

Additional Council exhibits  
added after close of hearing

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE  
AND  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, June 15, 2022, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 8<sup>th</sup> Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington in conjunction with a remote meeting platform via the following Zoom link: to consider proposed Ordinance No. 22-021, titled: RELATING TO GROWTH MANAGEMENT; ADMINISTRATIVE APPEAL HEARING NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS; AMENDING CHAPTERS 30.71 AND 30.72 SCC.

**Zoom Webinar Information:**

Join online at <https://zoom.us/j/94846850772>  
or by telephone call 1-253-215-8782 or 1-301-715-8592

**Background:** This ordinance adopts amendments to Snohomish County Code relating to appeal hearing notice requirements for Type 1 and Type 2 permits. A summary of the proposed ordinance is as follows:

Sections 1, 2, and 3. Adopt recitals, findings, conclusions, and state that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.71.080 to streamline the noticing process for Type 1 appeal hearings by (1) designating the Office of Hearings Administration to provide notice for Type 1 appeal hearings unless an exception applies, (2) eliminating separate noticing processes for short subdivision and State Environmental Policy Act (SEPA) determination appeal hearings, and (3) allowing notice to be emailed unless a party did not provide an email address or requested notice via U.S. mail. The amendments also update the name change of the hearing examiner’s office to the Office of Hearings Administration.

Section 5. Amends SCC 30.72.100 to align with proposed language in SCC 30.71.080 allowing notice of Type 2 appeal hearings to be emailed to parties of record.

Section 6. Provides a standard severability and savings clause.

The Council may also consider other amendments.

=====

**State Environmental Policy Act:** 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.

**Where to Get Copies of the Proposed Ordinance:** Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing [contact.council@snoco.org](mailto:contact.council@snoco.org).

**Website Access:** This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

**Range of Possible Actions the County Council May Take on This Proposal:** At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the Council at its own hearing; or (5) take any other action permitted by law.

**Public Testimony:** Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to [contact.council@snoco.org](mailto:contact.council@snoco.org). Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

**Party of Record:** You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

**Americans with Disabilities Act Notice:** Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Sarah Titcomb in the Planning and Development Services Department at 425-262-2128.

DATED this 26<sup>th</sup> day of May 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



Megan Dunn  
Council Chair

ATTEST:



Debbie Eco, CMC  
Clerk of the Council

PUBLISH: June 1, 2022

Send Affidavit to: Council  
Send Invoice to: PDS #107010

# Everett Daily Herald

SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

JUN - 6 2022

CC'D TO	CF	_____	GOT	_____
JLM	DIST 1	_____	DLE	_____
JDG	DIST 2	_____	ALC	_____
YSW	DIST 3	_____	ELL	_____
HCB	DIST 4	_____	CMF	_____
NAG	DIST 5	_____		

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 EDH955808 ORDINANCE NO. 22-021 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 06/01/2022 and ending on 06/01/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$136.62.

[Signature]



Subscribed and sworn before me on this 2nd day of June, 2022.

[Signature]  
Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
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AND

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**Sections 1, 2, and 3.** Adopt recitals, findings, conclusions, and state that the Snohomish County Council bases its decision on the entire record.

**Section 4.** Amends SCC 30.71.080 to streamline the noticing process for Type 1 appeal hearings by (1) designating the Office of Hearings Administration to provide notice for Type 1 appeal hearings unless an exception applies, (2) eliminating separate noticing processes for short subdivision and State Environmental Policy Act (SEPA) determination appeal hearings, and (3) allowing notice to be emailed unless a party did not provide an email address or requested notice via U.S. mail. The amendments also update the name change of the hearing examiner's office to the Office of Hearings Administration.

**Section 5.** Amends SCC 30.72.100 to align with proposed language in SCC 30.71.080 allowing notice of Type 2 appeal hearings to be emailed to parties of record.

**Section 6.** Provides a standard severability and savings clause.

The Council may also consider other amendments. State Environmental Policy Act. 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.

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contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

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QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Sarah Titcomb in the Planning and Development Services Department at 425-262-2128.

DATED this 26th day of May 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
/s/ Megan Dunn  
Megan Dunn  
Council Chair

ATTEST:  
/s/ Debbie Eco, CMC  
Clerk of the Council  
107010  
Published: June 1, 2022.

