

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 24-087

7
8 RELATING TO LOCAL PROJECT REVIEW; CONCERNING DEVELOPMENT
9 APPLICATION REVIEW PROCEDURES; AMENDING EXISTING SECTIONS AND
10 ADDING A NEW SECTION TO CHAPTER 30.70 OF THE SNOHOMISH COUNTY
11 CODE

12
13 WHEREAS, local jurisdictions fully planning under the Growth Management Act
14 (GMA), Chapter 30.70A RCW, are required to comply with the permit procedures
15 provided in the Local Project Review Act, Chapter 36.70B RCW; and

16
17 WHEREAS, the intent of the Local Project Review Act is to provide an integrated
18 and consolidated project permit review process; and

19
20 WHEREAS, the Washington State Legislature amended the Local Project
21 Review Act by adopting Second Substitute Senate Bill (2SSB) 5290 in 2023; and

22
23 WHEREAS, 2SSB 5290 adopts a variety of new project, review, and permitting
24 requirements, including new default permit processing time frames that take effect on
25 January 1, 2025, and apply to all local jurisdictions unless modified by a jurisdiction
26 under the procedures and limitations in the Local Project Review Act; and

27
28 WHEREAS, local jurisdictions that are required to plan under the GMA must also
29 ensure that permit applications are processed in a timely and fair manner to ensure
30 predictability; and

31
32 WHEREAS, the Economic Development Element of the Snohomish County GMA
33 Comprehensive Plan (GMACP) includes a policy requiring the county to periodically
34 review the permitting process to eliminate unnecessary administrative procedures that
35 do not respond to legal requirements for public review and resident input; and

36
37 WHEREAS, Snohomish County incorporates the permit processing requirements
38 from the state and the GMACP within chapter 30.70 of the Snohomish County Code
39 (SCC); and

40

1 WHEREAS, chapter 30.70 SCC has changed over time to remain consistent with
2 state law and local expectations for an efficient and consistent permit review, and the
3 amendments within this ordinance intend to continue this pattern; and
4

5 WHEREAS, the code amendments contained in this ordinance amend chapter
6 30.70 SCC to update permit processing timelines, increase consistency between
7 County Code and state requirements, streamline reviews, and make other
8 housekeeping corrections; and
9

10 WHEREAS, on June 25, 2024, the Snohomish County Planning Commission (the
11 “Planning Commission”) was briefed by Snohomish County Planning and Development
12 Services (PDS) staff about the code amendments contained in this ordinance; and
13

14 WHEREAS, the Planning Commission held a public hearing on July 23, 2024, to
15 receive public testimony concerning the proposed code amendments contained in this
16 ordinance; and
17

18 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the
19 Planning Commission deliberated on the proposed ordinance and voted to recommend
20 approval of code amendments relating to the development application review process
21 as shown in its July 30, 2024, recommendation letter; and
22

23 WHEREAS, on _____, 2024, the Snohomish County Council
24 (“County Council”) held a public hearing after proper notice, and considered public
25 comment and the entire record related to the code amendments contained in this
26 ordinance; and
27

28 WHEREAS, following the public hearing, the County Council deliberated on the
29 code amendments contained in this ordinance;
30

31 NOW, THEREFORE, BE IT ORDAINED:
32

33 Section 1. The County Council makes the following findings:
34

- 35 A. The foregoing recitals are adopted as findings as if set forth in full herein.
36
37 B. This ordinance amends chapter 30.70 SCC to revise permit procedures and
38 timelines in compliance with new default permit processing time frames mandated in
39 the Local Project Review Act as amended by the 2SSB 5290. The code
40 amendments also allow County Code to comply with Chapter 36.70B RCW more
41 fully and provide consistent permitting timelines for more efficient permit review by:

- 1
- 2 1. Clarifying the calendar days allowed for the department to determine application
- 3 completeness.
- 4
- 5 2. Increasing the number of calendar days allowed for the department to provide
- 6 public notice of a procedurally complete application.
- 7
- 8 3. Updating review time frames for different permit types.
- 9
- 10 4. Ensuring all project permit decisions are noticed properly.
- 11
- 12 5. Making housekeeping amendments for consistency.
- 13

14 C. In developing the code amendments, the County considered the goals and
15 standards of the GMA codified in RCW 36.70A.020. The proposed amendments are
16 consistent with:

17
18 GMA Goal 7 – Permits. Applications for both state and local government permits
19 should be processed in a timely and fair manner to ensure predictability.

