



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

February 22, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/92068125282>
or call (253) 215-8782
Webinar ID: 920 6812 5282

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. PUBLIC COMMENT

C. APPROVAL OF MINUTES

- [January 25, 2022](#): Regular Meeting

D. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. Notice Requirements for Type 1 and Type 2 Permits: Briefing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Staff will brief the Planning Commission on proposed code amendments to Chapters 30.71 and 30.72 of the Snohomish County Code (SCC) related to appeal hearing notice requirements. The proposed amendments would work to streamline the noticing process for Type 1 permit open record appeal hearings by identifying one responsible party and one method. The proposed amendments would also allow the responsible party to email notice of Type 1 and Type 2 permit appeal hearings to parties of record.

For further information, please review the following:

- [Briefing Staff Report dated 2/22/2021](#)



2. Subdivisions and Short Subdivisions: Briefing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Staff will brief the Planning Commission on proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The proposed code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency.

For further information, please review the following:

- [Briefing Staff Report dated 2/22/2021](#)

G. OPEN PUBLIC RECORDS, OPEN PUBLIC MEETINGS, AND ROBERT'S RULES OF ORDER TRAINING

David Killingstad, PDS, Long Range Planning Manager, David.Killingstad@snoco.org
Matthew Otten, Deputy Prosecuting Attorney, Matthew.Otten@snoco.org
Alex Witenberg, Deputy Prosecuting Attorney, Alex.Witenberg@snoco.org

H. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Tom Norcott, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Vacant, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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Everett Daily Herald

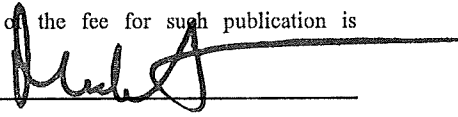
Affidavit of Publication

State of Washington }

County of Snohomish } ss

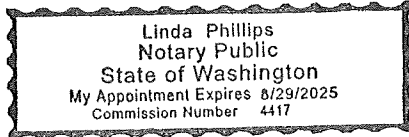
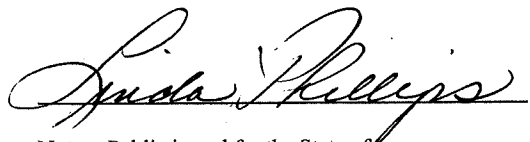
Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH948456 REG. MTG AGENDA as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 02/12/2022 and ending on 02/12/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$132.48.



Subscribed and sworn before me on this

14th day of February,
2022.

Notary Public in and for the State of Washington.

Snohomish County
Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
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Tom Campbell, District 4
Neil Pedersen, District 4
Rosanna Brown, District 5
Leah Everett, District 5
Keri Moore,
Executive Appointee

Commission Staff (from Planning and Development Services (PDS) Department):
Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk
Published: February 12, 2022.

EDH948348



Snohomish County
Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Sarah Titcomb, Principal Planner

SUBJECT: Staff Report: Proposed Code Amendments related to Appeal Hearing Notice Requirements for Type 1 and Type 2 Permits

DATE: February 22, 2022

Dave Somers
County Executive

INTRODUCTION

The purpose of this staff report is to provide information on a non-project proposal to amend Chapters 30.71 and 30.72 of the Snohomish County Code (SCC). The proposed code amendments to SCC 30.71.080 will work to streamline the noticing process for Type 1 permit open record appeal hearings. The proposed amendments to SCC 30.72.100 will align the code for the noticing of Type 2 permit closed record appeal hearings with practice. Attachment A presents the staff recommended draft findings.

PROPOSAL BACKGROUND

Type 1 permits are administratively decided and processed per Chapter 30.71 SCC, whereas Type 2 permits are decided by the Hearing Examiner after a public hearing and processed per Chapter 30.72 SCC. Appeals of Type 1 and Type 2 decisions are both considered administrative, although Type 1 appeal hearings are open record and heard by the Hearing Examiner, and Type 2 appeal hearings are closed record and heard by the County Council. The proposed amendments concern the public noticing processes for Type 1 and Type 2 appeal hearing once the Hearing Examiner or County Council has scheduled the date, time, and location of the hearing.

SCC 30.71.080 describes the process to notice Type 1 open record appeal hearings. The Hearing Examiner (Office of Hearings Administration) is required to process open record appeal hearing notices for all Type 1 permits except for appeals related to short subdivision administrative decisions made pursuant to Chapter 30.41B SCC, and to State Environmental Policy Act (SEPA) determinations made pursuant to Chapter 30.61 SCC. Notice of the open record appeal hearing for these two exceptions must be processed by Snohomish County Planning and Development Services (PDS) pursuant to SCC 30.71.080(3) and (4).

The party responsible for noticing open record appeal hearings of administrative decisions has changed over time. In 1966, the Board of Adjustment was given the authority, then in 1972 it was the Zoning Adjuster, and the Hearing Examiner took over in 1979. In 1980, the then Department of Community Affairs (a precursor to PDS) became responsible for noticing, although by 1986 the responsibility was split much like it is today between PDS and the Office of Hearings Administration.

The current noticing requirements for the three categories of Type 1 open record appeal hearings described in SCC 30.71.080 are different, although this has not always been the case. From 1966 to 1986, one party was responsible for noticing the appeal hearings utilizing one methodology. In 1986 this changed and there became three separate processes that have not changed significantly to this day.