EDH955808

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 15, 2022, the Snohomish County Council adopted Ordinance No. 22-021, which shall be effective July 7, 2022.

A summary of the ordinance is as follows:

ORDINANCE NO. 22-021

RELATING TO GROWTH MANAGEMENT; ADMINISTRATIVE APPEAL HEARING  
NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS; AMENDING  
CHAPTERS 30.71 AND 30.72 SCC

Sections 1, 2, and 3. Adopt recitals, findings, conclusions, and state that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.71.080 to streamline the noticing process for Type 1 appeal hearings by (1) designating the Office of Hearings Administration to provide notice for Type 1 appeal hearings unless an exception applies, (2) eliminating separate noticing processes for short subdivision and State Environmental Policy Act (SEPA) determination appeal hearings, and (3) allowing notice to be emailed unless a party did not provide an email address or requested notice via U.S. mail. The amendments also update the name change of the hearing examiner’s office to the Office of Hearings Administration.

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Section 6. Provides a standard severability and savings clause.

=====

**State Environmental Policy Act:** 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.

**Where to Get Copies of the Ordinance:** Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing [contact.council@snoco.org](mailto:contact.council@snoco.org).

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DATED this 29<sup>th</sup> day of June 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

A handwritten signature in black ink, appearing to read 'Debbie Eco', written over a horizontal line.

Debbie Eco, CMC  
Clerk of the Council

PUBLISH: July 6, 2022

Send Affidavit to: Council  
Send Invoice to: PDS #107010



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

EXHIBIT # 3.5.004

FILE ORD 22-021

**NOTICE OF ACTION**

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 15, 2022.

1. Description of agency action: Approval of Ordinance No. 22-021.
  
2. Description of proposal: RELATING TO GROWTH MANAGEMENT;  
ADMINISTRATIVE APPEAL HEARING NOTICE REQUIREMENTS FOR TYPE 1  
AND TYPE 2 PERMITS; AMENDING CHAPTERS 30.71 AND 30.72 SCC
  
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org).
  
4. Name of agency giving notice: Snohomish County Council
  
5. This notice is filed by: Debbie Eco  
Clerk of the Council

Date: June 29, 2022

PUBLISH: July 6, 2022

Send Affidavit to: County Council  
Send Invoice to: Planning #107010



# Department of Commerce

Innovation is in our nature.

SNOHOMISH COUNTY COUNCIL

## Notice of Adopted Amendment

EXHIBIT # 3.5.005

FILE ORD 22-021

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment
- Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

*(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)*

<b>Jurisdiction:</b>	Snohomish County
<b>Mailing Address:</b>	3000 Rockefeller Avenue, MS 609, Everett, WA 98201
<b>Date:</b>	June 28, 2022
<b>Contact Name:</b>	Debbie Eco
<b>Title/Position:</b>	Clerk of the Council
<b>Phone Number:</b>	425-388-7038
<b>E-mail Address:</b>	<a href="mailto:debbie.eco@snoco.org">debbie.eco@snoco.org</a>
<b>Brief Description of the Adopted Amendment:</b> <i>(40 words or less)</i>	ORDINANCE 21-022 RELATING TO GROWTH MANAGEMENT; ADMINISTRATIVE APPEAL HEARING NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS; AMENDING CHAPTERS 30.71 AND 30.72 SCC
<b>Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)?</b>	Yes. Material ID# 2022-S-3650
<b>Public Hearing Date:</b>	Planning Commission: March 22, 2022 Council/County Commission: June 15, 2022
<b>Date Adopted:</b>	June 15, 2022

**REQUIRED:** Attach or include a copy the adopted ordinance (signed and dated) and the final amendment text.

1 ADOPTED: 06/15/22  
2 EFFECTIVE: 07/07/22

3 SNOHOMISH COUNTY COUNCIL  
4 Snohomish County, Washington

5  
6 ORDINANCE NO. 22-021

7  
8 RELATING TO GROWTH MANAGEMENT; ADMINISTRATIVE APPEAL HEARING  
9 NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS; AMENDING  
10 CHAPTERS 30.71 AND 30.72 SCC  
11

12 WHEREAS, counties and cities that are required to plan under the Growth  
13 Management Act (GMA), chapter 36.70A of the Revised Code of Washington (RCW),  
14 must ensure that permit applications are processed in a timely and fair manner to  
15 ensure predictability, and must encourage involvement of the public in the planning  
16 process; and

