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| Development Application Review Ordinance 24-087 (ECAF 2024-2278) | | | | | |
| Hearing Date: Wednesday, December 11, 2024 @ 10:30 a.m. | | | | | |
| Council Staff: Ryan Countryman | | PDS Staff: Sarah Titcomb | | DPA: Matthew Otten | |
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| 2.0003 | Staff Report | 06/11/24 | Sarah Titcomb, PDS Staff | Briefing to Planning Commission: Proposed Code Amendments Relating to Development Application Review Process | 20 |
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| | | | | | |

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)(I)(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

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

Section 2. The County Council makes the following conclusions:

- A. The proposed amendments are consistent with the goals, policies, and objectives of the MPPs, CPPs, and GPPs.
- B. The proposed amendments are consistent with applicable federal, state, and local laws and regulations.
- C. The County has complied with all SEPA requirements with respect to this non-project action.
- D. The amendments in this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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.

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

30.70.015 Exemptions.

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

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

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

~~((3))~~ (c) All other construction permits under subtitle 30.5 SCC that are exempt from 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;

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;
40

- 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 RES 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 |

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

30.70.090 Combined county and agency hearing.

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

(2) The hearing examiner shall have the discretion to determine the hearing procedure when county and agency hearings are combined and there are conflicting hearing 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:

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

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

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

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

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

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

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

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

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

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

~~((8))~~ (7) Timelines for processing personal wireless service facility permits shall be in 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.

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

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

PASSED this _____ day of _____, 20__.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

() APPROVED
() EMERGENCY
() VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Matthew A. Otten 9/9/24
Deputy Prosecuting Attorney



Committee of the Whole

Ryan Countryman

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.2.001

FILE ORD 24-087

Council Initiated:

☐ Yes

☒ No

ECAF: 2024-2278

Ordinance: 24-087

Type:

☐ Contract

☐ Board Appt.

☒ Code Amendment

☐ Budget Action

☐ Other

Requested Handling:

☒ Normal

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ N/A

Executive Rec:

☒ Approve

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ Yes

☐ No

☐ N/A

Subject: Code Amendment – Timeframes for Development Permits.

Scope: Ordinance 24-087 would add amend existing sections and add a new section to Chapter 30.70 SCC concerning development application review processes.

The Executive has proposed one amendment sheet.

Duration: N/A

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ N/A

Authority Granted:

None

Background:

Snohomish County Code currently provides 120 days as the standard review time for most permit applications. This “120 day clock” is consistent with requirements currently in [RCW 36.70B.080\(1\)](#). However, passage of [Second Substitute Senate Bill 5290](#) (SSSB 5290) in 2023 included changes to RCW 36.70B.080 that go into effect on January 1, 2025. This legislation replaces the 120 day clock with new timeframes that vary depending on the type of public notice a development application requires and what process that permit follows.

Ordinance 24-087 would update Chapter 30.70 SCC for consistency with SSSB 5290. Key changes are new timeframes that would be:

- (a) 65 calendar days for project permits that do not require notice of application (e.g., permits for remodeling or repair work, and approval by PDS);
- (b) 100 calendar days for “Type 1 project” permits that require notice of application and an administrative approval decision by PDS; and
- (c) 170 calendar days for “Type 2 project” permits that require a public hearing and approval decision by the Hearing Examiner.

Amendment No. 1 would clarify what kinds of interior alteration are eligible to for the 65 calendar day timeframe.

Request:

Set date and time for a public hearing on Ordinance 24-087.

Suggested: Wednesday, December 11, 2024, at 10:30 am.



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 **Dave Somers**
County Executive

FROM: Sarah Titcomb and Jennifer Cao, PDS

SUBJECT: Staff Report: Proposed Code Amendments Relating to Development Application Review Process

DATE: June 11, 2024

INTRODUCTION

The purpose of this staff report is to provide information on a non-project proposal to amend Chapter 30.70 of the Snohomish County Code (SCC) relating to permit review timelines and processes. The code amendments are required with the adoption of Second Substitute Senate Bill (2SSB) 5290 that amended Chapter 36.70B of the Revised Code of Washington (RCW). Attachment A presents the staff recommended draft findings.

PROPOSAL BACKGROUND

Jurisdictions fully planning under the Growth Management Act (GMA) are required to comply with the permit procedures outlined within the Local Project Review Act (Chapter 36.70B RCW). 2SSB 5290 amends Chapter 36.70B RCW with new default permit processing time frames that Snohomish County must follow.

2SSB 5290 was signed by the Governor on May 8, 2023, and has an effective date of July 23, 2023. The bill amended Chapter 36.70B RCW, and the changes that could impact Snohomish County are summarized below:

- Modified “project permit” or “project permit application” definition to exclude building permits;
- Clarified completeness and notice of application requirements;
- Stated that 14 days are allowed to process notice of application after an application is determined complete;
- Established new review time frames for specific permit types;
- Clarified time that is excluded from processing time frame requirements, and when time frames reset or can be extended;
- Required local governments to provide permitting fee refunds if the time frames are missed, except under certain circumstances; and
- Provided options that can be implemented by local governments to avoid the penalty of permit fee refunds.