Currently, SCC 30.71.080 requires:

- The Office of Hearings Administration to provide 14 days notice for Type 1 open record appeal hearings by first class mail to the appellant, the appellant's representative, the department whose decision is being appealed (by interoffice mail), the applicant, the applicant's representative, and all parties of record.
- PDS to provide notice for short subdivision open record appeal hearings in the same manner that is required for Type 2 permit open record hearings per SCC 30.72.030, and to all parties of record by first class mail. SCC 30.72.030 requires 15 days notice of the hearing, and the notice must be published in the official county newspaper, mailed, and posted on the subject property per SCC 30.70.045. The mailed notices must be sent to all taxpayers of record within 500 to 1,500 feet of the subject property depending on the zoning and size of the property. The notice must also be mailed to cities or towns that have municipal boundaries within one mile of the subject property, to the Washington State Department of Transportation if the property is adjacent to a state right-of-way or within two miles of a state or municipal airport, and to any other local, state, or federal agency, or to any person or organization as determined appropriate.
- PDS to give 14 days notice for open record appeal hearings related to a SEPA determination by first class mail to all parties of record, agencies with jurisdiction as disclosed by documents in the appeal file, and to all taxpayers of record and known site addresses within 500 feet of any boundaries of the property subject to appeal.

Requiring two different parties to notice Type 1 open record appeal hearings utilizing three different processes causes confusion and delays. Additionally, the recent practice has been for the Office of Hearings Administration to provide public notice for all Type 1 open record appeal hearings. To simplify the noticing process and align code with current practice, the code amendments propose that the Office of Hearings Administration provide notice for all Type 1 open record appeal hearings utilizing one methodology that is in compliance with state requirements.

SCC 30.72.100 describes the noticing process for Type 2 closed record appeal hearings, and (1) states that the council clerk "will mail notice of the appeal" to all parties of record. The current practice is for the council clerk to email the notice information (date, time, and location of the scheduled hearing) to all parties of record. The proposed amendments to SCC 30.72.100(1) will clarify that emailed notices of closed record hearings are allowed. The proposed amendments will also create consistent language between SCC 30.71.080(2) and SCC 30.72.100(1) related to emailing or mailing notices.

Washington Administrative Code (WAC) 365-196-845 and the Revised Code of Washington (RCW) 36.70B.110(9) state that counties are not required to provide a process for administrative appeals. If the County does allow appeals, the WAC provides examples of reasonable notice measures, although it does not provide specific requirements. It is a similar story for SEPA appeals pursuant to Chapter 43.21C RCW. Therefore, Snohomish County has the discretion to determine the best method to notice both Type 1 and Type 2 appeal hearings. Based on research and practice, staff recommends that the Type 1 process include emailing the time, date, and place of the open record appeal hearing to the: appellant, the appellant's

representative, the department whose decision is being appealed (if outside of PDS), the applicant, the applicant's representative, and all other parties of record. The process for noticing Type 2 appeal hearings will not change except to clarify that U.S. mail is not required. First class mail in particular will no longer be a requirement when individuals or organizations have provided their email address. When parties of record do not provide their email address, or request correspondence by physical mail, the Office of Hearings Administration or council clerk will mail notices by U.S. mail.

The specific provisions in Chapters 30.71 and 30.72 SCC to be amended are described below:

- SCC 30.71.080(2) along with (3) and (4) creates three different public notice processes to be performed by either the Hearing Examiner or PDS based on the type of Type 1 permit under appeal. This is not efficient, in line with current practice, nor required by state code. (3) and (4) are proposed to be eliminated to streamline the noticing process. The remaining language will clarify that the Office of Hearings Administration will notice all Type 1 open record appeals by mailing the notice to required parties.
- SCC 30.71.080(2) requires that the Hearing Examiner utilize first class mail or interoffice mail to notice the open record appeal hearings. The proposed amendments will change this language to allow for emailing unless a party of record specified a need for physical mail. With the popularity of email correspondence and change in permit processing at PDS to only accept digital permit submissions, requiring that notice be physically mailed is not reasonable, cost effective, or the most efficient method of delivery in most situations.
- SCC 30.72.100(1) states that the council clerk will mail notice of Type 2 closed record appeal hearings to parties of record. The proposed amendments will change this language to clarify that the council clerk can email notices unless a party of record specified the need for physical mail. The proposed change will align code with current practice, and will be consistent with the proposed changes to Chapter 30.71 SCC.

PROPOSED CODE AMENDMENTS

Table 1 outlines the proposed code amendments, as well as the findings in support of the proposed code amendments subsection by subsection.

The proposed code amendments will streamline the noticing process and align code with current practice by:

- Eliminating PDS from the noticing process for Type 1 open record appeal hearings,
- Specifying a single noticing process to be used by the office adjudicating the administrative hearing, with a presumption of emailing notice unless otherwise indicated, and
- Removing the requirement to mail notices by first class mail.