20
21 Amendments to chapter 30.70 SCC update required permit review time frames
22 and increase clarity of the code requirements by providing more detail and
23 specifics to guide both County staff and applicants through the application process.

24
25 D. The proposed amendments will better achieve, comply with, and implement the
26 goals and policies of the Puget Sound Regional Council’s Vision 2050 Multicounty
27 Planning Policies (MPPs), including the following policies:

- 28
- 29 1. MPP-DP-47: “Streamline development standards and regulations for residential
- 30 and commercial development and public projects, especially in centers and high-
- 31 capacity transit station areas, to provide flexibility and to accommodate a broader
- 32 range of project types consistent with the regional vision.”
- 33

34 The proposed amendments help establish consistent permitting time frames and
35 streamline development standards across the state as jurisdictions adopt
36 regulations to implement 2SSB 5290.

- 37
- 38 2. MPP-H-10: “Encourage jurisdictions to review and streamline development
- 39 standards and regulations to advance their public benefit, provide flexibility, and
- 40 minimize additional costs to housing.”
- 41

1 The proposed amendments implement 2SSB 5290 and provide for consistent
2 permitting time frames and streamline development standards across the state,
3 which will create more efficient permit reviews and could increase development
4 opportunities and reduce permitting costs associated with development of new
5 housing stock.
6

7 E. The proposed amendments will better achieve, comply with, and implement the
8 goals and policies contained within the Countywide Planning Policies (CPPs),
9 including the following policies:
10

- 11 1. CPP HO-11: “The county and cities should consider the economic implications of
12 proposed building and land use regulations so that the broader public benefit
13 they serve is achieved with the least additional cost to housing.”
14

15 The proposed amendments establish permitting time frames and streamline
16 development standards across the state as local jurisdictions implement 2SSB
17 5290, which should reduce permitting costs associated with development of new
18 housing stock.
19

- 20 2. CPP-ED-16: “The expeditious processing of development applications shall not
21 result in the reduction of environmental and land use standards.”
22

23 The proposed amendments provide for more consistent and expedient
24 processing of development application without amending any substantive
25 environmental regulations or land use requirements.
26

27 F. The proposed amendments will better achieve, comply with, and implement the
28 goals, objectives, and policies of the Snohomish County GMA Comprehensive Plan
29 (GMACP) – General Policy Plan (GPP), including the following:
30

- 31 1. Objective HO 3.A: “Encourage land use practices, development standards, and
32 building permit requirements that reduce housing production costs.”
33

34 The proposed amendments establish permitting time frames and streamline
35 development standards across the state as local jurisdictions implement 2SSB
36 5290, which should reduce permitting costs associated with development of new
37 housing stock.
38
39

- 1 2. Objective HO 3.A.2: “Development standards and building permit requirements
2 shall be reviewed every five years to ensure clarity and consistency while
3 providing for a timely, fair, and predictable application processing outcome.”
4

5 The proposed amendments implement 2SSB 5290, which provide for consistent
6 permitting time frames and streamline development standards across the state,
7 and promote timely, fair, and predictable application processing outcomes.
8

- 9 3. ED Policy 2.A.3: “To ensure timeliness, responsiveness, and increased
10 efficiency, the county shall develop and maintain a program of periodic review of
11 the permitting process to eliminate unnecessary administrative procedures that
12 do not respond to legal requirements for public review and citizen input.”
13

14 The proposed amendments implement 2SSB 5290 and update the county
15 permitting process to reflect new legal requirements and reduce unnecessary
16 administrative procedures and timelines.
17

18 G. Procedural requirements.
19

- 20 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action
21 under SCC 30.73.010.
22
- 23 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed
24 code amendments was transmitted to the Washington State Department of
25 Commerce for distribution to state agencies on July 9, 2024.
26
- 27 3. State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requirements
28 with respect to this non-project action have been satisfied through the completion
29 of an environmental checklist and the issuance of a determination of non-
30 significance on July 9, 2024.
31
- 32 4. The public participation process used in the adoption of this ordinance complies
33 with all applicable requirements of the GMA and the SCC.
34
- 35 5. The Washington State Attorney General last issued an advisory memorandum,
36 as required by RCW 36.70A.370, in September of 2018 entitled *Advisory
37 Memorandum and Recommended Process for Evaluating Proposed Regulatory
38 and Administrative Actions to Avoid the Unconstitutional Takings of Private
39 Property* to help local governments avoid the unconstitutional taking of private
40 property. The process outlined in the State Attorney General’s 2018 advisory

1 memorandum was used by the County in objectively evaluating the regulatory
2 changes proposed by this ordinance.