Snohomish County incorporates the permit processing requirements of Chapter 36.70B RCW within Chapter 30.70 SCC. This chapter of County code provides the general process requirements for permits and decisions with a few exemptions described in SCC 30.70.015. The processes described within the chapter have changed over time to remain consistent with state law and local expectations for an efficient and consistent permit review. The proposed amendments within Chapter 30.70 SCC described within this report are intended to continue this pattern of compliance with state requirements.

Additionally, staff identified a pre-existing inconsistency between Chapter 36.70B RCW and County code related to noticing that is proposed to be rectified within this non-project proposal. County code currently details the noticing requirements for Type 1 decisions (SCC 30.71.040) and for Type 2 decisions (SCC 30.72.062), where notice must be given to the applicant and all parties of record. There is a need to provide clarity on notice requirements for all other land use decisions which are not Type 1 or Type 2 decisions (i.e., LDA permits not subject to SEPA, building permits, minor revision decisions, etc.). The proposed amendment is to codify County practice to ensure compliance with the entirety of Chapter 36.70B RCW.

2SSB 5290 creates a requirement for local governments to provide permitting fee refunds if the time frames specified in code are missed. Although the bill also includes options within RCW 36.70B.160(1)(a) through (j) that local governments can implement to avoid penalties. The proposed amendments in this report do not include the addition of permit fee refunds because the County complies with RCW 36.70B.080(1)(i)(ii) (see Attachment B).

PROPOSED CODE AMENDMENTS

Table 1 outlines the proposed code amendments, as well as the findings in support of the proposed code amendments by subsection. The proposed code amendments will incorporate the amendments to Chapter 36.70B RCW made by 2SSB 5290, and allow County code to comply with Chapter 36.70B RCW more fully by:

- Clarifying the calendar days allowed for the department to determine application completeness;
- Increasing the number of calendar days allowed for the department to provide public notice of a complete application;
- Updating review time frames for different permit types; and
- Ensuring all project permit decisions are noticed properly.