17  
18 WHEREAS, the Economic Development chapter of the Snohomish County GMA  
19 Comprehensive Plan (GMA) – General Policy Plan (GPP) includes a policy requiring  
20 the County to periodically review the permitting process to eliminate unnecessary  
21 administrative procedures that do not respond to legal requirements for public review  
22 and citizen input; and

23  
24 WHEREAS, Type 1 permits are processed and administratively decided by the  
25 Snohomish County Department of Planning and Development Services (PDS) under  
26 chapter 30.71 of the Snohomish County Code (SCC or “County Code”), and Type 2  
27 permits are processed under chapter 30.72 SCC and decided by the Snohomish County  
28 Hearing Examiner (“Hearing Examiner”) after a public hearing; and

29  
30 WHEREAS, Snohomish County provides for administrative appeals of both Type  
31 1 and Type 2 decisions; and

32  
33 WHEREAS, Type 1 decision administrative appeal hearings are open record and  
34 heard by the Hearing Examiner, and Type 2 decision administrative appeal hearings are  
35 closed record and heard by the Snohomish County Council (“County Council”); and

36  
37 WHEREAS, under RCW 36.70B.110(9) and Washington Administrative Code  
38 (WAC) 365-196-845(14), counties are not required to provide for administrative appeals  
39 of project permit decisions; and

40  
41 WHEREAS, if a county does allow administrative appeals, the WAC does not  
42 provide specific requirements for notification of appeal hearings; and

1 WHEREAS, Snohomish County has the discretion to determine the best method  
2 to provide notice of the pendency of both Type 1 and Type 2 administrative appeal  
3 hearings; and  
4

5 WHEREAS, SCC 30.71.080 currently describes three different processes to be  
6 performed by two different county departments (PDS and the Office of Hearings  
7 Administration) to provide notice that a Type 1 open record administrative appeal  
8 hearing has been scheduled before the Hearing Examiner; and  
9

10 WHEREAS, the County wishes to eliminate potential confusion and streamline  
11 the process for providing notice of Type 1 administrative appeal hearings by requiring  
12 that the Office of Hearings Administration rather than PDS provide notice (unless notice  
13 was given under the combined notice provisions of SCC 30.70.080(2)); and  
14

15 WHEREAS, SCC 30.71.080(2) and SCC 30.72.100(1) require the Office of  
16 Hearings Administration and Council Clerk, respectively, to mail notice of administrative  
17 appeal hearings to parties of record through the United States Postal Service (USPS);  
18 and  
19

20 WHEREAS, with the popularity of email correspondence and the change in  
21 permit processing by PDS to only accept digital permit submissions, requiring that  
22 notice be physically mailed is not the preferred, cost effective, or most efficient method  
23 of delivery in most situations; and  
24

25 WHEREAS, the proposed code amendments contained in this ordinance will  
26 amend chapters 30.71 and 30.72 SCC to (1) specify a single department and process  
27 for providing notice of Type 1 appeal hearings, and (2) create a presumption of emailing  
28 notice to parties of record for both Type 1 and Type 2 appeal hearings unless otherwise  
29 indicated; and  
30

31 WHEREAS, on February 22, 2022, the Snohomish County Planning Commission  
32 (the "Planning Commission") was briefed by PDS staff about the proposed code  
33 amendments contained in this ordinance; and  
34

35 WHEREAS, the Planning Commission held a public hearing on March 22, 2022,  
36 to receive public testimony concerning the proposed code amendments contained in  
37 this ordinance; and  
38

39 WHEREAS, the Planning Commission deliberated on the proposed ordinance at  
40 the conclusion of the public hearing and voted to recommend approval of amendments  
41 to the County Code relating to the noticing process for Type 1 and Type 2 administrative

1 appeal hearings with an amendment as described in the Planning Commission’s  
2 approval letter dated March 28, 2022; and

3  
4 WHEREAS, on June 15, 2022, the County Council held a public hearing after  
5 proper notice, and considered public comment and the entire record related to the code  
6 amendments contained in this ordinance; and

7  
8 WHEREAS, following the public hearing, the County Council deliberated on the  
9 code amendments contained in this ordinance.