3
4 H. This ordinance is consistent with the record:

- 5
6 1. SCC 30.70.015(1) is amended to be consistent with the new notice of decision
7 requirements described within SCC 30.70.125 and to better align the exemptions
8 allowed within Chapter 36.70B RCW. SCC 30.70.030 and SCC 30.70.130 are also
9 added as exceptions to the exemption from chapter 30.70 SCC requirements, to
10 ensure that all permit applications meet submittal requirements, and that the
11 county has the authority to condition or deny applications. These two sections were
12 inadvertently left out when this provision was originally written.
13
14 2. Two new exemptions are added as (2) and (3) within SCC 30.70.015. The new (2)
15 clarifies that site plan review is not necessary for most interior alteration building
16 permits, and the new (3) specifically calls out sign permits, code interpretations,
17 and preapplication concurrency applications as exempt from the review timeline
18 requirements of SCC 30.70.110.
19
20 3. SCC 30.70.030(1) includes a housekeeping amendment to insert the word
21 “procedurally” to clarify that an application can be considered “procedurally
22 complete” prior to a full review of the materials by county staff. An application is
23 procedurally complete when an applicant submits all required documentation
24 according to a submittal checklist. Procedurally completeness does not mean that
25 the application complies with all necessary regulations and can be approved
26 without revisions or additional information.
27
28 4. SCC 30.70.040(1) and (2) are amended to clarify that the 28 days allowed for staff
29 to determine whether an application is complete are calendar days and that if a
30 decision is not made by staff, the application is considered procedurally complete
31 on the 29th day after submittal. This is consistent with RCW 36.70B.070.
32 Throughout SCC 30.70.040 the word “procedurally” is also added to clarify that the
33 section is discussing procedural completeness, not that the application is
34 considered compliant with all required development regulations and approvable
35 within the 28 calendar days.
36
37 5. SCC 30.70.045 is amended to recognize tribes as a recipient of notice of
38 applications as appropriate. A request to add this amendment was made during
39 the Planning Commission briefing on June 25, 2024.
40

- 1 6. SCC 30.70.050(1) is amended to replace the existing 10 days to notice a
2 procedurally complete application with 14 days as permitted within RCW
3 36.70B.070(4). The word “procedurally” is also added to again clarify that an
4 application is procedurally complete when notice is provided, not necessarily in
5 compliance with all required regulations and approvable.
6
- 7 7. Table 30.70.050(5) is amended to remove the requirement to post, publish, and
8 mail notices for free standing sign permits within the RFS zone. There is not a state
9 requirement for requiring this notice and it is inconsistent with how sign permits in
10 other zones are treated in the County Code. Removal of this notice requirement
11 will increase the efficiency of review time frames for RFS sign permits.
12
- 13 8. SCC 30.70.090(1) is amended to ensure the section is consistent with the new
14 permit review timelines within SCC 30.70.110. Additionally, an applicant cannot
15 waive a review timeline per chapter 36.70B RCW, although an applicant and the
16 department can mutually agree upon a timeline if necessary when hearings are
17 combined.
18
- 19 9. SCC 30.70.110 is amended to add the permit review time frames for project
20 permits listed within RCW 36.70B.080(1). Additional amendments clarify what
21 days are included in the permit review, as well as the repeal of a notification
22 requirement and a BLA specific time frame that is not required by Chapter 36.70B
23 RCW.
24
- 25 10. SCC 30.70.120(2) is amended to ensure the section is consistent with the new
26 timelines within SCC 30.70.110. The added language allows consolidated permit
27 review time periods to be the longest of those identified in SCC 30.70.100, and is
28 consistent with RCW 36.70B.080(1)(e).
29
- 30 11. Addition of a new section of code, SCC 30.70.125, to clarify where noticing
31 requirements can be found for Type 1 and Type 2 decisions, and codifying county
32 practice related to noticing for other land use decisions.
33
- 34 12. The fee refund requirement is not applicable to Snohomish County under RCW
35 36.70B.080(1)(l)(ii) because the County adopts and implements three of the
36 options listed under RCW 36.70B.160(1)(a) – (j) to provide prompt, coordinated
37 review, and ensure accountability to applicants and the public. See Section 13.
38
- 39 13. The effective date of this ordinance is January 1, 2025. See Section 14.
40

1 I. The proposed code amendments are consistent with the record as set forth in the PDS
2 Staff Report dated June 11, 2024.

3
4 Section 2. The County Council makes the following conclusions:

5
6 A. The proposed amendments are consistent with the goals, policies, and objectives of
7 the MPPs, CPPs, and GPPs.