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|---|--|
| Proposed Change | Finding |
| <p>30.70.015 Exemptions.</p> <p><u>(1) The following permit types are exempt from the requirements of this chapter, except the consistency determination required by SCC 30.70.100 ((and)), the expiration and vesting provisions of SCC 30.70.140, 30.70.300, and 30.70.310, and the notice of final decision provisions of SCC 30.70.125 shall apply:</u></p> <p>((4)) <u>(a)</u> Building permits exempt from the State Environmental Policy Act (SEPA) as minor new construction under SCC 30.61.035(1);</p> <p>((2)) <u>(b)</u> Land disturbing activity permits exempt from SEPA;</p> <p>((3)) <u>(c)</u> All other construction permits under subtitle 30.5 SCC that are exempt from SEPA; and</p> <p>((4)) <u>(d)</u> Project permits for which a SEPA review and threshold determination were completed in connection with other project permits for the same proposal, to the extent the proposal has not substantively changed in a manner requiring further review under chapter 30.61 SCC.</p> <p><u>(2) Building permits for interior alterations that do not result in additional sleeping quarters or bedrooms; nonconformity with federal emergency management agency substantial improvement thresholds; or increase the total square footage or valuation of the structure that would require upgrade fire access or fire suppression systems are exempt from site plan review.</u></p> <p><u>(3) Mechanical permits, plumbing permits, fire system permits, sign permits, code Interpretations, and preapplication concurrency applications are exempt from the processing timelines within SCC 30.70.110.</u></p> | <p>Minor proposed addition to (1) to ensure this section remains consistent with the newly proposed section of SCC 30.70.125 that addresses notice of decision for all permit types.</p> <p>Proposing a new subsection (2) in response to the newly added RCW 36.70B.140(3) to exempt some minor residential building permits from site plan review. While site plan review is not defined within Chapter 36.70B RCW, and the permits listed in (2) will still be subject to the time frame within SCC 30.70.110(1)(a), the amendments ensure the applicant and staff do not need to consider the site plan of the property.</p> <p>Proposing new subsection (3) to clarify which permits are exempt from the new time frames within SCC 30.70.110(1).</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|---|--|
| Proposed Change | Finding |
| <p>30.70.040 Completeness determination.</p> <p>(1) The department shall determine whether a project permit application is complete or incomplete within 28 <u>calendar</u> days after receiving an application. The determination shall be in writing and mailed, faxed, e-mailed, or delivered to the applicant or the applicant's representative within the required time period, except as set forth in SCC 30.70.040(2). When an application is determined incomplete, the determination shall state what is necessary to make the application complete.</p> <p>(2) An application is complete for the purposes of this section <u>on the 29th day after submittal</u> if the department does not provide a written determination to the applicant (within the required time period).</p> <p>(3) A written determination of completeness shall, to the extent known by the department, identify other local, state, or federal agencies with jurisdiction. The department may include other information in the determination.</p> <p>(4) A project permit application is complete for the purposes of this section when it meets the submittal requirements established by the department pursuant to SCC 30.70.030, including any requirements for environmental review pursuant to chapter 30.61 SCC. The county may require additional information or studies after a determination of completeness.</p> <p>(5) If the department determines an application is incomplete and the applicant submits additional documents identified by the department as necessary for a complete application, the department shall notify the applicant within 14 days of the submittal that the application is complete or what additional information is necessary to make the application complete.</p> | <p>Proposed text to clarify that the allowance for 28 days for staff to determine completeness are calendar days that include weekdays and weekends. This is in line with newly added text to RCW 36.70B.070(1)(c). Additionally, proposed text within subsection (2) is in response to amended RCW 36.70B.070(4)(a)</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | | | | | |
|---|---|----------------|--|--|-------------|
| Proposed Change | | | Finding | | |
| 30.70.050 Notice of application – timing and method. | | | <p>Proposed amendment to (1) to ensure consistency between county code and the allowed number of days within RCW 36.70B.070(4)(b) and (c).</p> <p>Proposed change to Table 30.70.050(5) to remove the requirement to post, publish, and mail notices for sign permits within the RFS zone. There is not a state requirement for this public notice, and requiring it is inconsistent with how sign permits in other zones are treated within the county.</p> | | |
| (1) The department shall provide notice of application within ((14)) <u>14</u> days after a determination that the application is complete as specified in SCC Table 30.70.050(5). Required notice shall be given in accordance with SCC 30.70.045. | | | | | |
| ... | | | | | |
| 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 | | |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | | | | |
|--|---|---|-----|---------|
| Proposed Change | | | | Finding |
| 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 | |
| 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 | |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | | | | | |
|--|---|---|---|---|--|
| Proposed Change | | | | Finding | |
| 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 | | |
| 30.70.090 Combined county and agency hearing. (1) When requested by an applicant, the county shall allow a predecision hearing to be combined with a hearing that may be required by another local, state, regional, federal, or other agency for the same project. The ((120-day)) timeline requirements of SCC 30.70.110 shall be ((waived)) <u>mutually agreed upon</u> by the applicant <u>and department</u> if necessary to combine the hearings. The combined hearing shall be conducted within the geographic boundary of the county. (2) The hearing examiner shall have the discretion to determine the hearing procedure when county and agency hearings are combined and there are conflicting hearing procedures. In all cases, appeals and hearings shall be combined in a manner which retains applicable county procedure and allows for hearing and/or appeal before the hearing examiner. | | | | The timeline for permit review will no longer be 120 days for all permit types with the implementation of 2SSB 5290. Proposed amendments to this section are necessary to be consistent with the proposed amendments in SCC 30.70.110. Additionally, applicants cannot waive review timelines, the state law requires that applicants and county staff discuss and mutually agree on timelines. | |
| 30.70.110 Processing timelines. (1) Notice of final decision on a project permit application shall issue within ((120 days from when)) <u>the following timelines after</u> the permit application is | | | | Proposed amendments to align with the amended RCW 36.70B.080(1)(d) that describes time frames for local governments to issue a final decision. | |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|--|---|
| Proposed Change | Finding |
| <p>determined to be complete, unless otherwise provided by this section or state law((?)) :</p> <p><u>(a) 65-days for project permits that do not require public notice under Table 30.70.050(5),</u></p> <p><u>(b) 100-days for Type 1 project permits within Table 30.70.025, that require public notice under Table 30.70.050(5), and</u></p> <p><u>(c) 170-days for Type 2 project projects within Table 30.70.025.</u></p> | |
