department will process an administrative site plan according to chapter 30.70
27 SCC ~~((the procedures for Type 1 administrative decisions. Submittal requirements are
28 established and implemented per SCC 30.70.030)).~~
29 ~~((5))~~ (3) Specifications for development access onto county right-of-way shall be subject to the
30 county's Engineering Design and Development Standards (EDDS). Access to a city right-of-way
31 shall be subject to the city's applicable standards.
32 ~~((6))~~ (4) Frontage improvements required within the public right-of-way shall be determined
33 by the department ~~((pursuant to))~~ under chapter 30.66B SCC and the county's Engineering
34 Design and Development Standards (EDDS).
35 ~~((7))~~ (5) A pre-construction meeting shall be scheduled by the applicant to identify and
36 ~~((prepare for))~~ address potential safety issues before construction begins. The department shall
37 provide the applicable fire district written notice of the pre-construction meeting.

38
39 Section 12. Snohomish County Code Section 30.42B.030, added by Amended
40 Ordinance No. 02-064 on December 9, 2002, is amended to read:

41
42 **30.42B.030 Procedure.**

43
44 ~~((1) Applications for a PRD shall be processed as a Type 2 decision pursuant to chapter 30.72
45 SCC.))~~

1 ((2)) The ((hearing examiner)) decision-maker may approve, approve with conditions, or deny
2 a PRD official site plan. A PRD official site plan may only be approved when it is found to meet
3 applicable minimum standards of this chapter, and the decision criteria of SCC 30.42B.200.
4 Applications shall be made according to the submittal requirements checklist provided by the
5 department ((pursuant to)) under SCC 30.70.030.

6
7 Section 13. Snohomish County Code Section 30.42B.200, last amended by Amended
8 Ordinance No. 15-025 on May 6, 2015, is amended to read:

9
10 **30.42B.200 Approval of PRD official site plan - decision criteria.**

11
12 (1) The ((hearing examiner)) decision-maker may approve the PRD official site plan based on
13 findings and conclusions demonstrating that all applicable standards and requirements of this
14 chapter have been met.

15 (2) If the project is phased, each phase of the proposed development shall independently meet
16 the requirements of this chapter.

17 (3) Any dedication of property pursuant to this chapter must be based on an individualized
18 determination that the required dedication is reasonably related in nature and extent to the impact
19 of the proposed development.

20 (4) Proposed planned residential development within an airport compatibility area shall comply
21 with all applicable requirements in chapter 30.32E SCC.

22
23 Section 14. Snohomish County Code Section 30.42B.210, last amended by Amended
24 Ordinance No. 19-046 on September 25, 2019, is amended to read:

25
26 **30.42B.210 Official site plan - effect and recording procedure.**

27
28 (1) The site plan as approved ((by the hearing examiner)) under this chapter shall become the
29 official site plan of the PRD and any changes thereto shall require review under the provisions of
30 SCC 30.42B.220.

31 (2) The official site plan shall be noted on the official zoning maps.

32 (3) All development within an approved PRD shall conform to the official site plan and
33 associated conditions. In order to assure compliance, a performance security may be required
34 ((by the hearing examiner)). Satisfactory performance of all conditions and required
35 improvements must occur prior to recording required by SCC 30.42B.210(5), and occupancy of
36 units in the PRD project.

37 (4) A final plat, final short plat, or binding site plan/record of survey application filed
38 concurrently with a PRD application shall be approved by the county decision making body and
39 filed for recording with the county auditor prior to the issuance of a building permit for any
40 structure in a PRD development, except that building permits for model home units may be
41 approved ((pursuant to)) under the requirements of chapter 30.41A SCC.