8
9 B. The proposed amendments are consistent with applicable federal, state, and local
10 laws and regulations.

11
12 C. The County has complied with all SEPA requirements with respect to this non-
13 project action.

14
15 D. The amendments in this ordinance do not result in an unconstitutional taking of
16 private property for a public purpose.

17
18 Section 3. The County Council bases its findings and conclusions on the entire
19 record of the County Council, including all testimony and exhibits. Any finding, which
20 should be deemed a conclusion, and any conclusion which should be deemed a finding,
21 is hereby adopted as such.

22
23 Section 4. Snohomish County Code Section 30.70.015, last amended by
24 Amended Ordinance No. 22-037 on September 28, 2022, is amended to read:

25
26 **30.70.015 Exemptions.**

27 (1) The following permit types are exempt from the requirements of this chapter, except
28 for the submittal requirements of SCC 30.70.030, the consistency determination
29 required by SCC 30.70.100 (~~and~~), the notice of final decision provisions of SCC
30 30.70.125, the authority to condition or deny in SCC 30.70.130, and the expiration and
31 vesting provisions of SCC 30.70.140, 30.70.300, and 30.70.310 shall apply:

32
33 ~~((1))~~ (a) Building permits exempt from the State Environmental Policy Act (SEPA) as
34 minor new construction under SCC 30.61.035(1);

35
36 ~~((2))~~ (b) Land disturbing activity permits exempt from SEPA;

37
38 ~~((3))~~ (c) All other construction permits under subtitle 30.5 SCC that are exempt from
39 SEPA; and

1 ((4)) (d) Project permits for which a SEPA review and threshold determination were
2 completed in connection with other project permits for the same proposal, to the extent
3 the proposal has not substantively changed in a manner requiring further review under
4 chapter 30.61 SCC.

5
6 (2) Building permits for interior alterations are exempt from site plan review provided the
7 interior alterations do not result in additional sleeping quarters or bedrooms;
8 nonconformity with federal emergency management agency substantial improvement
9 thresholds; or increase the total square footage or valuation of the structure that would
10 require upgraded fire access or fire suppression systems. For purposes of this section,
11 interior alterations include construction activities that do not modify the existing site
12 layout or current use, and involve no exterior work addition to the building footprint.

13
14 (3) The following are exempt from the processing timelines within SCC 30.70.110: sign
15 permits, code interpretations, and preapplication concurrency applications.

16
17 Section 5. Snohomish County Code Section 30.70.030, last amended by Amended
18 Ordinance No. 02-064 on December 9, 2002, is amended to read:

19
20 **30.70.030 Submittal requirements.**

21 (1) The department shall establish and may revise written submittal requirements for
22 each type of application or approval required by this title. The requirements shall be
23 made available to the public in a checklist or other form that clearly describes the
24 material that must be submitted for an application to be considered procedurally
25 complete. Establishment of submittal requirements shall not be subject to the
26 rulemaking process of chapter 30.82 SCC, but the department shall provide public
27 notice of such changes 30 days prior to their effective date.

28
29 (2) Submittal requirements shall not be waived, except that the department may
30 determine in writing that a particular requirement is not applicable upon a clear showing
31 by the applicant that the requirement is not relevant to the proposed action and is not
32 necessary to demonstrate compliance with applicable requirements.

33
34 (3) Additional materials may be required by the department as it determines necessary
35 for review of the application.

36
37 Section 6. Snohomish County Code Section 30.70.040, last amended by Amended
38 Ordinance No. 02-064 on December 9, 2002, is amended to read:

39
40 **30.70.040 Completeness determination.**

1 (1) The department shall determine whether a project permit application is procedurally
2 complete or incomplete within 28 calendar days after receiving an application. The
3 determination shall be in writing and mailed, faxed, e-mailed, or delivered to the
4 applicant or the applicant's representative within the required time period, except as set
5 forth in SCC 30.70.040(2). When an application is determined incomplete, the
6 determination shall state what is necessary to make the application complete.

7
8 (2) An application is procedurally complete for the purposes of this section on the 29th
9 calendar day after submittal if the department (~~((does))~~ has not (~~((provide))~~) provided a
10 written determination to the applicant within (~~((the required time period))~~) 28 calendar
11 days of receiving the application.

12
13 (3) A written determination of procedural completeness shall, to the extent known by
14 the department, identify other local, state, or federal agencies with jurisdiction. The
15 department may include other information in the determination.

