

## Index of Records

Project Name		LDA Application Extension		
Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES				
Exhibit #	Record Type	Date	Received From	Exhibit Description
1.0001	Public Outreach	7/25/2022	PDS Staff	Parties of Record
1.0002	Project Administration	3/29/2022	PDS Staff	Request for PA Assistance
1.0003	Public Comment	1/6/2023	PDS Staff	Email regarding DNS Notice
1.0004	Public Comment	1/6/2023	PDS Staff	Email Response to DNS Notice
1.0005	Public Outreach	2022	PDS Staff	Proposed Code Amendments
1.0006	SEPA Documents	6/3/2022	PDS Staff	DNS Notice and Checklist
1.0007	SEPA Documents	6/3/2022	PDS Staff	DNS Notice Postcard
1.0008	Staff Research	5/18/2022	PDS Staff	Ordinance 09-018
1.0009	Staff Research	4/21/2022	PDS Staff	Ordinance 16-004
1.0010	Staff Research	8/16/2022	PDS Staff	Proposed Code Amendments
1.0011	Staff Research	5/5/2022	PDS Staff	Permit Data Summary

1.0001 Parties of Record  
Expiration Extensions

No. Index #	File Name: 1.0001_Parties_of_Record.pdf	Organization	Email Address	Street Address	City	State	Zip Code	Notes
1	Gary Brandstetter	Marshland Flood Control	<a href="mailto:marshlandfloodcontrol@gmail.com">marshlandfloodcontrol@gmail.com</a>					
2	Josette Fisher	Mukilteo School District	FisherJA@mukilteo.wednet.edu					
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1.0001 Parties of Record  
Expiration Extensions

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1.0001 Parties of Record  
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**REQUEST FOR PA ASSISTANCE**

<b>To</b>	Ashley Lamp, Snohomish County Prosecutor's Office	
<b>From</b>		initials
<b>Originator</b>		initials
<b>Manager</b>		initials
<b>Date</b>		
<b>Subject</b>		

<b>Requested Due Date</b> <i>(Two week min unless rush)</i>		<input type="checkbox"/> <b>Urgent</b>	no later than
<b>Fund Account</b>	<input type="checkbox"/> 002 - CE, Long Range Planning, Fire Investigation <input type="checkbox"/> 193 - Permitting		
<b>Attachments</b>			
<b>CC:</b>			
<b>Related to Past PA Request?</b>	<input type="checkbox"/> yes <input type="checkbox"/> no	<b>If yes, explain:</b>	

Question or request:

Expiration Extensions

Index # - File Name: 1.0003.pdf

**From:** [Fisher, Josette A.](#)  
**To:** [McGowan, Hilary](#)  
**Cc:** [Fisher, Josette A.](#)  
**Subject:** FW: SEPA Notice: Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions  
**Date:** Monday, June 13, 2022 9:55:28 AM  
**Attachments:** [DNS and Environmental Checklist Noticing Appeals.pdf](#)

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**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Good Morning Hilary,

Please list Mukilteo School District as a Party of Record for the Proposed Code Amendments Relating to the Development Application and Permit Expiration Extensions.

Kind Regards,  
Josette Fisher

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**From:** Moore, Megan <Megan.Moore@co.snohomish.wa.us>  
**Sent:** Wednesday, June 8, 2022 8:08 AM  
**Subject:** SEPA Notice: Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions

\*\*\* Use caution responding to or opening attachments and links in this email. It is not from Mukilteo SD. \*\*\*

## SEPA NOTIFICATION

**Notice is Hereby Given** that SNOHOMISH COUNTY PLANNING AND DEVELOPMENT SERVICES (PDS) has issued a Determination of Non-significance (DNS) for a non-project action.

**Description of Proposal:** This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 relating to development application and permit extensions. This proposal would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within Title 30 chapters, and make fees and code language for permit application and permit extensions consistent among permit types.