| <p><u>(2) The number of days an application is in review is calculated from the day completeness is determined per SCC 30.70.040, to the date a final decision is issued on the project permit application.</u></p> <p>((2)) (a) In determining the number of <u>calendar</u> days that have elapsed after an application is <u>determined</u> complete, the following periods shall be excluded:</p> <p>((a)) (i) Any period during which the county asks the applicant to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the county ((mails notification to the applicant)) <u>notifies the applicant in writing of the need for additional information until the date the county determines whether the additional information satisfies the request for information</u> ((, or 14 days after the applicant supplies the information to the county, whichever is earlier)). If the information submitted by the applicant under this subsection is insufficient, the county shall ((mail notice to)) <u>notify</u> the applicant of the deficiencies and the provisions of this subsection shall apply as if a new request for information had been made;</p> | <p>Proposed amendment to align with the amended RCW 36.70B.080(1)(g) that describes time periods for local governments to issue a final decision.</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|---|---------|
| Proposed Change | Finding |
| <p>((b)) (ii) Any period during which an environmental impact statement is being prepared;</p> <p>((c)) (iii) A period((, not to exceed 30 calendar days,)) during which a code interpretation is processing in conjunction with an underlying permit application pursuant to chapter 30.83 SCC;</p> <p>((d)) (iv) The period specified for administrative appeals of project permits;</p> <p>((e)) (v) Any period during which processing of an application is suspended pursuant to SCC 30.70.045(1)(b);</p> <p><u>(vi) Any period after an applicant informs the county, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the county, in writing, that they would like to resume the application;</u></p> <p>((f)) (vii) Any period during which an agreement is negotiated or design review is conducted for an urban center pursuant to SCC 30.34A.180(1) or 30.34A.180(2); and</p> <p>((g)) (viii) Any period of time mutually agreed upon by the applicant and the county.</p> <p><u>(b) In determining the number of calendar days that have elapsed after an application is determined complete, the following periods shall be added:</u></p> <p><u>(i) If the applicant informs the county that they would like to temporarily suspend the review of the project for more than 60 days, an additional 30 days will be added to the review time period.</u></p> | |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|---|---|
| Proposed Change | Finding |
| <p><u>(ii) If the applicant is not responsive for more than 60 consecutive days after the county notifies the applicant in writing that additional information is required to further process the application, an additional 30 days will be added to the review time period. Any review completion letter sent to an applicant shall inform the applicant that nonresponsiveness for 60 consecutive days will result in 30 days added to the time for review. Nonresponsiveness means that an applicant is not making demonstrable progress on providing additional requested information to the county, or that there is no ongoing communication from the applicant to the county on the applicant's ability or willingness to provide the additionally requested information.</u></p> | |
| <p>(3) The time periods established by this section shall not apply to a project permit application:</p> <p>(a) That requires an amendment to the comprehensive plan or a development regulation in order to obtain approval;</p> <p>((b) That is substantially revised by the applicant, in which case a new 120-day time period shall start from the date at which the revised project application is determined to be complete;))</p> <p>((c)) <u>(b)</u> That requires approval of a development agreement by the county council;</p> <p>((c)) <u>(d)</u> When the applicant consents to an extension; ((e))</p> <p>((e)) <u>(d)</u> During any period necessary for reconsideration of a hearing examiner's decision(-) <u>or</u>;</p> <p><u>(e) Annual amendments to the comprehensive plan.</u></p> | <p>Repeal of outdated permit review time frames in the existing code.</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|--|--|
| Proposed Change | Finding |
| <p>((4) Subject to all other requirements of this section, notice of final decision on an application for a boundary line adjustment shall be issued within 45 days after the application is determined complete.))</p> <p><u>(4) The permit processing timeline will restart if the applicant proposes a change to the property's use that adds or removes commercial or residential elements from the original application that would result in the application failing to meet the determination of procedural completeness under SCC 30.70.040.</u></p> <p>((5) The county shall notify the applicant in writing if a notice of final decision on the project has not been made within the time limits specified in this section. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of a notice of final decision.))</p> <p>((6)) <u>(5)</u> Failure of the county to make a final decision within the timelines specified by this chapter shall not create liability for damages.</p> <p>((7)) <u>(6)</u> Timelines for processing shoreline substantial development, shoreline conditional use and shoreline variance permits shall be in accordance with the provisions of this chapter unless otherwise specified in chapter 30.44 SCC.</p> <p>((8)) <u>(7)</u> Timelines for processing personal wireless service facility permits shall be in accordance with the provisions of SCC 30.28A.030.</p> | <p>Repeal of a BLA specific time frame that is not within Chapter 36.70B RCW, and adding what could trigger restarting the review clock per amended RCW 36.70B.080(1)(h). Also repealing (5) as it is not a required element within RCW.</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|--|---|
| Proposed Change | Finding |
| <p>30.70.120 Consolidated permit review.</p> <p>(1) The department shall consolidate permit review for all project permit applications for the same proposal when each application is subject to a predecision public hearing and where all permit applications have been submitted concurrently.</p> <p>(2) If the applicant requests consolidated permit processing for applications that do not meet the requirements of SCC 30.70.120(1), applications may be consolidated when the department finds that consolidation would result in more efficient review and processing. If one or more of the permit applications is subject to the ((120-day)) review time ((period)) <u>periods</u> established in SCC 30.70.110, all consolidated permit applications shall be reviewed within the ((120-day period)) <u>longest of the permit time periods identified in SCC 30.70.110</u>, except as provided in SCC 30.70.120(3).</p> <p>(4) A project permit application being reviewed under the consolidated process is subject to all requirements of permit application submittal, notice, processing, and approval that would otherwise apply if the permit were being processed as a separate application.</p> <p>(5) A final decision on certain consolidated permit applications may be preliminary and contingent upon approval of other permits or actions considered in the consolidated permit process.</p> | <p>The timeline for permit review will no longer be 120 days for all permit types with the implementation of 2SSB 5290. Proposed amendments to this section are necessary to be consistent with the proposed time period amendments in SCC 30.70.110.</p> |