10  
11 NOW, THEREFORE, BE IT ORDAINED:

12  
13 Section 1. The County Council adopts the following findings in support of this  
14 ordinance:

- 15  
16 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
17  
18 B. This ordinance will amend title 30 SCC to revise SCC 30.71.080 and SCC  
19 30.72.100. The code amendments will increase the clarity and efficiency of the  
20 noticing process for Type 1 open record appeal hearings by: 1) eliminating PDS from  
21 the noticing process for appeal hearings; and 2) requiring a single noticing process  
22 that allows for use of email. The code amendments will also clarify that the Council  
23 Clerk can provide notice of Type 2 closed record appeal hearings by email.  
24  
25 C. In developing the code amendments, the County considered the goals of the GMA  
26 identified in RCW 36.70A.020, specifically the goals related to ensuring permits are  
27 processed in a timely and predictable manner and encouraging involvement of  
28 citizens in the planning process. The proposed regulations are reasonably related to,  
29 and necessary for, the advancement of these GMA planning goals.  
30  
31 D. The code amendments will allow chapters 30.71 and 30.72 SCC to achieve, comply  
32 with, and implement the below listed policy contained in the County’s GMACP by  
33 providing regulations that are predictable and streamlined.

34  
35 ED Policy 2.A.3: “To ensure timeliness, responsiveness, and increased  
36 efficiency, the county shall develop and maintain a program of periodic  
37 review of the permitting process to eliminate unnecessary administrative  
38 procedures that do not respond to legal requirements for public review and  
39 citizen input.”  
40  
41  
42

1 E. Procedural requirements.

- 2
- 3 1. This ordinance is a Type 3 legislative action under chapter 30.73 SCC.
- 4
- 5 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed
- 6 code amendments was transmitted to the Washington State Department of
- 7 Commerce for distribution to state agencies on February 3, 2022.
- 8
- 9 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
- 10 respect to this non-project action have been satisfied through the completion of
- 11 an environmental checklist and the issuance of a determination of non-
- 12 significance on February 3, 2022.
- 13
- 14 4. The public participation process used in the adoption of this ordinance complies
- 15 with all applicable requirements of the GMA and the SCC.
- 16
- 17 5. The Washington State Attorney General last issued an advisory memorandum,
- 18 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
- 19 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
- 20 local governments avoid the unconstitutional taking of private property. The
- 21 process outlined in the State Attorney General’s 2018 advisory memorandum
- 22 was used by Snohomish County in objectively evaluating the regulatory changes
- 23 proposed by this ordinance.
- 24

25 F. This ordinance is consistent with the record.

- 26
- 27 1. SCC 30.71.080(1) is amended to eliminate the specific reference to PDS, as the
- 28 Office of Hearings Administration will be providing notice for Type 1 administrative
- 29 appeal hearings unless an exception applies.
- 30
- 31 2. SCC 30.71.080(2) is amended to eliminate reference to subsections (3) and (4)
- 32 and to allow the Office of Hearings Administration to email notice of Type 1
- 33 decision administrative appeals, unless a party did not provide an email address
- 34 or requested notice through U.S. mail. Emailing notices to parties that have
- 35 provided their email address is the most efficient method to provide notice, is cost
- 36 effective, and aligns with current practice. SCC 30.71.080(2) is also amended to
- 37 reflect the name change of the hearing examiner’s office to the Office of Hearings
- 38 Administration.
- 39
- 40
- 41
- 42