**Project Proponent:** Snohomish County PDS. PDS determined that this non-project proposal will not have a probable significant adverse impact on the environment.

**Date of Issuance:** June 8, 2022

**Contact:** Hilary McGowan, Planner, (425) 388-5377, or [Hilary.McGowan@snoco.org](mailto:Hilary.McGowan@snoco.org).

**SEPA Comments Due:** This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the issue date above. Comments must be submitted by 5:00 p.m.,

Expiration Extensions

Index # - File Name: 1.0003.pdf

June 15, 2022, to the responsible official at the address listed on the DNS.

Additional information regarding the proposed legislation is available at the County's website at:

<https://snohomishcountywa.gov/1603/Environmental-SEPADocuments>

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Copies are available at Snohomish County Planning and Development Services  
3000 Rockefeller Ave. M/S 604, Everett, WA 98201

Megan Moore | Administrative Assistant

Snohomish County Planning and Development Services

(425) 262-2891

she/her

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

**McGowan, Hilary**

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**From:** Fisher Josette A. <FisherJA@mukilteo.wednet.edu>  
**Sent:** Monday, June 13, 2022 9:55 AM  
**To:** McGowan, Hilary  
**Cc:** Fisher Josette A.  
**Subject:** FW: SEPA Notice: Proposed Code Amendments Relating to Development Application and Permit Expiration Extensions  
**Attachments:** DNS and Environmental Checklist Noticing Appeals.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**SEPA Comments Due:** This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the issue date above. Comments must be submitted by 5:00 p.m., June 15, 2022, to the responsible official at the address listed on the DNS.



Expiration Extensions

Index#: File Name: 1.0004.pdf

Additional information regarding the proposed legislation is available at the County's website at: <https://snhomishcountywa.gov/1603/Environmental-SEPADocuments>

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Megan Moore | Administrative Assistant

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**Snohomish County**  
**Planning and Development Services**

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

DRAFT: Proposed Code Amendments Relating to Development  
Application and Permit Extensions

DATE: May 28, 2022

**Dave Somers**  
*County Executive*

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### **INTRODUCTION**

The purpose of this memo is to provide information and elicit public feedback for a draft non-project proposal regarding a proposal to amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within Title 30 chapters, and make fees and code language for permit application and permit extensions consistent among permit types.

### **PROPOSAL BACKGROUND**

Snohomish County Planning and Development Services (PDS) staff have identified several instances in which permit applications have expired on certain projects, while the associated applications have not expired. Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permit applications are currently valid for 18 months and the expiration date cannot be extended. This has resulted in LDA and Flood Hazard applications expiring for many projects before the related building permit or land use applications have expired. This mismatch in expiration dates is true even if the applicant has requested consolidated review under SCC 30.70.12.

Application expiration dates translate into the amount of time applicants must demonstrate to the county staff that their application is in compliance with all applicable code requirements. When the application expiration dates of the required permits are out of alignment, this can result in some applications expiring while other permit applications still have remaining time left for review. To complete a project when these permit applications expire, the applicant must re-submit materials for the LDA, Flood Hazard, or Flood Hazard Variance permit. This causes delays as the new application materials must be processed, a new public notice may be required, and the applicant is subject to pay additional fees. This is a frequent issue identified by PDS staff that could be resolved by aligning application extensions for LDA, Flood Hazard, and Flood Hazard Variance permits with the current process for building permit applications.

Chapter 30.70 SCC describes general process requirements for permits and decisions including expiration dates, and Chapter 30.86 SCC relates to fees required for permit application and

extension requests. The fees and timelines for LDA, Flood Hazard, and Flood Hazard Variance permit applications have changed over time. The last change was made in 2016. Amendments in 2016 eliminated extensions for LDA applications and added a time limit for Flood Hazard Variances. Under SCC Table 30.70.140(1), LDA and Flood Hazard permit applications expire 18 months after submittal, without the option for an extension.