| TABLE 1: SUMMARY OF PROPOSED CODE CHANGES AND FINDINGS | |
|--|--|
| Proposed Change | Finding |
| <p><u>30.70.125 Notice of Final Decision</u></p> <p><u>(1) Notice of a final decision for Type 1 permits shall be processed pursuant to SCC 30.71.040.</u></p> <p><u>(2) Notice of a final decision for Type 2 permits shall be processed pursuant to SCC 30.72.062.</u></p> <p><u>(3) Notice of a final decision for permit types identified in SCC 30.70.015 shall be provided to the applicant and all parties of record by regular mail, inter-office mail, or email as appropriate. The notice may be the decision or permit itself.</u></p> | <p>Newly proposed section to comply with RCW 36.70B.110(4). The goal of this new section is to codify County practice related to notice of final decision for permits that are not Type 1 or Type 2.</p> |

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 GMA planning goals adopted in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals are not priority-listed. In particular, 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 |
|---|---|
| GMA Goal 4: Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock. | Providing consistent permitting timelines may allow for more efficient permit review for new developments that could allow more housing to be built at a faster pace. |
| GMA Goal 7: Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. | Aligning Chapter 30.70 SCC with amendments made to Chapter 36.70B RCW through 2SSB 5290 will allow for more predictability and efficiency in permit processing. |

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. | The proposed amendments ensure consistent permitting time frames within Snohomish County and may increase consistency across the state as jurisdictions adopt regulations. This streamlining of development standards may create more efficient permit reviews and increase development opportunities. |
| MPP-H-10: Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing. | |

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 | Finding |
|---|---|
| CPP 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 ensure consistent permitting time frames within Snohomish County. This streamlining of development standards may create more efficient permit reviews and increase development opportunities, although it will not amend the environmental and other land use requirements. |
| CPP-ED-16: The expeditious processing of development applications shall not result in the reduction of environmental and land use standards. | |

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 |
|---|---|
| Objective HO 3.A: Encourage land use practices, development standards, and building permit requirements that reduce housing production costs. | The proposed amendments ensure consistent permitting time frames within Snohomish County. This streamlining of development standards may create more efficient permit reviews and increase development opportunities. |
| HO Policy 3.A.2: Development standards and building permit requirements shall be reviewed every five years to ensure clarity and consistency while providing for a timely, fair, and predictable application processing outcome. | |
| 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. | |

Public Participation

The GMA requires early and continuous public participation (GOAL 11). Public participation on the proposed code amendments has been provided to date through:

- A 21-day public comment period on the preliminary draft amendments from April 15 through May 6, 2024; and
- Email distributions to key parties about the comment period and updates to the code development webpage on the PDS website.

The county received a few questions from the public about what this code project meant, and one email in support of the county's efforts. No amendments to the proposed code amendments were necessary based on public comment.

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the proposed code amendments. A SEPA Determination of Non-Significance will be accomplished in the coming months.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce in the coming months.

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: Draft Findings of Fact and Conclusions
Attachment B: Implementation of three options within RCW 36.70B.160(1)(a) through (j)
Attachment C: Proposed Amendments to Chapter 30.70 SCC

Attachment A
Relating to Implementation of 2SSB 5290 Proposed Code Amendments
Findings of Fact and Conclusions

Section 1. Snohomish County Council 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 permit time frames within Chapter 30.70 SCC. The code amendments are intended to ensure the Snohomish County Code complies with the permit procedures outlined within the Local Project Review Act (Chapter 36.70B RCW) that were amended by 2SSB 5290 in 2023. The amendments to Chapter 30.70 SCC 1) clarify the calendar days allowed for the department to determine application completeness; 2) increase the number of calendar days allowed for the department to provide public notice of a complete application; 3) update review time frames for different permit types; and 4) ensure all project permit decisions are noticed properly. There are also housekeeping amendments proposed.
- C. In developing the code amendments, the County considered the goals of the GMA identified in RCW 36.70A.020, specifically those goals related to permits and housing. The proposed regulations are reasonably related to, and necessary for, the advancement of the before mentioned GMA planning goals.
- D. The code amendments will allow Chapter 30.70 SCC to achieve, comply with, and implement the goals, objectives, and policies of the MPPs, CPPs, and GPP. In particular, the amendments will ensure consistent and efficient review of permits.
- E. The proposed code amendments are consistent with the record:
 - 1. SCC 30.70.015 is amended to be consistent with the newly proposed notice of decision requirements described within SCC 30.70.125 and to better align the exemptions allowed within Chapter 36.70B RCW.
 - 2. SCC 30.70.040(1) and (2) are amended to clarify that the 28 days allowed for staff to determine whether an application is complete are calendar days and that if a decision is not made by staff, the application is considered complete on the 29th day after submittal. This is consistent with RCW 36.70B.070.
 - 3. SCC 30.70.050(1) is amended to replace the existing 10 days to notice a complete application with 14 days as permitted within RCW 36.70B.070(4).
 - 4. Table 30.70.050(5) is amended to remove the requirement to post, publish, and mail notices for sign permits within the RFS zone. There is not a state requirement for this public notice, and requiring it is inconsistent with how sign permits in other zones are treated. Removal of this requirement will increase the efficiency of review time frame for RFS sign permits.
 - 5. SCC 30.70.110 is amended to add the permit review time frames for project permits listed within RCW 36.70B.080(1). Additional amendments clarify what days are included in the permit review, as well as the repeal of a notification requirement and a BLA specific time frame that is not required by Chapter 36.70B RCW.