16
17 (4) A project permit application is procedurally complete for the purposes of this
18 section when it meets the submittal requirements established by the department
19 pursuant to SCC 30.70.030, including any requirements for environmental review
20 pursuant to chapter 30.61 SCC. The county may require additional information or
21 studies after a determination of completeness.

22
23 (5) If the department determines an application is procedurally incomplete and the
24 applicant submits additional documents identified by the department as necessary for a
25 procedurally complete application, the department shall notify the applicant within 14
26 days of the submittal that the application is procedurally complete or what additional
27 information is necessary to make the application procedurally complete.

28
29
30 Section 7. Snohomish County Code Section 30.70.045, last amended by Amended
31 Ordinance No. 06-093 on November 8, 2006, is amended to read:

32
33 **30.70.045 Notice - general.**

34 The notice requirements of this chapter ensure the county meets or exceeds the notice
35 requirements pursuant to state law. When posted, mailed or published notice is required
36 pursuant to this title, such notice shall be given as follows, unless otherwise specifically
37 provided:

38
39 (1) When posting is required, the applicant shall post two or more signs which meet
40 county standards in a conspicuous location on the property's frontage abutting public
41 rights-of-way. If the property does not abut a public right-of-way, the signs shall be

1 placed on the property at the point of access and on the public right-of-way at the
2 easement or private road that accesses the property. Posting shall conform to the
3 following requirements:

- 4
- 5 (a) As evidence of posting the applicant shall submit a verified statement
6 containing the date and location of posting;
- 7
- 8 (b) If verification of posting is not returned to the department within 14 days of
9 application, the department shall suspend processing of the application until such
10 verification is received;
- 11
- 12 (c) Signs shall remain posted throughout the permit review process until all appeal
13 periods have expired, and may be updated and used for other posted notices
14 required by county code for the proposed project;
- 15
- 16 (d) Signs and instructions for posting shall be provided to the applicant by the
17 department; and
- 18
- 19 (e) Signs shall be removed by the applicant no later than 14 days after all appeal
20 periods have expired.

21

22 (2) When publication is required, the department shall publish one notice in the official
23 county newspaper.

24

25 (3) When mailing is required, notice may be provided either on a letter/legal size
26 publication or post card.

27

28 (4) When mailing is required, the department shall mail notice to the following persons
29 or entities:

- 30
- 31 (a) Each taxpayer of record and each known site address within:
 - 32
 - 33 (i) 500 feet of any portion of the boundary of the subject property and
34 contiguous property owned by the applicant;
 - 35
 - 36 (ii) 1,000 feet, if the subject property is categorized as rural, natural resource,
37 residential 20,000 (R-20,000), or rural use; or
 - 38
 - 39 (iii) 1,500 feet for subdivision applications where each lot is 20 acres or larger,
40 or 1/32nd of a section or larger;
 - 41

1 (b) Any city or town whose municipal boundaries are within one mile of a proposed
2 subdivision or short subdivision;

3
4 (c) The Washington State Department of Transportation for every proposed
5 subdivision or short subdivision located adjacent to the right-of-way of a state
6 highway or within two miles of the boundary of a state or municipal airport; and
7

8 (d) Any other tribe or local, state, or federal agency or any person or organization
9 as determined appropriate by the department.

10
11 (5) The county may provide additional public notice by notifying the news media and
12 community organizations, by placing notices in neighborhood/community newspapers,
13 appropriate regional, neighborhood, ethnic, or trade journals, or by publishing notice in
14 agency newsletters or on the department or county web page.

15
16 (6) The department will recover the costs of notice required by this title from the
17 applicant.

18
19 Section 8. Snohomish County Code Section 30.70.050, last amended by Amended
20 Ordinance No. 22-037 on September 28, 2022, is amended to read:

21
22 **30.70.050 Notice of application – timing and method.**

23 (1) The department shall provide notice of application within ~~((40))~~ 14 days after a
24 determination that the application is procedurally complete as specified in SCC Table
25 30.70.050(5). Required notice shall be given in accordance with SCC 30.70.045.
26

27 (2) A notice of application posted or published in the official county newspaper or
28 provided by mail on a letter/legal size publication shall include the following information:
29

30 (a) Date of application, date of completeness determination, and date of notice of
31 application;

32
33 (b) Project description, list of permits requested, assigned county file number, and
34 county contact person;

35
36 (c) Any information or studies requested by the department;

37
38 (d) Any other required permits not included in the application, to the extent known
39 by the department;

- 1 (e) Any existing environmental documents that evaluate the proposed project,
2 including where they can be inspected;
3
- 4 (f) The date, time, place, and type of public hearing, if applicable and if scheduled
5 at the time of the notice;
6
- 7 (g) When notice is for a rezone action or development in a performance standard
8 zone, a statement indicating where the full text and/or map of the rezone action may
9 be inspected;
10
- 11 (h) A statement of when the comment period ends and the right of any person to
12 comment on the application, receive notice of and participate in any hearings,
13 request a copy of the decision once made, and any appeal procedures;
14
- 15 (i) If determined at the time of notice, those development regulations that will be
16 used for project mitigation or to review consistency; and
17
- 18 (j) Any other information determined appropriate by the department.