42 (5) All PRD applications must be accompanied by an application which will establish all
43 required open space areas as separate tracts. Any applicant for PRD official site plan approval
44 who does not concurrently apply for subdivision or short subdivision approval pursuant to
45 chapters 30.41A or 30.41B SCC respectively, must apply for binding site plan and record of
46 survey approval pursuant to chapter 30.41D SCC. This requirement applies even if the applicant

1 intends the PRD site to be held under single ownership or to be subject to a declaration of
2 condominium pursuant to chapters 64.32 and/or 64.34 RCW. The following shall apply to all
3 PRDs accompanied by a concurrent application under chapter 30.41D SCC:

4 (a) An approved PRD official site plan shall constitute a previously approved site plan
5 ~~((pursuant to))~~ under SCC 30.41D.120 for purposes of chapter 30.41D SCC compliance;

6 (b) Open space tracts shall be depicted on a record of survey and properly recorded
7 ~~((pursuant to))~~ under the applicable provisions of chapter 30.41D SCC;

8 (c) The record of survey shall depict an accurate location of open space tracts, and shall
9 include necessary dedications, covenants and restrictions, and maintenance provisions as may be
10 prescribed by the director. Projects subject to a declaration of condominium may include the
11 information required ~~((pursuant to))~~ under this section on the record of survey otherwise required
12 ~~((pursuant to))~~ under chapters 64.32 and/or 64.34 RCW; and

13 (d) The record of survey for PRDs located in the R-7,200, R-8,400, and R-9,600 zones
14 shall also include the location of all proposed structures, access roadways, and parking areas.

15 (6) A homeowners association used for purposes of tract ownership and maintenance
16 responsibility for tracts established pursuant to this section shall remain in effect until alternative
17 ownership and maintenance responsibility is authorized by the department. The homeowners
18 association shall have by-laws and other documents, including covenants, approved by the
19 county and recorded with the county auditor, guaranteeing maintenance of commonly owned
20 tracts and restricting use of the tracts to that specified in the approved PRD official site plan.
21 Membership in the homeowners association and payment of dues or other assessments for
22 maintenance purposes shall be a requirement of home ownership.

23
24 Section 15. Snohomish County Code Section 30.42B.230, adopted by Amended
25 Ordinance No. 02-064 on December 9, 2002, is amended to read:

26
27 **30.42B.230 Binding site plan.**

28
29 (1) If an applicant chooses to divide land by subjecting a portion of a lot, parcel, or tract to either
30 chapter 64.32 or 64.34 RCW, the applicant shall obtain approval of a PRD official site plan and
31 approval of a binding site plan ~~((pursuant to))~~ under chapter 30.41D SCC.

32 (2) All ~~((hearing examiner))~~ conditions of approval shall appear on either:

33 (a) ~~((the))~~ The binding site plan with record of survey to be recorded~~((,));~~ or

34 (b) ~~((be))~~ Be referenced on ~~((said document))~~ the binding site plan and recorded
35 separately as covenants, conditions, and restrictions (CCRs).

36
37 Section 16. The name of chapter 30.70 SCC, added by Amended Ordinance 02-064 on
38 December 9, 2002, is amended to read:

39
40 ~~((General Provisions))~~ Permits and Decisions – General Process Requirements

1 Section 17. Snohomish County Code Section 30.70.015, last amended by Amended
2 Ordinance No. 16-004 on March 16, 2016, is amended to read:

3
4 **30.70.015 Exemptions.**

5
6 The following permit types are exempt from the requirements of this ~~((sub~~title)) chapter, except
7 the consistency determination required by SCC 30.70.100 ~~((7))~~ and the expiration and vesting
8 provisions of SCC 30.70.140 and SCC 30.70.300 shall apply:

- 9 (1) Building permits exempt from the State Environmental Policy Act (SEPA);
10 (2) Land disturbing activity permits exempt from SEPA; ~~((and))~~
11 (3) All other construction permits ~~((pursuant to))~~ under subtitle 30.5 SCC that are exempt from
12 SEPA; and
13 (4) Project permits for which a SEPA review and threshold determination were completed in
14 connection with other project permits for the same proposal, to the extent the proposal has not
15 substantively changed in a manner requiring further review under chapter 30.61 SCC.