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS

Proposed Change	Finding
<p>30.71.080 Notice of Type 1 open record appeal hearing</p> <p>(2) Except where notice has already been given pursuant to the combined notice provisions of SCC 30.70.080(2), ((and except where notice has been provided by the department pursuant to subsections (3) and (4) below,)) the <u>Office of Hearings Administration</u> ((hearing examiner's office)) shall give notice of all open record appeal hearings by <u>email</u> ((first class mail)) <u>(unless any of the below listed parties did not provide an email address or requested notice via U.S Mail</u> ((otherwise required herein))) to:</p> <p>(a) The appellant; (b) The appellant's agent/representative, if any; (c) The department whose decision is being appealed ((by interoffice mail)); (d) The applicant; (e) Applicant's agent/representative, if any; and (f) All parties of record.</p>	<p>Reference to subsections (3) and (4) are proposed to be removed along with the requirement to send notice through first class mail or interoffice mail. Emailing notices to parties that have provided their email address is the most efficient method to provide notice, it is cost effective, and it aligns with current practice. Changing the language to email with the option to physically mail notice as necessary, allows for Hearing Examiner to have flexibility and for the code to align with practice.</p> <p>Changes are also proposed to how the Hearing Examiner is referenced as the office is now known as the Office of Hearings Administration. Proposed changes will align code with the office's official name.</p>
<p>((3) The department shall give notice of an open record appeal hearing for a decision made pursuant to chapter 30.41B SCC:</p> <p>(a) In the same manner as required by SCC 30.72.030; and (b) By first class mail to parties of record.)</p>	<p>State law does not require an appeal process for administrative decisions (Type 1 permits), therefore there is not a requirement for there to be three different noticing procedures and two different responsible parties. Prior to 1986, there was only one process for noticing and one party responsible for noticing. This proposed amendment would revert to this previous stance, would align with current practice, and would comply with state requirements.</p>
<p>((4) The department shall give notice of an open record appeal hearing for a SEPA determination made pursuant to chapter 30.61 SCC by first class mail to:</p> <p>(a) Parties of record; (b) Agencies with jurisdiction as disclosed by documents in the appeal file; and (c) 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 shall be increased if necessary to correspond with any larger radius required for the notice of any discretionary permit or action associated with the determination under appeal.)</p>	<p>See above.</p>

<p>30.72.100 Notice of Type 2 appeal</p> <p>(1) Within seven calendar days following the close of the appeal period and upon receipt of a timely filed and complete appeal, the council clerk will <u>email</u> ((mail)) notice of the appeal and of the date, time, and place of the closed record appeal hearing to all parties of record <u>(unless any party of record did not provide an email address or requested notice via U.S Mail)</u>.</p>	<p>Proposed amendments to align the code with the practice of the council clerk and to ensure consistency between the appeal noticing provisions of Chapters 30.71 and 30.72 SCC.</p>
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The following analysis provides a summary of the proposed code amendments compliance with state law, as well as regional, countywide, and county Comprehensive Plan policies.

Compliance with State Law

The Growth Management Act (GMA) planning goals adopted in RCW 36.70A.020 guides the development and adoption of comprehensive plans and development regulations. The goals are not priority-listed. The GMA goals guide the policies in the Snohomish County’s GMA Comprehensive Plan (GMACP), and require consistency between the GMACP and implementing development regulations. Table 2 identifies the reasonably related GMA planning goals listed in RCW 36.70A.020, and describes how the proposed code amendments are consistent with and advance those goals.

Table 2 Compliance with GMA Planning Goals

GMA Planning Goal	Finding
<p>GMA Goal 7: Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.</p>	<p>The proposed amendments will streamline the noticing process for Type 1 open record appeal hearings. With one noticing process and one party responsible for noticing, there will not be confusion or unnecessary delays. Additionally, the proposed amendments allow for the notice for Type 1 and Type 2 appeal hearings to be emailed, thereby ensuring the most efficient and timely method of delivery for many individuals and organizations.</p>

Compliance with the Multi-County Planning Policies

Multi-County Planning Policies (MPPs) within Vision 2050 “provide for coordination and consistency among the metropolitan counties sharing common borders and related regional issues as required by RCW 36.70A.100, and, in order to ensure consistency, the directive policies of the MPPs need to have a binding effect.” (Summit-Waller Community Association, et al, v Pierce County). Table 3 identifies the reasonably related MPPs within Vision 2050, and describes how the proposed code amendments are consistent with and advance those goals.

Table 3 Compliance with MPPs

MPP	Finding
MPP-DP-47: Streamline development standards and regulations for residential and commercial development and public projects, especially in centers and high-capacity transit station areas, to provide flexibility and to accommodate a broader range of project types consistent with the regional vision.	Type 1 and 2 permits often relate to residential and commercial development proposals, and the proposed amendments will streamline the noticing process for appeal hearings.

Compliance with the Countywide Planning Policies

Countywide Planning Policies (CPPs) establish a countywide framework for developing and adopting county, city, and town comprehensive plans. The role of the CPPs is to coordinate comprehensive plans of jurisdictions in the same county in regard to regional issues and issues affecting common borders (RCW 36.70A.100). Table 4 identifies the reasonably related CPPs, and describes how the proposed code amendments are consistent with and advance those goals.

Table 4 Compliance with CPPs

CPP Reasonable Measure	Finding
HO-11: The county and cities should consider the economic implications of proposed building and land use regulations so that the broader public benefit they serve is achieved with the least additional cost to housing.	The proposed amendments will streamline the noticing process for appeal hearings while still complying with all state and local requirements. The effect will be to ensure a broad public benefit without unnecessary costs.