19
20 (3) Mailed notice of application may be provided on a post card.
21

22 (4) A post card notice shall contain the following information:
23

- 24 (a) project description;
25
- 26 (b) project file number;
27
- 28 (c) project location;
29
- 30 (d) type of project;
31
- 32 (e) applicable comment dates and notice of where to submit comments;
33
- 34 (f) date the notice of application was published in the official county newspaper;
35
- 36 (g) website address providing access to project information; and
37
- 38 (h) a department contact.
39

40 **Table 30.70.050(5) Notice of Application Requirements**

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Building and land disturbing activity permits unless exempt from SEPA as minor new construction under SCC 30.61.035(1)	X	X	X
Code interpretation not related to a specific project		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 through 30.41A.730]		
Flood Hazard Permit - except as provided in SCC 30.43C.020			X
Flood Hazard Variance	X	X	X
((Free-standing sign in the RFS zone	X	X	X)
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit rescission	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X

Application Type	Post	Publish	Mail
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, GC, T, RB, CRC, RFS, and RI)	X	X	X
Rezone - site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Preapplication Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)	X	X	X

1
2 Section 9. Snohomish County Code Section 30.70.090, last amended by Amended
3 Ordinance No. 02-064 on December 2, 2002, is amended to read:

4
5 **30.70.090 Combined county and agency hearing.**

6 (1) When requested by an applicant, the county (~~shall~~) may allow a predecision
7 hearing to be combined with a hearing that may be required by another local, state,
8 regional, federal, or other agency for the same project. The (~~120-day~~) timeline
9 requirements of SCC 30.70.110 shall be (~~waived~~) mutually agreed upon by the
10 applicant and department if necessary to combine the hearings. The combined hearing
11 shall be conducted within the geographic boundary of the county.

12
13 (2) The hearing examiner shall have the discretion to determine the hearing procedure
14 when county and agency hearings are combined and there are conflicting hearing
15 procedures. In all cases, appeals and hearings shall be combined in a manner which

1 retains applicable county procedure and allows for hearing and/or appeal before the
2 hearing examiner.

3
4 Section 10. Snohomish County Code Section 30.70.110, last amended by
5 Amended Ordinance No. 18-011 on March 21, 2018, is amended to read:

6
7 **30.70.110 Processing timelines.**

8 (1) Notice of final decision on a project permit application shall issue within ~~((120 days~~
9 ~~from when))~~ the following timelines after the permit application is determined to be
10 procedurally complete, unless otherwise provided by this section or state law((-)) :

11
12 (a) 65 calendar days for project permits that do not require notice of application
13 under Table 30.70.050(5);

14
15 (b) 100 calendar days for Type 1 project permits within Table 30.70.025 that require
16 notice of application under Table 30.70.050(5); and

17
18 (c) 170 calendar days for Type 2 project permits within Table 30.70.025.

19
20 (2) The number of calendar days an application is in review is calculated from the day
21 procedural completeness is determined per SCC 30.70.040, to the date a final decision
22 is issued on the project permit application.

23
24 ~~((2))~~ (a) In determining the number of calendar days that have elapsed after an
25 application is determined procedurally complete, the following periods shall be
26 excluded:

27
28 ~~((a))~~ (i) Any period during which the county asks the applicant to correct plans,
29 perform required studies, or provide additional required information. The period shall
30 be calculated from the date the county ~~((mails notification to the applicant))~~ notifies
31 the applicant in writing of the need for additional information until the date the
32 county determines whether the additional information ~~((satisfies))~~ is responsive to
33 the request for information ~~((, or 14 days after the applicant supplies the information~~
34 ~~to the county, whichever is earlier))~~. If the information submitted by the applicant
35 under this subsection is insufficient, the county shall ~~((mail notice to))~~ notify the
36 applicant of the deficiencies and the provisions of this subsection shall apply as if a
37 new request for information had been made;

38
39 ~~((b))~~ (ii) Any period during which an environmental impact statement is being
40 prepared;