16
17 Section 18. Snohomish County Code Section 30.70.020, last amended by Amended
18 Ordinance No. 12-025 on June 6, 2012, is amended to read:

19
20 **30.70.020 Pre-application meeting.**

21
22 ~~(((1) A pre-application meeting is strongly encouraged for the following:~~

- 23 ~~(a) Subdivisions;~~
24 ~~(b) Planned residential developments;~~
25 ~~(c) Rezones;~~
26 ~~(d) Conditional use permits;~~
27 ~~(e) Development activities and actions requiring project permits when critical areas are~~
28 ~~located on the subject property;~~
29 ~~(f) Any application for which official site plan approval is required; and~~
30 ~~(g) Shoreline substantial development, shoreline conditional use and shoreline variance~~
31 ~~permits.))~~

32 (1) Any applicant or property owner may request a pre-application meeting. The applicant shall
33 submit a pre-application meeting request on a form prepared by the department.

34 (2) The purpose of a pre-application meeting is to provide the department with preliminary
35 information regarding the development proposal and to provide the applicant with preliminary
36 information about development requirements, environmental issues, procedural requirements,
37 known community concerns, and other relevant matters prior to the filing of a formal application.

38 (3) Pre-application meetings provide preliminary information only and are not intended to result
39 in final actions or commitments by either the county or the applicant.

40 (4) The department shall prepare a pre-application submittal checklist that lists specific items or
41 information requested for the meeting. When available, the applicant shall provide the
42 information prior to the meeting.

43 (5) Within a reasonable time following a pre-application meeting, the department shall provide
44 the applicant with a written summary of the issues discussed and specific instructions for
45 submittal of a complete application, if any.

Land Disturbing Activity Permits subject to SEPA review under chapter 30.61 SCC, or subject to conditions imposed under chapter 30.32D SCC	1
Land Disturbing Activity Permits issued by the department of public works for land disturbing activity performed under SCC 30.63B.100	1
Official or Preliminary Site Plans	
<ul style="list-style-type: none"> Sites 5 acres or larger in size - BP, IP, or PCB zones as required under 30.31A.200 	2
<ul style="list-style-type: none"> All Others – BP, NB, IP, PCB zones 	1
<ul style="list-style-type: none"> RB, RI, T, FS, RFS, and GC zones not submitted as part of a rezone 	1
Planned Residential Development	
<ul style="list-style-type: none"> Submitted with another permit application subject to Type 2 processing 	2
<ul style="list-style-type: none"> All Others 	1
Pre-application Concurrency Determination	1
Preliminary Short Subdivision	
<ul style="list-style-type: none"> Where no new public road or public road extension is proposed 	1
<ul style="list-style-type: none"> Where a new public road or public road extension is proposed 	2
Preliminary Subdivision	2
Site-specific Rezones not associated with a legislative process	2
Shoreline	
<ul style="list-style-type: none"> Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance, except when SCC 30.44.210(2) applies 	1
<ul style="list-style-type: none"> Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance under SCC 30.44.210(2) 	2
<ul style="list-style-type: none"> Substantial Development Permit Rescission 	2
Special Use Permit	2
Urban Center Development	Refer to SCC 30.34A.180
Variance	
<ul style="list-style-type: none"> Submitted with another permit application subject to Type 2 processing (Refer to SCC 30.43B.020(2)) 	2
<ul style="list-style-type: none"> All Others 	1

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¹ Forest Practices Permits submitted concurrently with a Type 2 permit are required to be consolidated under chapter 30.43F.100(2) SCC.

1 Section 20. Snohomish County Code Section 30.70.140, last amended by Amended
 2 Ordinance No. 16-073 on December 21, 2016, is amended to read:

3
 4 **30.70.140 Expiration of applications, approvals and permits.**

5
 6 (1) This section shall apply to:

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

8 (b) Existing applications set forth in SCC Table 30.70.140(1) that were deemed complete
 9 but that were not approved or denied prior to April 1, 2016, provided that the department shall
 10 provide notice to the applicant one year prior to the expiration date of the application.