Compliance with the Snohomish County Comprehensive Plan

The proposed code amendments will better achieve, comply with, and implement the policies identified in Table 5 contained in the County’s GMACP.

Table 5 Compliance with the Comprehensive Plan

GMACP Policy	Finding
ED Policy 2.A.3: To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input.	The proposed amendments will eliminate unnecessary administrative noticing procedures for certain Type 1 open record appeal hearings, and thus make the process more efficient.

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A SEPA Determination of Non-Significance was issued on February 3, 2022.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce on February 3, 2022.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager
Ryan Countryman, Legislative Analyst

Attachments

Attachment A: Proposed Code Amendments, Draft Findings of Fact and Conclusions

Attachment A
Appeal Hearing Notice Requirements for Type 1 and Type 2 Permits
Proposed Code Amendments Findings of Fact and Conclusions

Section 1. Snohomish County Planning Commission adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. This ordinance will amend Title 30 SCC to revise Snohomish County Code (SCC) 30.71.080. The code amendments will increase the efficiency of the noticing process for Type 1 open record appeal hearings by: 1) eliminating PDS from the noticing process; and 2) requiring one noticing process.
- C. In developing the code amendments, the County considered the goals of the GMA identified in RCW 36.70A.020, specifically the goal related to ensuring permits are processed in a timely and predictable manner. The proposed regulations are reasonably related to, and necessary for, the advancement of the before mentioned GMA planning goal.
- D. The code amendments will allow Chapters 30.71 SCC to achieve, comply with, and implement the below listed policy contained in the County's GMACP, by providing regulations that are predictable and streamlined.
 - 1. ED Policy 2.A.3: "To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input."
- E. The proposed code amendments are consistent with the record:
 - 1. SCC 30.71.080(2) is amended to eliminate reference to subsections (3) and (4) and to remove reference to sending notices through first class mail or interoffice mail. Emailing notices to parties that have provided their email address is the most efficient method to provide notice, it is cost effective, and it aligns with current practice. Changing the language to "email" allows for the Hearing Examiner to mail hard copies of notices to parties without email addresses or who have requested it.
 - 2. SCC 30.71.080(3) and (4) are removed as State law does not require an appeal process for administrative decisions, therefore there is not a requirement for there to be three different noticing procedures and two different responsible parties. Prior to 1986, there was only one process for noticing and one party responsible for noticing. This proposed amendment would revert to this previous stance, would align with current practice, and would comply with state requirements.
 - 3. SCC 30.72.100(1) is amended to clarify that notices for Type 2 appeal hearings can be emailed to parties of record and align with current practice. The amended language within SCC 30.72.100(1) is consistent with the amended language within SCC 30.71.080(2) related to emailing notices.
- F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated February 22, 2022.

G. Procedural requirements:

1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.
2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments was transmitted to the Washington State Department of Commerce for distribution to state agencies on February 3, 2022.
3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on February 3, 2022.
4. The public participation process used in the adoption of the proposed code amendments has complied with all applicable requirements of the GMA and SCC.
5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an advisory memorandum in December 2015 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property" to help local governments avoid unconstitutional takings of private property. The process outlined in the State Attorney General's 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes in this ordinance.

Section 2. The County Council makes the following conclusions:

- A. The proposal is consistent with Washington State law and Snohomish County Code.
- B. The proposal is consistent with the GMACP and with the goals, objectives, and policies of the GPP.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.
- E. The County complied with the state and local public participation requirements under the GMA and chapter 30.73 SCC.

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

Noticing Requirements for Appeal Hearings: Proposed Code Amendments

Snohomish County Planning Commission: Briefing

February 22, 2022

Sarah Titcomb, Principal Planner



Snohomish County

Presentation Overview

- Describe the current noticing process for Type 1 and Type 2 appeal hearings.
- Identify problems caused by the existing requirements
- Explain how issues could be addressed with the proposed amendments



Type 1 Permits Chapter 30. 71 SCC

e.g. preliminary short
subdivisions, administrative site
plans, boundary line adjustments

Type 2 Permits Chapter 30. 72 SCC

e.g. preliminary subdivisions,
rezones, urban center
development plans

Type 1 Noticing Requirements



Issues in Existing Requirements

- Three separate processes to notice Type 1 appeal hearings depending on type of Type 1 permit.
 - Creates confusion and unnecessary work
- Code uses outdated language for the Office of Hearings Administration
- Notice for Type 1 and Type 2 appeal hearings must be mailed via U.S. Mail / first class mail to parties of record.
 - Not the most efficient process

Proposal Objectives

Streamline the noticing process for Type 1 and Type 2 appeal hearings



Remove the requirement to mail notices by first class mail



Ensure consistency between Type 1 and Type 2 noticing language

Proposed Amendments: Type 1

30.71.080 Notice of Type 1 open record appeal hearing

(2) Except where notice has already been given pursuant to the combined notice provisions of SCC 30.70.080(2), (~~and except where notice has been provided by the department pursuant to subsections (3) and (4) below,~~) the Office of Hearings Administration (~~hearing examiner's office~~) shall give notice of all open record appeal hearings by email (~~(first class mail)~~) (unless any of the below listed parties did not provide an email address or requested notice via U.S Mail (~~(otherwise required herein)~~)) to:

- (a) The appellant;
- (b) The appellant's agent/representative, if any;
- (c) The department whose decision is being appealed (~~(by interoffice mail)~~);
- (d) The applicant;
- (e) Applicant's agent/representative, if any; and
- (f) All parties of record.