1 ~~((e))~~ (iii) A period ~~((, not to exceed 30 calendar days,))~~ during which a code
2 interpretation is processing in conjunction with an underlying permit application
3 pursuant to chapter 30.83 SCC;

4
5 ~~((d))~~ (iv) The period specified for administrative appeals of project permits;

6
7 ~~((e))~~ (v) Any period during which processing of an application is suspended
8 pursuant to SCC 30.70.045(1)(b);

9
10 (vi) Any period after an applicant informs the county, in writing, that they would like
11 to temporarily suspend review of the project permit application until the time that the
12 applicant notifies the county, in writing, that they would like to resume the
13 application;

14
15 ~~((f))~~ (vii) Any period during which an agreement is negotiated or design review is
16 conducted for an urban center pursuant to SCC 30.34A.180(1) or 30.34A.180(2);
17 and

18
19 ~~((g))~~ (viii) Any period of time mutually agreed upon by the applicant and the
20 county.

21
22 (b) The time periods provided below shall be added to the review time periods
23 provided in SCC 30.70.110(1):

24
25 (i) If the applicant informs the county, in writing, that the applicant would like to
26 temporarily suspend the review of the project for more than 60 days, an
27 additional 30 days will be added to the review time period; and

28
29 (ii) If the applicant is not responsive for more than 60 consecutive days after the
30 county notifies the applicant, in writing, that additional information is required to
31 further process the application, an additional 30 days will be added to the review
32 time period. Any request for information sent to an applicant shall inform the
33 applicant that nonresponsiveness for 60 consecutive days will result in 30 days
34 added to the time for review. Nonresponsiveness means that an applicant is not
35 making demonstrable progress on providing additional requested information to
36 the county, or that there is no ongoing communication from the applicant to the
37 county on the applicant's ability or willingness to provide the additional
38 information.

39
40 (3) The time periods established by this section shall not apply to a project permit
41 application:

1
2 (a) That requires an amendment to the comprehensive plan or a development
3 regulation in order to obtain approval;

4
5 ~~((b) That is substantially revised by the applicant, in which case a new 120-day~~
6 ~~time period shall start from the date at which the revised project application is~~
7 ~~determined to be complete;))~~

8
9 ~~((e))~~ (b) That requires approval of a development agreement by the county
10 council;

11
12 ~~((d))~~ (c) When the applicant consents to an extension; ~~((e))~~ and

13
14 ~~((e))~~ (d) During any period necessary for reconsideration of a hearing examiner's
15 decision.

16
17 ~~((4) Subject to all other requirements of this section, notice of final decision on an~~
18 ~~application for a boundary line adjustment shall be issued within 45 days after the~~
19 ~~application is determined complete.))~~

20
21 (4) The time period for the county to process a permit shall start over if an applicant
22 proposes a change in use that adds or removes commercial or residential elements
23 from the original application that would result in the application failing to meet the
24 determination of procedural completeness for the new use under SCC 30.70.040.

25
26 ~~((5) The county shall notify the applicant in writing if a notice of final decision on the~~
27 ~~project has not been made within the time limits specified in this section. The notice~~
28 ~~shall include a statement of reasons why the time limits have not been met and an~~
29 ~~estimated date of issuance of a notice of final decision.))~~

30
31 ~~((6))~~ (5) Failure of the county to make a final decision within the timelines specified by
32 this chapter shall not create liability for damages.

33
34 ~~((7))~~ (6) Timelines for processing shoreline substantial development, shoreline
35 conditional use and shoreline variance permits shall be in accordance with the
36 provisions of this chapter unless otherwise specified in chapter 30.44 SCC.

37
38 ~~((8))~~ (7) Timelines for processing personal wireless service facility permits shall be in
39 accordance with the provisions of SCC 30.28A.030.

1 Section 11. Snohomish County Code Section 30.70.120, last amended by
2 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.70.120 Consolidated permit review.**

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

8
9 (2) If the applicant requests consolidated permit processing for applications that do not
10 meet the requirements of SCC 30.70.120(1), applications may be consolidated when
11 the department finds that consolidation would result in more efficient review and
12 processing. If one or more of the permit applications is subject to the ~~((120-day))~~ review
13 time ~~((period))~~ periods established in SCC 30.70.110, all consolidated permit
14 applications shall be reviewed within the ~~((120-day period))~~ longest of the permit time
15 periods identified in SCC 30.70.110, except as provided in SCC 30.70.120(3).