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

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

16 (b) Expiration of permits and approvals (but not of applications) may be (~~When~~
 17 ~~otherwise~~) modified by the hearing examiner at the time the hearing examiner issues a decision
 18 on the application for the permit or approval.

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

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

25
 26 **Table 30.70.140(1)**

Approval Type	Expiration of application	Expiration of approval or permit
Administrative Conditional Use Permit	36 months	5 years to commence construction or use
Administrative Conditional Use Permit – Temporary Dwelling During Construction	12 months	As determined in decision
Administrative Conditional Use Permit - Temporary Dwelling For Relative	12 months	Shall be subject to annual renewal
Administrative Conditional Use Permit - Other Temporary Uses	12 months	As determined in decision
Administrative Site Plan (pursuant to chapter 30.23ASCC)	36 months	5 years to commence construction or use
Binding Site Plan	36 months	6 months to record
Boundary Line Adjustment	12 months	12 months to record. The department may grant up to one 12-month extension.

Building Permit	Per subtitle 30.5 SCC	Per subtitle 30.5 SCC
Conditional Use Permit	36 months	5 years to commence construction or use
Cottage Housing (pursuant to chapter 30.41G SCC)	36 months	5 years to commence construction or use
Flood Hazard Permit & Flood Hazard Variance	18 months	18 months from the date of issuance. Start of construction, as defined in SCC 30.91S.570, must commence within 180 days.
Forest Practices (Class IV-General)	18 months	36 months
Land Disturbing Activity	18 months	36 months
Official Site Plan and Site Plans (pursuant to chapters 30.31A and 30.31B SCC)	36 months	5 years to commence construction or use
Planned Residential Development	36 months	5 years to commence construction or use
Pre-application Concurrency Determination	6 months	Per SCC 30.66B.155
Rezones	36 months	Not applicable
Shoreline Conditional Use Permit	36 months	Per chapter 30.44 SCC
Shoreline Substantial Development Permit	36 months	Per chapter 30.44 SCC
Single Family Detached Units	36 months	5 years to commence construction or use
Special Use Permit (pursuant to chapter 30.42F SCC)	36 months	5 years to commence construction or use
Subdivisions	48 months	Per RCW 58.17.140, except that: <ul style="list-style-type: none"> For preliminary subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100. For preliminary subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total

		term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.
Short Subdivisions	48 months	60 months, except that:
		<ul style="list-style-type: none"> For preliminary short subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.
		<ul style="list-style-type: none"> For preliminary short subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.
Urban Center Development	36 months	5 years to commence construction or use
Variance	36 months	Not applicable

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Section 21. Snohomish County Code Section 30.71.020, last amended by Amended Ordinance No. 16-073 on December 21, 2016, is repealed.

1 Section 22. Snohomish County Code Section 30.71.025, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is repealed.

3
4 Section 23. Snohomish County Code Section 30.71.050, adopted by Amended
5 Ordinance No. 13-043 on June 19, 2013, is amended to read:

6
7 **30.71.050 Appeal of Type 1 decision.**

8
9 (1) ~~((Who may appeal))~~ Who may appeal. Any aggrieved party of record may file an appeal of a
10 Type 1 decision.

11 (2) *Time and place to appeal.* Appeals of a Type 1 decision, except as provided in subsection (3)
12 of this section, shall be addressed to the hearing examiner and filed in writing with the
13 department within 14 calendar days of the notice of the decision, except that appeals of a Type 1
14 decision issued concurrently with a SEPA threshold determination shall be filed within 21
15 calendar days of the notice of the decision, if the SEPA decision is a determination of
16 nonsignificance that is required to have a public comment period pursuant to ~~((SCC 30.44.250~~
17 ~~and))~~ WAC 197-11-340.

18 (3) *Shoreline appeals.* Appeals of a shoreline substantial development permit, shoreline
19 conditional use permit, or shoreline variance shall be filed with the state shorelines hearings
20 board pursuant to SCC 30.44.250 and RCW 90.58.180.