Proposed Amendments: Type 1

~~((3) The department shall give notice of an open record appeal hearing for a decision made pursuant to chapter 30.41B SCC:~~

~~(a) In the same manner as required by SCC 30.72.030; and~~

~~(b) By first class mail to parties of record.))~~

~~((4) The department shall give notice of an open record appeal hearing for a SEPA determination made pursuant to chapter 30.61 SCC by first class mail to:~~

~~(a) Parties of record;~~

~~(b) Agencies with jurisdiction as disclosed by documents in the appeal file; and~~

~~(c) 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 shall be increased if necessary to correspond with any larger radius required for the notice of any discretionary permit or action associated with the determination under appeal.))~~



Proposed Amendments: Type 2

30.72.100 Notice of Type 2 appeal

(1) Within seven calendar days following the close of the appeal period and upon receipt of a timely filed and complete appeal, the council clerk will email (~~mail~~) notice of the appeal and of the date, time, and place of the closed record appeal hearing to all parties of record (unless any party of record did not provide an email address or requested notice via U.S Mail).



Compliance with State Law and Local Policies

- Counties are not required to provide a process for administrative appeals per WAC 365-196-845 and the RCW 36.70B.110(9)
- GMA Goal 7: Permits...should be processed in a timely and fair manner to ensure predictability.
- Multi-County Planning Policy (MPP)-DP-47: Streamline development standards...
- Comprehensive Plan Economic Development (ED) Policy 2.A.3: To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures...

Public Engagement

- Coordinated with the Office of Hearings Administration, County Council staff, and PDS Permitting and Long Range Planning staff.
- Outreach to broader public
 - SEPA determination of non-significance issued February 3, 2022
 - Commerce notified on February 3, 2022





Questions?



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
FEBRUARY 22, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:35 p.m.

Of the ten (10) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members):

Commissioners Present	Commissioners Absent
Rosanna Brown	Merle Ash
Tom Campbell	Tom Norcott
Leah Everett	
Mark James	
Robert Larsen	
Keri Moore	
Neil Pedersen @5:40 pm	
Raymond Sheldon	

David Killingstad, PDS, Long Range Planning Manager served as the Planning Commission Secretary for this meeting.

A. PUBLIC COMMENT

No public comment was given.

B. APPROVAL OF MINUTES

The minutes of [January 25, 2022](#) were unanimously approved.

C. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

D. UNFINISHED BUSINESS

E. NEW BUSINESS



Snohomish County
Planning Commission
Planning and Development Services

1. Notice Requirements for Type 1 and Type 2 Permits: Briefing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Sarah Titcomb briefed the Planning Commission on proposed code amendments to Chapters 30.71 and 30.72 of the Snohomish County Code (SCC) related to appeal hearing notice requirements. The proposed amendments would work to streamline the noticing process for Type 1 permit open record appeal hearings by identifying one responsible party and one method. The proposed amendments would also allow the responsible party to email notice of Type 1 and Type 2 permit appeal hearings to parties of record.

After the briefing there were several questions from commissioners including tax-payer notification radius for type 1 permit appeals, hearing requirements for type 1 permits, and clarification on the notification process.

For further information, please review the following:

- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)

2. Subdivisions and Short Subdivisions: Briefing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Sarah Titcomb briefed the Planning Commission on proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The proposed code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency.

After the briefing there were several questions from commissioners including the approval process from preliminary approval for short subdivisions to final approval for short subdivisions, Tribal noticing, and protections for geologically hazardous and critical areas.

For further information, please review the following:

- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)

F. OPEN PUBLIC RECORDS, OPEN PUBLIC MEETINGS, AND ROBERT'S RULES OF ORDER TRAINING

David Killingstad, PDS, Long Range Planning Manager, David.Killingstad@snoco.org
Matthew Otten, Deputy Prosecuting Attorney, Matthew.Otten@snoco.org
Alex Witenberg, Deputy Prosecuting Attorney, Alex.Witenberg@snoco.org

Matt Otten, Deputy Prosecuting Attorney, presented on the Open Public Meetings Act (OPMA).

- [Open Public Meetings Act Presentation dated 2/22/2022](#)



Snohomish County
Planning Commission
Planning and Development Services

Alex Witenberg, Deputy Prosecuting Attorney, presented on Open Public Records.

- [Open Public Records Presentation dated 2/22/2022](#)

David Killingstad, Long Range Planning Manager, presented on Parliamentary Procedures.