16
17 (3) When a project permit application subject to a timeline requirement established in
18 SCC 30.70.110 is consolidated with a project permit application that is exempt from the
19 timeline requirement under SCC 30.70.110(3), the timeline requirement shall not apply.

20
21 (4) A project permit application being reviewed under the consolidated process is
22 subject to all requirements of permit application submittal, notice, processing, and
23 approval that would otherwise apply if the permit were being processed as a separate
24 application.

25
26 (5) A final decision on certain consolidated permit applications may be preliminary and
27 contingent upon approval of other permits or actions considered in the consolidated
28 permit process.

29
30 Section 12. A new Snohomish County Code Section 30.70.125 is added to read:

31
32 **30.70.125 Notice of final decision.**

33 (1) Notice of a final decision for Type 1 permits shall be processed pursuant to SCC
34 30.71.040.

35 (2) Notice of a final decision for Type 2 permits shall be processed pursuant to SCC
36 30.72.062.

1 (3) Notice of a final decision for permit types identified in SCC 30.70.015 shall be
2 provided to the applicant and parties of record by email unless an applicant or party of
3 record did not provide an email address or requested notice via U.S. mail, in which case
4 notice shall be by U.S. mail. The notice may be the decision or permit itself.

5
6 Section 13. RCW 36.70B.080(1)(l)(i), as amended by 2SSB 5290, provides
7 when permit review time periods are not met, local jurisdictions must refund a portion of
8 the permit fees to the applicant unless the jurisdiction has implemented at least three
9 options listed under RCW 36.70B.160(1)(a) – (j). Snohomish County adopts and
10 implements three of the options listed under RCW 36.70B.160(1)(a) – (j) to provide
11 prompt, coordinated review, and ensure accountability to applicants and the public.
12 Therefore, the fee refund requirement is not applicable to Snohomish County under
13 RCW 36.70B.080(1)(l)(ii).

14
15 Under RCW 36.70B.160(1)(b), Snohomish County adopts and implements the
16 imposition of reasonable fees. The County adopts and implements reasonable fees
17 under chapter 30.86 SCC, which are consistent with RCW 82.02.020 and the
18 application fees cover only the cost of processing applications, inspecting and reviewing
19 plans, or preparing detailed statements required by chapter 43.21C RCW. Consistent
20 with RCW 36.70B.160(1)(b), the County’s application fees do not include a fee for the
21 cost to process an administrative appeal. Pursuant to SCC 30.86.600, the County has a
22 separate permit decision appeal fee, which only applies to a party appealing a permit
23 decision at the time of an appeal. Appeal fees are also refunded to an appellant if an
24 appeal is dismissed in whole without a hearing.

25
26 Under RCW 36.70B.160(1)(d) Snohomish County maintains and budgets for a program
27 for on- call permitting assistance with permit reviews, and the County implements this
28 option with four consultants that are under contract from the County’s active on-call list
29 established in 2023 that will be reviewed and renewed every three years. The
30 consultants are Jacobs Engineering Group; David Evans and Associates; Dowl, Inc.;
31 and Hale Milligan and Associates. The consultants are under contract to assist with
32 permit review if permit volumes or staffing make efficient review infeasible. This on-call
33 contract was approved by the County Council in 2023, for the 2023 through 2026 time
34 period.

35
36 Under RCW 36.70B.160(1)(h), Snohomish County has adopted and implements
37 development regulations that make housing types an outright permitted use in all zones
38 where the housing type is permitted. The County implements this option as housing is
39 permitted outright in all residential zones (non-industrial) in County Code under SCC
40 30.22.100, SCC 30.22.110, and
41 SCC 30.22.120.

1 Section 14. Effective date. This ordinance shall take effect January 1, 2025.

2
3 Section 15. Severability and Savings. If any section, sentence, clause, or phrase
4 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
5 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
6 unconstitutionality shall not affect the validity or constitutionality of any other section,
7 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
8 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
9 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
10 the effective date of this ordinance shall be in full force and effect for that individual
11 section, sentence, clause, or phrase as if this ordinance had never been adopted.

12
13 PASSED this _____ day of _____, 20__.

14
15 SNOHOMISH COUNTY COUNCIL
16 Snohomish County, Washington

17
18 _____
19 Council Chair

20 ATTEST:

21
22 _____
23 Asst. Clerk of the Council

- 24
25 () APPROVED
26 () EMERGENCY
27 () VETOED

28 DATE:

29
30 _____
31 County Executive

32 ATTEST:

33
34 _____
35 Approved as to form only:

36 *Matthew A. Otten* 9/9/24

37 _____
38 Deputy Prosecuting Attorney
39