Prior to 2016, LDA permit applications expired after 18 months, and there was the option for the PDS Director to grant one extension of the permit application that couldn't exceed an additional 18 months. The renewal fee was \$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed.

Applicants who are applying for building permits, such as single-family homes or garages, may also need to apply for LDA, Flood Hazard, or Flood Hazard Variance permits depending on the size and location of the proposed buildings. The associated building permit applications expire 18 months after submittal, although the expiration date can be extended by the County building official by up to 18 months. If the building permit application is extended to allow for more review time, this may cause applicants to need to re-apply for LDA, Flood Hazard, or Flood Hazard Variance permits which expire after only 18 months. Resubmittal will cause the applicant to pay new fees. Fee rates for LDA applications (SCC 30.86.510) range from \$375 to \$34,700, depending on specified levels of drainage and grading, and may be subject to additional fees for security device administration. Fee rates for Flood Hazard permit applications (SCC 30.86.300) range from \$300 to \$1,500. To help prevent the need to resubmit permit applications and pay the full application fees again due only to mismatched expiration timelines, this code amendment proposes that extensions of up to 18 months be permitted for LDA and Flood Hazard applications.

Requiring this additional resubmittal increases costs and time for the applicant and increases permit application processing and review time for PDS staff. In reviewing permit applications, staff found that 149 out of 2,182 LDA permit applications expired since 2017. Due to permitting software changes and changes in how PDS codes certain permit types, there is no data to show how many LDA, Flood Hazard, and Flood Hazard Variance projects have re-applied for a permit since they have expired. Since 2016, PDS staff have reported this being a semi-regular occurrence for applicants when accounting for potential longer-term permit application timelines for associated building permits.

Preliminary Subdivisions and Preliminary Short Subdivisions allow an extension for the expiration of approval or permit with fees that are both \$500 under SCC 30.86.100 and SCC 30.86.110. A flat fee required for the allowed total extension time of two years granted by PDS is an efficient process because it is consistent for all applications and does not require staff to determine factors such as percentage complete. LDA applications prior to 2016 could be renewed for \$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed. PDS staff recommends against adding in fee language that requires percentages of activity completed to be assessed, since it can be difficult to quantify such language consistently. Instead, this code amendment proposes

a flat fee of \$500 for permit application extensions for LDA, Flood Hazard, and Flood Hazard Variance permits.

Under SCC Table 30.70.140(1), SCC 30.50.140, SCC Table 30.86.400(6), and SCC Table 30.86.400(7) Building Permits allow an application extension of 18 months, and an application extension fee of a \$400 administration fee plus a percentage of the original plan review fee equal to the percentage of work completed (SCC 30.86.400). Building Permits extensions under SCC 30.50.144 and SCC Table 30.86.400(7) also have extension fees based on the percentage of finished work. It is often difficult for staff to determine the percentage of work that has been completed when calculating the application extension and extension fees. In order to maintain consistency between fees related to specific permitting work, PDS staff recommends that Building Permit application extensions (SCC Table 30.86.400(6)) and Building Permit extensions (SCC Table 30.56.400(7)) be assigned the same cost as the proposed LDA, Flood Hazard, and Flood Hazard Variance application extensions of \$500.

In addition to the proposed application extensions and fee consistency, this code amendment also proposes to clean up dated expiration extension language in SCC Table 30.70.140(1) for Subdivisions and Short Subdivisions. Currently, the table has two conditions for the expiration of approval or permit. PDS proposes to remove the extension language for Subdivisions and Short Subdivisions that were approved on or before December 31, 2007, since there are no permits that would be valid in that timeline in 2022. With the removal of the December 31, 2007, date, the language that specifies permit extensions that were approved on or after January 1, 2008, is also recommended to be removed. PDS also proposes to reduce the amount of extensions that could be requested for Subdivisions and Short Subdivisions. Currently there could be multiple extension requests that could equal up to two years. The proposal is to instead allow a one time permit extension of two years. This proposed change would reduce the review burden on PDS Staff and extension submittal burden on applicants in order to achieve the same timeline of permit extensions.