- [Parliamentary Procedures Presentation dated 2/22/2022](#)

G. ADJOURN

The meeting was adjourned at 8:12 p.m.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

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AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

*Merle Ash, District 1
Mark James, District 1
Tom Norcott, District 2
Raymond Sheldon, Jr., District 2
Robert Larsen, District 3
Vacant, District 3*

*Tom Campbell, District 4
Neil Pedersen, District 4
Rosanna Brown, District 5
Leah Everett, District 5
Keri Moore, Executive Appointee*

Commission Staff (from Planning and Development Services (PDS) Department):

David Killingstad, Commission Secretary Megan Moore, Commission Clerk

EXHIBIT 2.0006

Planning Commission Meeting 02/22/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2022\22-0450 Appeal Hearing Requirements\Part 2 Documents\2.0006 – PC 20220202 Recording)



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission

March 22, 2022
5:30 PM

Join the Zoom Meeting: <https://zoom.us/j/92068125282>
or call (253) 215-8782
Webinar ID: 920 6812 5282

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

B. PUBLIC COMMENT

C. APPROVAL OF MINUTES

- [February 22, 2022](#): Regular Meeting

D. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

- [Upcoming Planning Commission Meeting Topics](#)
- County Council Actions on Planning Commission Recommendations

E. UNFINISHED BUSINESS

1. Notice Requirements for Type 1 and Type 2 Permits: Hearing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to Chapters 30.71 and 30.72 of the Snohomish County Code (SCC) related to appeal hearing notice requirements. The proposed amendments would work to streamline the noticing process for Type 1 permit open record appeal hearings by identifying one responsible party and one method. The proposed amendments would also allow the responsible party to email notice of Type 1 and Type 2 permit appeal hearings to parties of record.

For further information, please review the following:

- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)



2. Subdivisions and Short Subdivisions: Hearing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The proposed code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency.

For further information, please review the following:

- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)

F. NEW BUSINESS

1. Annual Tree Canopy Report: Briefing

Hilary McGowan, PDS Planner, Hilary.McGowan@snoco.org

PDS staff will provide an overview of tree canopy monitoring and regulations and present the findings of the 2021 Tree Canopy Monitoring Report.

For further information, please review the following:

- [Tree Canopy Presentation](#)
- [2021 Tree Canopy Monitoring Report](#)

G. ADJOURN



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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Mark James, District 1	Neil Pedersen, District 4
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Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Vacant, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk
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Everett Daily Herald

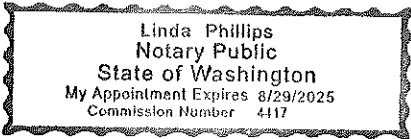
Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH950276 REG. MTG AGENDA as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/12/2022 and ending on 03/12/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$129.72. [Signature]

Subscribed and sworn before me on this 14th day of March, 2022.



[Signature]

Notary Public in and for the State of Washington.

Snohomish County
Planning Commission
Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, WA 98201

Clerk Email: Megan.Moore@snoco.org

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission
March 22, 2022

5:30 PM

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or call (253) 215-8782

Webinar ID: 920 6812 5282

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- A. CALL TO ORDER AND ROLL CALL
- B. PUBLIC COMMENT
- C. APPROVAL OF MINUTES
- D. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS
- E. UNFINISHED BUSINESS

1. Notice Requirements for Type 1 and Type 2 Permits: Hearing
Sarah Titcomb, PDS Principal Planner,
Sarah.Titcomb@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to Chapters 30.71 and 30.72 of the Snohomish County Code (SCC) related to appeal hearing notice requirements. The proposed amendments would work to streamline the noticing process for Type 1 permit open record appeal hearings by identifying one responsible party and one method. The proposed amendments would also allow the responsible party to email notice of Type 1 and Type 2 permit appeal hearings to parties of record.

2. Subdivisions and Short Subdivisions: Hearing

Sarah Titcomb, PDS Principal Planner,
Sarah.Titcomb@snoco.org

The Planning Commission will hold a public hearing on the proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions. The proposed code amendments will increase consistency between the subdivision and short subdivision chapters, as well as with other Title 30 chapters, the Snohomish County Comprehensive Plan, and a recent administrative rule. The proposal also includes housekeeping changes for internal code consistency.

F. NEW BUSINESS

1. Annual Tree Canopy Report: Briefing

Hilary McGowan, PDS Planner,
Hilary.McGowan@snoco.org

PDS staff will provide an overview of tree canopy monitoring and regulations and present the findings of the 2021 Tree Canopy Monitoring Report.

G. ADJOURN

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

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Snohomish County Planning Commissioners:

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Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Vacant, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):
Mike McCrary, Commission Secretary
Megan Moore, Commission Clerk

Published: March 12, 2022. EDH950276

Titcomb, Sarah

From: Moore, Megan
Sent: Tuesday, March 8, 2022 10:13 AM
To: Ash, Merle; Brown, Rosanna; Tom Campbell; Leah Everett; Sheldon Jr., Raymond; Larsen, Robert; Norcott, Thomas; Moore, Keri; James, Mark; Neil Pedersen
Cc: SCD-Long Range Planning; Julia Gold; Neunzig, Linda; Stovner, Sherry
Subject: 3/22 Planning Commission Agenda
Attachments: Response to Commissioners 20220307.docx; Planning_Commission_Agenda_20220322.pdf

Hello Commissioners,
I'm sending the 3/22 Planning Commission agenda. Your paper packets will go out in the mail later today. I'm also sending a response from Principal Planner, Sarah Titcomb, to questions that were raised at last month's Planning Commission.

Please feel free to contact me with any questions.

Have a nice day,

Megan Moore | *Administrative Assistant*
[Snohomish County Planning and Development Services](#)
megan.moore@snoco.org | (425) 262-2891
she/her

NOTICE: All emails and attachments sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56).