6. Addition of SCC 30.70.125 to clarify where noticing requirements can be found for Type 1 and Type 2 decisions and codifying county practice related to noticing for other land use decisions.
- F. The proposed code amendments are consistent with the record as set forth in the PDS Staff Report dated June 6, 2024.
- 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 will be transmitted to the Washington State Department of Commerce for distribution to state agencies in the coming months.
 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action will be satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance in the coming months.
 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 September 2018 entitled “Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid 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.

Attachment B

Implementation of three options within RCW 36.70B.160(1)(a) through (j)

2SSB 5290 creates a requirement for local governments to provide permitting fee refunds if the time frames specified in code are missed. Although the bill also includes options within RCW 36.70B.160(1)(a) through (j) that local governments can implement to avoid penalties. The proposed amendments in this report do not include the addition of permit fee refunds because the County complies with RCW 36.70B.080(1)(i)(ii).

RCW 36.70B.160 states:

(1) Each local government is encouraged to adopt further project review and code provisions to provide prompt, coordinated review and ensure accountability to applicants and the public by:

- (a) Expediting review for project permit applications for projects that are consistent with adopted development regulations;
- (b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;
- (c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;
- (d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;
- (e) Having new positions budgeted that are contingent on increased permit revenue;
- (f) Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute;
- (g) Adopting development regulations which make preapplication meetings optional rather than a requirement of permit application submittal;
- (h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;
- (i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license; or
- (j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

In particular, Snohomish County complies with RCW 36.70B.160(1)(b), (d), and (h) as further described below.

“(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;”

Snohomish County imposes reasonable fees that are consistent with RCW 82.02.020 within Chapter 30.86 SCC. The fees imposed on applicants do not automatically include a fee to process the cost of an administrative appeal. Pursuant to SC 30.86.600, a fee for administrative appeals is required of anyone applying for an appeal of a permit decision at the time of appeal. It will also be refunded if the appeal is dismissed in whole without hearing.

“(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;”

The County has four consultants under contract that were chosen from the county’s active on-call list established in 2023 that will be reviewed and renewed every three years. The consultants are Jacobs Engineering Group; David Evans and Associates; Dowl, Inc.; and Hale Milligan and Associates. The consultants are under contract to assist with permit review if permit volumes or staffing make efficient review infeasible. This on-call contract was approved by the County Council in 2023, for the 2023 through 2026 time period.

“(h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;”

Snohomish County utilizes use matrices in County Code to display the uses that are permitted outright (likely with the need of a building permit), permitted with an administrative conditional use permit in addition to any necessary building permits, permitted with a conditional use permit in addition to any necessary building permits, or permitted with a special use permit in addition to any necessary building permits in each of the zones of the County. Housing is permitted outright in all residential zones (non-industrial) per SCC 30.22.100, SCC 30.22.110, and SCC 30.22.120. The housing types vary based on if the zones are primarily single-family or multi-family.



SNOHOMISH COUNTY PLANNING COMMISSION

July 30, 2024

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
Development Application Review Process

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend the development application review process within Chapter 30.70 of the Snohomish County Code (SCC). The Planning Commission had a briefing on this topic on June 25, 2024, and conducted a public hearing on July 23, 2024.

The proposed code amendments update the permit review timelines and processes within Chapter 30.70 SCC to comply with recent amendments to the Local Project Review Act (Chapter 36.70B RCW) required with the adoption of Second Substitute Senate Bill (2SSB) 5290.

There were no written comments received by the Planning Commission from the public prior to the July 23rd hearing, and no members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the July 23, 2024, Planning Commission meeting, Commissioner Pedersen made a motion, seconded by Commissioner Brown, recommending APPROVAL of the proposed development application review amendments contained in the staff report dated June 11, 2024, and presented by county staff within the July 23, 2024, Planning Commission public hearing.

Vote (Motion):

7 in favor (*Brown, Bush, James, Larsen, Pedersen, Sheldon, Sievers*)

0 opposed

1 abstention (*Campbell*)

Motion passed

The recommendation presented to the County Council within this motion was made following the close of the deliberations and after due consideration of information presented and is based on the findings and conclusions presented in the June 11, 2024, staff report.

During the deliberations, the topic of how the county can meet the updated permit review timelines was discussed at length. The distinction between Type 1 and Type 2 permits was also brought up.