While unifying the permit application and permit extension fees for building permits, PDS staff recommends removing a reference note in SCC Table 30.86.400(7). This provision was added by Ordinance No. 06-004 in 2006, and has since been sunsetted in past Ordinances. This code deletion would be a housekeeping item to remove a reference that is no longer applicable.

**PROPOSED CODE AMENDMENTS**

The following three tables provide an overview of the proposed changes to Snohomish County Code.

**30.70.140 Expiration of applications, approvals, and permits**

Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
Administrative Conditional Use Permit	36 months	5 years to commence construction or use
Administrative Conditional Use Permit – Temporary Dwelling During Construction	12 months	As determined in decision
Administrative Conditional Use Permit – Temporary Dwelling For Relative	12 months	Shall be subject to annual renewal
Administrative Conditional Use Permit – Other Temporary Uses	12 months	As determined in decision
Administrative Site Plan (pursuant to chapter 30.23A SCC)	36 months	5 years to commence construction or use
Binding Site Plan	36 months	6 months to record
Boundary Line Adjustment	12 months	12 months to record. The department may grant up to one 12-month extension.
Building Permit	Per subtitle 30.5 SCC	Per subtitle 30.5 SCC
Conditional Use Permit	36 months	5 years to commence construction or use
Cottage Housing (pursuant to chapter 30.41G SCC)	36 months	5 years to commence construction or use
Flood Hazard Permit & Flood Hazard Variance	18 months, <u>but may be extended for an additional 18 months.</u> <sup>1</sup>	18 months from the date of issuance. Start of construction, as defined in SCC 30.91S.570, must commence within 180 days.
Forest Practices (Class IV-General)	18 months	36 months
Land Disturbing Activity	18 months, <u>but may be extended for an additional 18 months.</u> <sup>2</sup>	36 months
Official Site Plan and Site Plans (pursuant to chapters 30.31A and 30.31B SCC)	36 months	5 years to commence construction or use

Planned Residential Development	36 months	5 years to commence construction or use
Pre-application Concurrency Determination	6 months	Per SCC 30.66B.155
Rezoning	36 months	Not applicable
Shoreline Conditional Use Permit	36 months	Per chapter 30.44 SCC
Shoreline Substantial Development Permit	36 months	Per chapter 30.44 SCC
Single Family Detached Units	36 months	5 years to commence construction or use
Special Use Permit (pursuant to chapter 30.42F SCC)	36 months	5 years to commence construction or use
Subdivisions	48 months	Per RCW 58.17.140, except that:
		For preliminary subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100. <u>May be extended for an additional two years.</u> <sup>(3)</sup>
		For preliminary subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.
Short Subdivisions	48 months	60 months, except that:
		For preliminary short subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for

		each extension pursuant to SCC 30.86.110. <u>May be extended for an additional two years.</u> <sup>(4)</sup>
		For preliminary subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.
Urban Center Development	36 months	5 years to commence construction or use
Variance	36 months	Not applicable

**Reference notes for SCC Table 30.70.140(1):**

<sup>1</sup>The department may grant a one-time 18-month extension. The applicant must submit the extension request to the department prior to the expiration. The applicant shall pay a fee for the extension pursuant to 30.86.300.

<sup>2</sup>The department may grant a one-time 18-month extension. The applicant must submit the extension request to the department prior to the expiration. The applicant shall pay a fee for the extension pursuant to 30.86.510.

<sup>3</sup>One extension of two years may be granted by the department. Such request must be received by the director prior to the expiration of the preliminary subdivision approval. The applicant shall pay a fee for the extension pursuant to SCC 30.86.100.

<sup>4</sup>One extension of two years may be granted by the department. Such request must be received by the director prior to the expiration of the preliminary subdivision approval. The applicant shall pay a fee for the extension pursuant to SCC 30.86.110.