- 1 3. SCC 30.71.080(3) and (4) are removed to make clear that the Office of Hearings  
2 Administration will provide notice of Type 1 administrative appeal hearings.  
3  
4 a. SCC 30.71.080(2) currently requires the Hearing Examiner's office to  
5 give notice by first class mail of all open record appeal hearings, except  
6 where notice has already been given under the combined notice  
7 provisions of SCC 30.70.080(2) and except where notice has been  
8 provided by PDS under SCC 30.71.080(3) or (4).  
9  
10 b. SCC 30.71.080(3) currently requires PDS to mail notice of short  
11 subdivision open record appeal hearings to all parties of record, and to  
12 publish notice in the official county newspaper, post notice on the subject  
13 property, and mail notice by USPS to all taxpayers of record within a  
14 certain radius.  
15  
16 c. SCC 30.71.080(4) currently requires PDS to mail notice of SEPA  
17 determination open record appeal hearings to all parties of record,  
18 agencies with jurisdiction, and to all taxpayers of record within 500 feet  
19 of the subject property.  
20  
21 d. State law does not require three different noticing procedures and two  
22 different responsible departments for these Type 1 appeals. Prior to  
23 1986, there was only one process for noticing and one department  
24 responsible for noticing. This proposed amendment would revert to this  
25 previous stance, would align with current practice, and would comply  
26 with state requirements.  
27  
28 4. Deletion of SCC 30.71.080(3) and (4) eliminates inconsistency in the County Code  
29 and a potential source of confusion for the public regarding participation in Type 1  
30 administrative appeal hearings. Under SCC 30.71.050(1), any aggrieved party of  
31 record may appeal a Type 1 decision. Parties of record to a Type 1 decision receive  
32 written notice of the decision from PDS under SCC 30.71.040. Appeals must be  
33 filed within a defined appeal period and no new substantive issues may be raised  
34 after the close of that time period. At the open record Type 1 appeal hearing before  
35 the Hearing Examiner, only parties to the appeal can participate in the hearing,  
36 unless they call on a specific interested person to present relevant testimony.  
37 Mailing notice of short subdivision and SEPA determination appeal hearings per  
38 SCC 30.71.080(3) and (4) to taxpayers of record within a certain radius of the  
39 subject property who are not already parties of record creates a false expectation  
40 that the public can provide public comment during these appeals. The amendment  
41 to remove SCC 30.71.080(3) and (4) eliminates this potential confusion, and  
42 ensures that the noticing process for short subdivision and SEPA determination  
43 appeal hearings are in line with the process for all other Type 1 appeal hearings.  
44

1 5. Under SCC 30.70.060, all Type 1 and Type 2 permit applications require a  
2 minimum 21-day public comment period that must close before PDS can make a  
3 decision. The comment period is when members of the public can provide  
4 comments about proposed permit applications that will be incorporated into PDS's  
5 review of the submitted materials. Members of the public who are not parties to an  
6 appeal cannot generally participate in appeal hearings. A goal of repealing SCC  
7 30.71.080(3) and (4) is to reduce public confusion about the ability to comment  
8 during Type 1 permit appeal hearings; the intent is not to reduce public  
9 participation in the permitting process.

10  
11 6. SCC 30.72.100(1) is amended to clarify that notices for Type 2 appeal hearings  
12 can be emailed to parties of record. The amended language within SCC  
13 30.72.100(1) is consistent with the amended language within SCC 30.71.080(2)  
14 related to emailing notices.

15  
16 G. The proposed code amendments are consistent with the record as set forth in the PDS  
17 Staff Report dated February 22, 2022, and the Addendum to that staff report dated  
18 April 25, 2022.

19  
20 Section 2. The County Council makes the following conclusions:

- 21  
22 A. The amendments proposed by this ordinance comply with the GMA.  
23  
24 B. The amendments proposed by this ordinance comply with the Snohomish County  
25 GMACP.  
26  
27 C. The County has complied with all SEPA requirements with respect to this non-  
28 project action.  
29  
30 D. The public participation process used in the adoption of this ordinance complies with  
31 all applicable requirements of the GMA and title 30 SCC.  
32  
33 E. The amendments proposed by this ordinance do not result in an unconstitutional  
34 taking of private property for a public purpose.

35  
36 Section 3. The Snohomish County Council bases its findings and conclusions on  
37 the entire record of the County Council, including all testimony and exhibits. Any  
38 finding, which should be deemed a conclusion, and any conclusion which should be  
39 deemed a finding, is hereby adopted as such.



1 Section 4. Snohomish County Code Section 30.71.080, last amended by  
2 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

3  
4 **30.71.080 Notice of Type 1 open record appeal hearing.**

5  
6 (1) Notice of open record appeal hearings conducted pursuant to this chapter shall be  
7 provided at least 14 calendar days prior to the hearing and shall contain a description of  
8 the proposal and list of permits requested, the county file number and contact person,  
9 the date, time, and place for the hearing, and any other information determined  
10 appropriate (~~by the department~~).