Hello Commissioners,

Thank you for taking part in the two briefings last week concerning proposed amendments to the Type 1 and Type 2 appeal hearing notification process (Chapters 30.71 and 30.72 SCC) and to the subdivision and short subdivision chapters of Snohomish County Code (Chapters 30.41A and 30.41B SCC). At the end of the two presentations there were two comments that I feel could benefit from additional information.

The first comment related to concern about the proposal to remove the requirement to mail notices of Type 1 open record appeal hearings to taxpayers of record within a certain radius of a subject property. When a Type 1 permit is first submitted, public notice of the application is required to be posted on site, published in the Herald, and mailed to taxpayers of record within a certain radius to the property as well as to other parties pursuant to [SCC 30.70.045](#). It is important to note that notice of Type 1 decisions are only required to be mailed to the applicant and parties of record per [SCC 30.71.040](#), except for Type 1 permits subject to SEPA. When a determination of nonsignificance (DNS) or other SEPA document is issued, public notice must be posted, published, and mailed per [SCC 30.61.110](#).

Only aggrieved parties of record can appeal a Type 1 decision ([SCC 30.71.050\(1\)](#)). Then at the open record appeal hearings only parties to the appeal can participate in the hearing, unless they call on a specific interested person to present relevant testimony. Further, once appeal issues are set, additional issues cannot be raised at the appeal hearing by parties to the appeal or other interested persons ([SCC 30.71.100](#)).

Due to the procedures within existing code described above, PDS staff believe that the removal of the requirement to mail notices of Type 1 appeal hearings to taxpayers of record for short subdivisions and projects subject to SEPA will not reduce opportunities for public engagement with land use development projects.

The second comment related to concern that removal of the provisions to limit density on sloping lands would remove protections for residents and the environment. Geologically hazardous areas are considered critical areas in the county and will be protected regardless of [SCC 30.41A.250](#) and [SCC 30.41B.210](#) through implementation of [Chapter 30.62B SCC](#). SCC 30.41A.250 and SCC 30.41B.210 also do not necessarily limit development within sloping lands, they only limit density on properties that contain sloping lands, "The department may require engineering or other technical justification for development in sloped areas where it determines that the public health, safety, welfare, or environment may be jeopardized by the proposed development" (SCC 30.41A.250(3)). Chapter 30.62B SCC provides staff and applicants more specificity around when engineering reports (ie geotechnical reports) or other technical justifications are required, as well as what must be included within the report and where and how development can occur to create safer environments. The stated purpose of Chapter 30.62B SCC is, "to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas" ([SCC 30.62B.010\(1\)](#)). It is also important to note that the provisions of SCC 30.41A.250 and SCC 30.41B.210 are not applicable to all development proposals, namely Planned Residential Developments (PRDs) are exempt per SCC 30.41A.250(2), and projects within many rural, urban, and resource zones, such as R-5, A-10, F, LDMR, MR, MHP, NB, etc., are also exempt because they are not listed within Table 30.41A.250(2).

As all projects are required to comply with Chapter 30.62B SCC, PDS staff believe that repealing 30.41A.250 and SCC 30.41B.210 will not remove GMA required protections for residents and the environment.

Please let me know if you have any further questions or comments.

Sarah Titcomb
Principal Planner, Long Range Planning
Sarah.Titcomb@snoco.org



Snohomish County
Planning Commission
Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: Megan.Moore@snoco.org

REGULAR SESSION
MARCH 22, 2022
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:31 p.m.

Of the ten (10) currently appointed commissioners, ten (10) were in attendance (a quorum being six (6) members and a majority being six (6) members):

Commissioners Present	Commissioners Absent
Merle Ash	
Rosanna Brown	
Tom Campbell	
Leah Everett	
Mark James	
Robert Larsen	
Keri Moore	
Tom Norcott	
Neil Pedersen	
Raymond Sheldon	

Mike McCrary, Planning and Development Services Director served as the Planning Commission Secretary for this meeting.

B. PUBLIC COMMENT

No public comment was given.

C. APPROVAL OF MINUTES

The minutes of [February 22, 2022](#) were unanimously approved.

D. STATUS OF FUTURE AGENDA ITEMS AND PAST RECOMMENDATIONS

Mike McCrary reviewed anticipated topics for upcoming Planning Commission meetings and the status of past recommendations.



- [Upcoming Planning Commission Meeting Topics](#)
- [County Council Actions on Planning Commission Recommendations](#)

E. UNFINISHED BUSINESS

1. Notice Requirements for Type 1 and Type 2 Permits: Hearing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Principal Planner, Sarah Titcomb, briefly discussed questions raised during the briefing for Type 1 and Type 2 permits at the February 22, 2022, meeting and reiterated the information sent to commissioners in answer to their questions regarding the public noticing requirements for permit appeals.

Commissioner Larsen opened the **Public Hearing at 5:47 p.m.** for the proposed code amendments to Chapters 30.71 and 30.72 of the Snohomish County Code (SCC) related to appeal hearing notice requirements.

No written comments were received by the Planning Commission from the public before the public hearing. No one spoke at the public hearing.

The Public Hearing was closed at 5:47 p.m.

After the hearing the commissioners discussed the public noticing process and clarified the notification radius of permit applications.