**30.86.300 Special flood hazard areas permit fees.**

**Table 30.86.300 Special Flood Hazard Area Permit Fees**

<b>FLOOD HAZARD AREA PERMIT</b>	\$1,050
<b>FLOOD HAZARD AREA VARIANCE</b>	See Table 30.86.230
<b>PRE-APPLICATION CONFERENCE FEE</b>	\$480
<b>FLOOD HAZARD AREA DETERMINATION</b>	\$300
<b>FLOOD HAZARD PERMIT &amp; FLOOD HAZARD VARIANCE APPLICATION EXTENSION (1)</b>	<b>\$500</b>
<u>(1) This fee applies to Flood Hazard Permit and Flood Hazard Variance application extensions pursuant to SCC Table 30.70.140(1).</u>	

**30.86.510 Drainage and land disturbing activity fees.**

**Table 30.86.510(2) Fees for Drainage and Land Disturbing Activities**

<b>(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION</b>	<b>DRAINAGE (new, replaced, or new plus replaced hard surface in square feet)</b>		<b>GRADING (cut or fill in cubic yards, whichever is greater)</b>		<b>FEE</b>	
	Level 1(a): Drainage only	1 – 1,999				\$
Level 1(b): Grading only			1 - 500		\$	350
Level 1(a)+(b): Drainage and Grading	1 – 1,999	<b>and</b>	1-500		\$	725
Level 2	2,000 – 4,999	<b>and</b>	0 - 500		\$	1,575
Level 3	5,000 – 9,999	<b>and/or</b>	501 – 4,999		\$	2,450
Level 4	10,000 – 39,999	<b>and/or</b>	5,000 – 14,999		\$	4,800
Level 5	40,000 - 99,999	<b>and/or</b>	15,000 – 69,999		\$	12,700
Level 6	100,000 or more	<b>and/or</b>	70,000 or more		\$	34,700
<b>(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION<sup>(1)</sup></b>	<b>CLEARING<sup>(2)</sup></b>				<b>FEE</b>	
Level 1	1 – 6,999 sq. ft.				\$ 750	
Level 2	7,000 sq. ft. or more				\$ 2,800	
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of native vegetation to pasture.				\$ 2,800	
<b>(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:</b>						
Pre-application site review					\$ 250	
Subsequent plan review <sup>(3)</sup>					\$ 350	
LDA Application Extension <sup>(4)</sup>					\$ 500	
Field revisions <sup>(4) (5)</sup>					\$ 350	
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842					See SCC 30.86.515	
Investigation penalty <sup>(5) (6)</sup>					100% of the applicable drainage	



	and land disturbing activity fee
Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan	\$ 60 per hour
Drainage plan review for mining operations <sup>(4) (2)</sup>	\$156 per acre
Monitoring associated with drainage plan review for mining operations	\$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2)	
Land Use	\$ 850
Engineering	\$ 975
Land Use and Engineering Combination	\$ 1,655
<b>(D) SECURITY DEVICE ADMINISTRATION FEES:</b>	
Performance Security	\$ 19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for all other permits
Maintenance Security	\$ 15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for all other permits
<b>REFERENCE NOTES:</b>	
(1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.	
(2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 - 6 for drainage and/or grading plan review and inspection also apply.	
(3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on "markup" plans, drawings, or other required submittal documents.	
(4) This fee applies to LDA application extensions pursuant to SCC Table 30.70.140(1).	
<del>(4)</del> (5) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.	
<del>(5)</del> (6) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land. Fees for phased mine developments and mining site restoration plans of phased mine	

developments shall be calculated separately for each phase of mining based upon the area for each phase.
(6) (7) Any person who commences any land disturbing activity before obtaining the necessary permits shall be subject to an investigation penalty in addition to the required permit fees.