11  
12 (2) Except where notice has already been given pursuant to the combined notice  
13 provisions of SCC 30.70.080(2), (~~and except where notice has been provided by the~~  
14 ~~department pursuant to subsections (3) and (4) below,~~) the (~~hearing examiner's~~  
15 ~~office~~) office of hearings administration shall give notice of all open record appeal  
16 hearings (~~by first class mail (unless otherwise required herein)~~) to(~~the~~) the parties listed  
17 below. Notice shall be by email unless any of the below listed parties did not provide an  
18 email address or requested notice via U.S. mail, in which case notice shall be by U.S.  
19 mail.

- 20  
21 (a) The appellant;  
22 (b) The appellant's agent/representative, if any;  
23 (c) The department whose decision is being appealed (~~by interoffice mail~~);  
24 (d) The applicant;  
25 (e) Applicant's agent/representative, if any; and  
26 (f) All parties of record.

27  
28 (~~(3) The department shall give notice of an open record appeal hearing for a decision~~  
29 ~~made pursuant to chapter 30.41B SCC:~~

- 30  
31 (~~(a) In the same manner as required by SCC 30.72.030; and~~  
32 ~~(b) By first class mail to parties of record.~~

33  
34 (~~(4) The department shall give notice of an open record appeal hearing for a SEPA~~  
35 ~~determination made pursuant to chapter 30.61 SCC by first class mail to:~~

- 36  
37 (~~(a) Parties of record;~~  
38 ~~(b) Agencies with jurisdiction as disclosed by documents in the appeal file; and~~  
39 ~~(c) All taxpayers of record and known site addresses within 500 feet of any boundaries~~  
40 ~~of the property subject to the appeal; provided that the mailing radius shall be increased~~  
41 ~~if necessary to correspond with any larger radius required for the notice of any~~  
42 ~~discretionary permit or action associated with the determination under appeal.))~~

1 Section 5. Snohomish County Code Section 30.72.100, last amended by  
2 Ordinance No. 20-019 on June 24, 2020, is amended to read:

3  
4 **30.72.100 Notice of Type 2 appeal.**

5  
6 (1) Within seven calendar days following the close of the appeal period and upon  
7 receipt of a timely filed and complete appeal, the council clerk will ~~((mail))~~ provide notice  
8 of the appeal and of the date, time, and place of the closed record appeal hearing to all  
9 parties of record. Notice shall be by email unless any party of record did not provide an  
10 email address or requested notice via U.S. mail, in which case notice shall be by U.S.  
11 mail.

12  
13 (2) The dates for filing written arguments with the council shall be included in the  
14 hearing notice as follows:

15  
16 (a) Parties of record, other than the appellant, may file written arguments with the  
17 council until 5:00 p.m. on the fourteenth day following the date of the hearing notice  
18 mailed pursuant to SCC 30.72.100(1); and

19  
20 (b) An appellant may file written rebuttal arguments with the council until 5:00 p.m. on  
21 the twenty-first day following the date of the hearing notice mailed pursuant to SCC  
22 30.72.100(1). Such rebuttal is limited to the issues raised in written arguments filed  
23 under SCC 30.72.100(2)(a).

24  
25 (3) The hearing notice shall be sent for publication in the official county newspaper the  
26 same day the notice of appeal is sent to parties of record.


27  
28 (4) Within five days of mailing of the hearing notice under SCC 30.72.100(1), the  
29 applicant shall conspicuously post notice of the hearing on the signs in accordance with  
30 SCC 30.70.045.

31  
32 Section 6. Severability and Savings. If any section, sentence, clause or phrase  
33 of this ordinance shall be held to be invalid by the Growth Management Hearings Board  
34 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or  
35 unconstitutionality shall not affect the validity or constitutionality of any other section,  
36 sentence, clause or phrase of this ordinance. Provided, however, that if any section,  
37 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court  
38 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to  
39 the effective date of this ordinance shall be in full force and effect for that individual  
40 section, sentence, clause or phrase as if this ordinance had never been adopted.