21 (4) *Fees.* Each appeal filed on a non-shoreline Type 1 decision shall be accompanied by a filing
22 fee in the amount of \$500.00; provided that the filing fee shall not be charged to a department of
23 the county; and provided further that the filing fee shall be refunded in any case where an appeal
24 is dismissed in whole without hearing pursuant to SCC 30.71.060.

25 (5) *Form of appeal.* A person appealing a Type 1 decision must file a written statement setting
26 forth:

27 (a) Facts demonstrating that the person is aggrieved by the decision;

28 (b) A concise statement identifying each alleged error and the manner in which the
29 decision fails to satisfy the applicable decision criteria. An appeal of a SEPA environmental
30 document shall describe any alleged inadequacy in the threshold determination or environmental
31 impact statement with respect to evaluation of a specific environmental element;

32 (c) The specific relief requested; and

33 (d) Any other information reasonably necessary to make a decision on appeal.

34 (6) *Limitation on new appeal issues.* No new substantive appeal issues may be raised or
35 submitted after the close of the time period for filing of the original appeal. The hearing
36 examiner, if procedural limitations allow, may allow an appellant not more than 15 calendar days
37 to perfect an otherwise timely filed appeal.

38 ~~((7) —Matters within the jurisdiction of the building code board of appeals. Matters within the~~
39 ~~jurisdiction of the building code board of appeals pursuant to SCC 30.50.020 shall not be subject~~
40 ~~to appeal pursuant to chapter 30.71 SCC.))~~

41
42 Section 24. Snohomish County Code Section 30.72.020, last amended by Ordinance No.
43 15-005 on March 18, 2015, is repealed.

1 Section 25. Snohomish County Code Section 30.72.080, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.72.080 Requirements for filing a Type 2 appeal.**

5
6 (1) An appeal must be in writing and contain the following:

7 (a) A detailed statement of the grounds for appeal and the facts upon which the appeal is
8 based, including references to specific hearing examiner findings or conclusions, and to exhibits
9 or oral testimony in the record;

10 (b) Argument in support of the appeal, including all legal arguments on which the appeal
11 is based; and

12 (c) The name, mailing address, and daytime telephone number of each appellant, or each
13 appellant's representative, together with the signature of at least one of the appellants or of the
14 appellants' representative.

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

16 (a) The decision exceeded the hearing examiner's jurisdiction;

17 (b) The hearing examiner failed to follow the applicable procedure in reaching the
18 decision;

19 (c) The hearing examiner committed an error of law; or

20 (d) The hearing examiner's findings, conclusions, and/or conditions are not supported by
21 substantial evidence in the record.

22
23 Section 26. Snohomish County Code Section 30.72.100, adopted by Amended
24 Ordinance No. 02-064 on December 9, 2002, is amended to read:

25
26 **30.72.100 Notice of Type 2 appeal.**

27
28 (1) Within seven calendar days following the close of the appeal period and upon receipt of a
29 timely filed and complete appeal, the council clerk will mail notice of the appeal and of the date,
30 time, and place of the closed record appeal hearing to all parties of record.

31 (2) The dates for filing written arguments with the council shall be included in the hearing
32 notice as follows:

33 (a) Parties of record, other than the appellant, may file written arguments with the
34 council until 5:00 p.m. on the fourteenth day following the date of the hearing notice mailed
35 pursuant to SCC 30.72.100(1); and

36 (b) An appellant may file written rebuttal arguments with the council until 5:00 p.m. on
37 the twenty-first day following the date of the hearing notice mailed pursuant to SCC
38 30.72.100(1). Such rebuttal is limited to the issues raised in written arguments filed under SCC
39 30.72.100(2)(a).

40 (3) The hearing notice shall be sent for publication in the official county newspaper the same
41 day the notice of appeal is sent to parties of record.

42 (4) Within five days of mailing of the hearing notice (~~(pursuant to)~~) under SCC 30.72.100(1),
43 the applicant shall conspicuously post notice of the hearing on the signs in accordance with of
44 SCC 30.70.045.