**30.86.400 Construction Code fees.**

**Table 30.86.400(6) Plan Review Fees**

PLAN, DRAWING, OR DOCUMENT BEING REVIEWED		
•	R-3 and U Occupancies for residential purposes	65% of building permit fee
•	A, I, R-1, R-2, R-4, E, H, F, M, S, U and B Occupancies	85% of building permit fee
<b>EXCEPTIONS</b>		
Successive construction (2) (3)		
•	Structures regulated by the IRC	20% of building permit fee
•	R-2 structures	45% of building permit fee
The plan review fee shall be supplemented for A, I, R-1, R-2, R-4, E, H, F, M, S, U and B Occupancies as follows:		
•	Commercial permit application for 1 or more buildings or additions requiring site review	\$640
•	Commercial permit application for 1 or more buildings or additions with a previously approved official site plan	\$500
•	Tenant improvements not requiring site plan review	\$100
<b>ADDITIONAL REVIEW (4)</b>		\$200 or 25% of the plan review fee, whichever is less.
<b>APPLICATION EXTENSION</b>		\$500 The fee for the permit application extension includes a percentage of the original plan review fee equal to the percentage of work completed plus a \$400 administration fee.
Reference notes:		
(1) Plan review fees shall compensate the department for the plan review necessary to determine compliance with the adopted construction codes and other county regulations.		
(2) A plan review fee for successive construction will be assessed where more than one building or structure is proposed to be constructed in accordance with a single basic plan for the following classifications of buildings and structures		
(a) Group R occupancies.		

- (b) Garages, carports, storage buildings, agricultural buildings, and similar structures for private use.
- (3) Procedures for approval of basic plans for successive construction shall be established by the director.
- (4) This fee is charged whenever an applicant resubmits documents failing to make county-required corrections noted on "markup" plans, drawings, or such other documents during plan review; or whenever as a result of changes, additions, or revisions to previously approved plans, drawings or such other documents, a subsequent plan review is required.

**30.86.400 Construction Code fees.**

**Table 30.86.400(7) Building Permit Fees**

<b>TOTAL BUILDING/STRUCTURAL VALUATION<sup>(2)</sup></b>	<b>PERMIT FEE <sup>(3)(4)</sup></b>
\$1-\$500	\$45.00
\$501-\$2,000	\$45.00 for the first \$500 plus \$3.70 for each additional \$100 or fraction thereof, including \$2,000
\$2,001-\$25,000	\$100.50 for the first \$2,000 plus \$17.50 for each additional \$1,000 or fraction thereof, including \$25,000
\$25,001-\$50,000	\$503.00 for the first \$25,000 plus \$10.50 for each additional \$1,000 or fraction thereof, including \$50,000
\$50,001-\$100,000	\$765.50 for the first \$50,000 plus \$9.75 for each additional \$1,000 or fraction thereof, including \$100,000
\$100,001-\$500,000	\$1,253.00 for the first \$100,000 plus \$7.00 for each additional \$1,000 or fraction thereof, including \$500,000
\$500,001-\$1,000,000	\$4,053.00 for the first \$500,000 plus \$6.50 for each additional \$1,000 or fraction thereof, including \$1,000,000
\$1,000,001-\$5,000,000	\$7,453.00 for the first \$1,000,000 plus \$4.30 for each additional \$1,000 or fraction thereof.
Over \$5,000,000	\$24,503.00 for the first \$5,000,000 plus \$4.00 for each additional \$1,000 or fraction thereof.
<b>PERMIT EXTENSION</b>	<b>\$500</b> The fee for the permit extension includes a percentage of the original permit fee equal to the percentage of work to be completed.

Reference notes:

- (1) Permit fees shall compensate the department for inspections necessary to determine compliance with the adopted construction codes, other county regulations, and the approved plan. The fee table shall be applied separately to each building within a project and used for the calculation of all plan review and permit fees, except those for which a separate permit fee is required to be paid in accordance with this title.
- (2) The department shall use the building valuation multipliers provided in the most current building valuation data (BVD) published by the International Code Council.