1 PASSED this 15<sup>th</sup> day of June 2022.

2  
3  
4  
5  
6  
7  
8

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair


9 ATTEST:

10  
11   
12 \_\_\_\_\_  
13 Clerk of the Council

- 14
- 15 (X) APPROVED
- 16 ( ) EMERGENCY
- 17 ( ) VETOED

DATE: 6/27/2022

18  
19  
20  
21

  
\_\_\_\_\_  
County Executive

22 ATTEST:

23  
24   
25 \_\_\_\_\_

26 Approved as to form only:  
27 Christina Digitally signed by  
Christina Richmond  
Date: 2022.04.26  
10:20:55 -07'00'  
28 Richmond  
29 \_\_\_\_\_  
Deputy Prosecuting Attorney



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

07/25/2022

Ms. Debbie Eco  
Clerk of the Council  
Snohomish County  
3000 Rockefeller Ave.  
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2022-S-4184--Notice of Final Adoption

Dear Ms. Eco:

Thank you for sending the Washington State Department of Commerce the Notice of Final Adoption as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**Adopted Ordinance 22-021; administrative appeal hearing notice requirements for Type 1 and type 2 permits; amending Chapters 30.71 and 30.72 SCC.**

We received your submittal on 06/28/2022 and processed it with the Submittal ID 2022-S-4184. Please keep this letter as documentation that you have met this procedural requirement.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team  
Growth Management Services

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

JUL 11 2022

CC'D TO	CP	
JLM	DIST 1	GOI
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF

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 EDH958205 ORDINANCE NO. 22-021 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 07/06/2022 and ending on 07/06/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$73.95.

[Signature]



Subscribed and sworn before me on this

7<sup>th</sup> day of July,  
2022

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on June 15, 2022, the Snohomish County Council adopted Ordinance No. 22-021, which shall be effective July 7, 2022.

A summary of the ordinance is as follows:

ORDINANCE NO. 22-021

RELATING TO GROWTH MANAGEMENT, ADMINISTRATIVE APPEAL HEARING NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS, AMENDING CHAPTERS 30.71 AND 30.72 SCC

Sections 1, 2, and 3, Adopt recitals, findings, conclusions, and state that the Snohomish County Council bases its decision on the entire record.

Section 4, Amends SCC 30.71.080 to streamline the noticing process for Type 1 appeal hearings by (1) designating the Office of Hearings Administration to provide notice for Type 1 appeal hearings unless an exception applies, (2) eliminating separate noticing processes for short subdivision and State Environmental Policy Act (SEPA) determination appeal hearings, and (3) allowing notice to be emailed unless a party did not provide an email address or requested notice via U.S. mail. The amendments also update the name change of the hearing examiner's office to the Office of Hearings Administration.

Section 5, Amends SCC 30.72.100 to align with proposed language in SCC 30.71.080 allowing notice of Type 2 appeal hearings to be emailed to parties of record.

Section 6, Provides a standard severability and savings clause. State Environmental Policy Act: 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.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing [contact.council@sncco.org](mailto:contact.council@sncco.org).

Website Access: This ordinance and other documents can be accessed through the Council websites at:

<https://snohomish.legistar.com/Calendar.aspx> or  
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 29th day of June 2022.

SNOHOMISH COUNTY COUNCIL

Snohomish County, Washington  
/s/ Debbie Eco, CMC  
Clerk of the Council

107010

Published: July 6, 2022.

EDH958205

Everett Daily Herald

EXHIBIT # 3.5.008

FILE ORD 22-021

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 EDH958206 ORDINANCE NO. 22-021 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 07/06/2022 and ending on 07/06/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$31.90. [Signature]



Subscribed and sworn before me on this 7<sup>th</sup> day of July, 2022.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.  
Snohomish County Planning | 14107010  
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

JUL 11 2022

CC'D TO \_\_\_\_\_ CF \_\_\_\_\_ GOT \_\_\_\_\_  
JLM \_\_\_\_\_ DIST 1 \_\_\_\_\_ DLE \_\_\_\_\_  
JDG \_\_\_\_\_ DIST 2 \_\_\_\_\_ ALC \_\_\_\_\_  
YSW \_\_\_\_\_ DIST 3 \_\_\_\_\_ ELL \_\_\_\_\_  
HCB \_\_\_\_\_ DIST 4 \_\_\_\_\_ CMF \_\_\_\_\_  
NAG \_\_\_\_\_ DIST 5 \_\_\_\_\_

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON  
NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on June 15, 2022.

1. Description of agency action: Approval of Ordinance No. 22-021.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; ADMINISTRATIVE APPEAL HEARING NOTICE REQUIREMENTS FOR TYPE 1 AND TYPE 2 PERMITS; AMENDING CHAPTERS 30.71 AND 30.72 SCC
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org).
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco  
Clerk of the Council

Date: June 29, 2022  
107010  
Published: July 6, 2022

EDH958206