A Secondary Motion was made by Commissioner Campbell and seconded by Commissioner Norcott to retain the postal mail notification process for Type 1 and Type 2 permit appeals as is, in existing code.

VOTE (Amendment):

8 in favor (*Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Sheldon*)

2 opposed (*Ash, Pedersen*)

0 abstention

Amendment PASSED

A main motion was made by Commissioner Campbell and seconded by Commissioner Sheldon recommending approval of the proposed code amendments to Chapter 30.71 and 30.72 of the SCC related to appeal hearing notice requirements.

VOTE (Motion):

10 in favor (*Ash, Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Pedersen, Sheldon*)

0 opposed

0 abstention

Motion PASSED



For further information, please review the following:

- [Type 1 and Type 2 Response to Commissioners dated 3/7/2022](#)
- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)

2. Subdivisions and Short Subdivisions: Hearing

Sarah Titcomb, PDS Principal Planner, Sarah.Titcomb@snoco.org

Principal Planner, Sarah Titcomb, discussed the questions raised during the briefing for to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions at the February 22, 2022, meeting. She reiterated the information sent to commissioners in answer to their questions regarding geologically hazardous areas.

Commissioner Larsen opened the **Public Hearing at 6:17 p.m.** for the proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions.

No written comments were received by the Planning Commission from the public before the public hearing. No one spoke at the public hearing.

The **Public Hearing was closed at 6:17 p.m.**

After the hearing the commissioners had questions about Growth Management Act (GMA) and SCC protections of critical areas.

A **Motion** was made by Commissioner Norcott and seconded by Commissioner Everett recommending **APPROVAL** to the proposed code amendments to Chapters 30.41A and 30.41B of the Snohomish County Code (SCC) relating to subdivisions and short subdivisions.

VOTE (Motion):

10 in favor (*Ash, Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Pedersen, Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Subdivisions and Short Subdivisions Response to Commissioners dated 3/7/2022](#)
- [Staff Presentation dated 2/22/2022](#)
- [Briefing Staff Report dated 2/22/2022](#)

F. NEW BUSINESS

1. Annual Tree Canopy Report: Briefing

Hilary McGowan, PDS Planner, Hilary.McGowan@snoco.org

PDS Planner, Hilary McGowan presented the Annual Tree Canopy Report.



Snohomish County
Planning Commission
Planning and Development Services

Planner, Hilary McGowan presented the Annual Tree Canopy Report. The presentation included developmental regulations and their goals, 2021 report findings, canopy data analysis and tree type diversity. It also gave recommendations for future analysis including GIS data analysis, and updating the native trees species list.

After the briefing there were several topics discussed by commissioners including carbon footprint, carbon retention and sequestration, ariel surveys for canopy analysis, and the expanding work needed in this field.

For further information, please review the following:

- [Tree Canopy Presentation](#)
- [2021 Tree Canopy Monitoring Report](#)

G. ADJOURN

The meeting was adjourned at 6:47 pm.



Snohomish County
Planning Commission
Planning and Development Services

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Megan Moore, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Megan.Moore@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Tom Campbell, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Tom Norcott, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Vacant, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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EXHIBIT 2.0011

Planning Commission Meeting 03/22/22

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2022\22-0450 Appeal Hearing Requirements\Part 2 Documents\2.0011 – PC 20220302 Recording)



SNOHOMISH COUNTY PLANNING COMMISSION

March 28, 2022

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to
Appeal Hearing Notice Requirements for Type 1 and Type 2 Permits

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations regarding the appeal hearing notice requirements for Type 1 and Type 2 permits. The Planning Commission had a briefing on this topic on February 22, 2022, and conducted a public hearing on March 22, 2022.

The proposed code amendments would work to streamline the noticing process for Type 1 permit open record appeal hearings by identifying one responsible party and one method. The proposed amendments would also allow the responsible party to email notice of Type 1 and Type 2 permit appeal hearings to parties of record.

There were no written comments received by the Planning Commission from the public prior to the March 22nd hearing, and no members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the March 22, 2022, Planning Commission meeting, Commissioner Campbell made a motion, seconded by Commissioner Sheldon, recommending APPROVAL of the proposed appeal hearing notice requirement amendments contained in the staff report dated February 22, 2022.

Commissioner Campbell then made an amendment to the motion that would require notice of certain Type 1 permit appeal hearings to be mailed by USPS to taxpayers of record located within a certain radius around the subject property, as is currently required within SCC 30.71.080(3) and (4). The motion was seconded by Commissioner Norcott.

Vote (Amendment):

7 in favor (*Brown, Campbell, Everett, James, Larsen, Moore, Norcott*)

2 opposed (*Ash, Pedersen*)

0 abstentions

Amendment passed

Vote (Motion):

9 in favor (*Ash, Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Pedersen*)

0 opposed

0 abstentions

Motion passed

These recommendations were made following the close of the public hearing and after due consideration of information presented and are based on the findings and conclusions presented in the February 22, 2022, staff report, with which the Commission concurred.

During the deliberations, the topic of public participation in the appeal process was discussed at length. The commissioners feel strongly that the County should not reduce any opportunities for public participation even though notice will not allow members of the public to participate in the appeal hearing.

Respectfully submitted,

Robert Larsen

[Robert Larsen \(Mar 30, 2022 08:17 PDT\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services