Development Application Review Process
Planning Commission Recommendation Letter
Index #: File Name: 2-0014.pdf
Development Application Review Process
July 30, 2024

Respectfully submitted,

Bob Larsen

Bob Larsen (Aug 5, 2024 14:30 PDT)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

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

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 24-087, relating to Local Project Review; concerning Development Application Review Procedures; amending existing Sections and adding a New Section to Chapter 30.70 of the Snohomish County Code

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Sarah Titcomb

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 9/12/24

PURPOSE: To adopt code amendments to chapter 30.70 of the Snohomish County Code (SCC) related to development application review procedures. The amendments will revise permit procedures and timelines in compliance with new default permit processing time frames mandated in the Local Project Review Act as amended by the Second Substitute Senate Bill (2SSB) 5290. The code amendments also allow County Code to comply with Chapter 36.70B RCW more fully and provide consistent permitting timelines for more efficient permit review.

BACKGROUND: Snohomish County is required to comply with the permit procedures provided in the Local Project Review Act, Chapter 36.70B RCW. The Washington State Legislature amended this Act by adopting 2SSB 5290 in 2023. 2SSB 5290 adopts a variety of new project, review, and permitting requirements, including new default permit processing time frames that take effect on January 1, 2025. Chapter 30.70 SCC incorporates the permit processing requirements of the Local Project Review Act. PDS briefed the Planning Commission on the proposed code amendments on June 25, 2024, and the Planning Commission held a hearing on July 23, 2024. The Planning Commission recommends adoption of the code amendments as outlined in their July 30, 2024, letter.

FISCAL IMPLICATIONS:

| EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU | CURRENT YR | 2ND YR | 1ST 6 YRS |
|---------------------------------------|------------|--------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | 0 | 0 | 0 |

| REVENUE: FUND, AGY, ORG, REV, SOURCE | CURRENT YR | 2ND YR | 1ST 6 YRS |
|--------------------------------------|------------|--------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | 0 | 0 | 0 |

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

| | | | | | |
|-----------|-------|-----------|-------|--------|-------|
| ORIGINAL | _____ | CONTRACT# | _____ | AMOUNT | _____ |
| AMENDMENT | _____ | CONTRACT# | _____ | AMOUNT | _____ |

Contract Period

| | | | | |
|-----------|-------|-------|-----|-------|
| ORIGINAL | START | _____ | END | _____ |
| AMENDMENT | START | _____ | END | _____ |

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance – Brian
Haseleu 9/12/24

Code Amendments Relating to Development Application Review Process

Snohomish County Council

_____, 2024

Sarah Titcomb, Principal Planner

Jennifer Cao, Planner

Presentation Overview

- Review Second Substitute Senate Bill (2SSB) 5290
- Summary of amendments in chapter 30.70 SCC to comply with 2SSB 5290
- Review permit review process in Snohomish County
- Substantive amendments
- Public outreach



Second Substitute Senate Bill 5290

- Amends the Local Project Review Act, Chapter 36.70B RCW
- Goal of increasing efficiency of permit reviews with new permit review timelines
- Snohomish County is required to comply

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5290
Chapter 338, Laws of 2023
68th Legislature
2023 Regular Session

PROJECT PERMITS—LOCAL PROJECT REVIEW—VARIOUS PROVISIONS

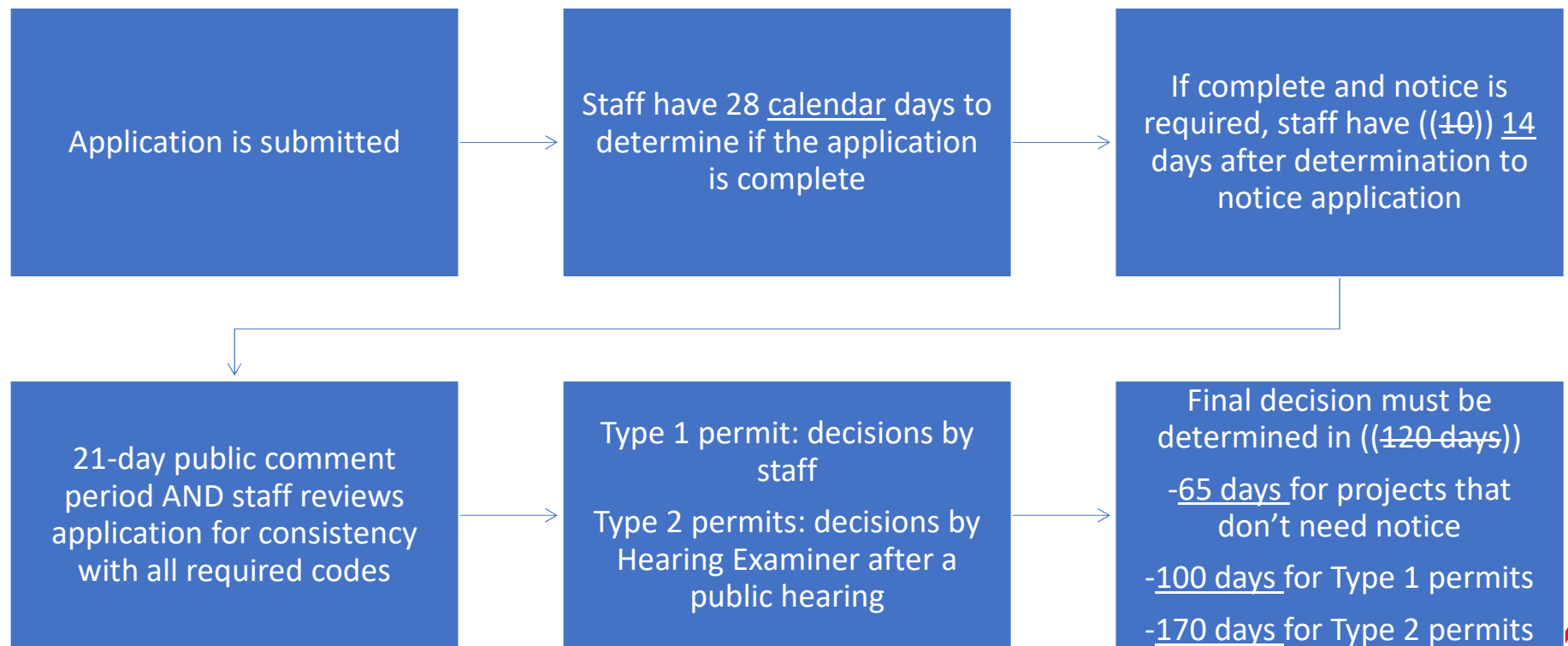
EFFECTIVE DATE: July 23, 2023—Except for section 7, which takes effect January 1, 2025.

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| <p>Passed by the Senate April 17, 2023 Yeas 47 Nays 0</p> <p>_____ DENNY HECK President of the Senate</p> <p>Passed by the House April 10, 2023 Yeas 98 Nays 0</p> <p>_____ LAURIE JINKINS Speaker of the House of Representatives</p> <p>Approved May 8, 2023 1:17 PM</p> <p>_____ JAY INSLEE Governor of the State of Washington</p> | <p style="text-align: center;">CERTIFICATE</p> <p>I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SECOND SUBSTITUTE SENATE BILL 5290 as passed by the Senate and the House of Representatives on the dates hereon set forth.</p> <p>_____ SARAH BANNISTER Secretary</p> <p style="text-align: center;">FILED</p> <p style="text-align: center;">May 10, 2023</p> <p>_____ Secretary of State State of Washington</p> |
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Summary of Code Amendments

- Mandatory updates to:
 - Clarify calendar days allowed for department to determine application procedural completeness
 - Increasing number of calendar days allow for department to provide public notice
 - Updating review time frames for different permit types
- Staff initiated consistency updates to:
 - SCC 30.70.050 to remove public notice requirements for free standing signs in the RFS Zone
 - Ensure all project permit decisions are noticed properly
- Not proposing permit fee refunds (compliance with RCW 36.70B.160)
- Intended to comply with the Local Project Review Act, provide consistent permitting timelines, and more efficient review.

Permit Review Process



Permit Fee Refunds

- Options within RCW 36.70B.160(1)(a) through (j) that local governments can implement to avoid penalties if timeframes are not met.
- Snohomish County complies with RCW 36.70B.160(1)(b), (d), and (h) as detailed in Attachment B of the Staff Report.
 - (b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, ...
 - (d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;
 - (h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;

Public Outreach

- 21-day Public Comment Period April 15 – May 6, 2024
 - Spoke with two members of the public, no concerns or proposed changes
- SEPA determination of non-significance (DNS) issued, and Commerce was notified in July 2024
- Planning Commission held a public hearing July 23, 2024, and recommended approval. Minor changes between then and now based on legal review.

Questions?



ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.004

FILE ORD 24-087

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N. Neh
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

Re-assigned to Committee of the Whole Date: 11/05/2024

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ____ Consensus /
____ Yeas and ____ Nays and made the following recommendation:

____ Move to Council to schedule public hearing on: _____

____ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

Jared Mead
Committee Chair

EXHIBIT 3.2.002

Administrative Session Meeting – 11/05/24

[Minutes](#) and [Video](#)

Amendment No. 1**Ordinance No. 24-087**

Relating to Local Project Review; concerning Development Application Review Procedures; amending existing Sections and adding a new Section to Chapter 30.70 of the Snohomish County Code

Brief Title: *Housekeeping amendment to increase clarity of SCC 30.70.015(2).*

Proposed by: County Executive Dave Somers

Existing Ordinance Recitals, Findings, or Sections to Delete or Modify:

Beginning on page 9, line 6, delete:

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

And replace with:

(2) For purposes of this section, interior alterations include construction activities that do not modify the existing site layout or current use, and do not involve exterior work that adds to the building footprint. Building permits for interior alterations are exempt from site plan review provided the interior alterations do not result in:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) An increase in the total square footage or valuation of the structure that would require upgraded fire access or fire suppression systems.

Council Disposition: _____ **Date:** _____