~~(3) Permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 shall be set at \$0.00, regardless of valuation. All buildings on the site shall be permitted on one permit.~~

~~(4)~~(3) For new construction of Group R-3 occupancies, a fee of 11 percent of the building permit fee shall apply for mechanical and plumbing inspections. (See SCC 30.86.410 and 30.86.420.)

DRAFT



Snohomish County

Planning and Development Services

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

**Dave Somers**  
County Executive

## DETERMINATION OF NONSIGNIFICANCE

**Proponent:** Snohomish County Department of Planning and Development Services  
County Administration Building  
3000 Rockefeller Avenue, M/S 604  
Everett, WA 98201

**Description of Proposal:** Proposed ordinance to amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables.

Ordinance is titled:

RELATING TO DEVELOPMENT APPLICATION AND PERMIT EXTENSIONS IN TITLE 30 OF THE SNOHOMISH COUNTY CODE (SCC), AMENDING SCC TABLE 30.40.140(1), SCC TABLE 30.86.300, SCC TABLE 30.86.510(2), SCC TABLE 30.86.400(6), AND SCC TABLE 30.86.400(7)

### Proposed Amendments

This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to increase the consistency between permit application expiration timelines of building permits and land use applications within Title 30 chapters, and to make fees and code language for permit application and permit extensions consistent among permit types.

More specifically,

- SCC Table 30.70.140(1) will be amended by adding a one time 18 month permit application extensions for Flood Hazard Permit, Flood Hazard Variance, and Land Disturbing Activity approval types. This table would also amend dated language for permit extensions for Subdivisions and Short Subdivisions.
- SCC Table 30.86.300 will be amended to add a one time fee of \$500 for a Flood Hazard Permit and Flood Hazard Variance application extension, in addition to a reference to SCC Table 30.70.140(1).
- SCC Table 30.86.510(2) will be amended to add a one time fee of \$500 for a Land Disturbing

Activity application extension, in addition to a reference to SCC Table 30.70.140(1).

- SCC Table 30.86.400(6) will be amended to change the application extension fee for Construction Code fees to a flat \$500 fee from being \$400 administrative fee plus a percentage of the plan review fee equal to the percentage of work completed.
- SCC Table 30.86.400(7) will be amended to change the application extension fee for Building Permit fees to a flat \$500 fee from being \$400 administrative fee plus a percentage of the plan review fee equal to the percentage of work completed.

**Lead Agency:** Snohomish County Department of Planning and Development Services

**Threshold Determination:** The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS NOT** required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by June 15, 2022 to the responsible official at the address listed below.

**Appeals:** This DNS together with the subsequent legislative action by the County Council to amend the County Code may be appealed to the Central Puget Sound Growth Management Hearings Board. **THIS DNS MAY BE APPEALED ONLY WHEN SUCH APPEAL IS COMBINED WITH THE APPEAL OF THE UNDERLYING ACTION PURSUANT TO SCC 30.73.100. THE APPEAL MUST BE FILED WITHIN 60 DAYS OF THE PUBLISHED NOTICE OF ACTION ISSUED SUBSEQUENT TO THE FINAL DECISION BY THE COUNTY.** The Notice of Action describing the final decision by the County to pursue or not pursue the proposed action will be published in the County's paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953 Olympia WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

**Responsible Official:** David Killingstad  
**Position/Title:** Manager, Long Range Planning  
**Address:** 3000 Rockefeller Avenue, M/S #604  
Everett, WA 98201-4046

*David Killingstad*

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David Killingstad, Manager

For further information, contact Hilary McGowan, Planning and Development Services, (425) 388-5377 or [hilary.mcgowan@snoco.org](mailto:hilary.mcgowan@snoco.org). Please include your full name and mailing address in any email comments.

**Date Issued:** June 8, 2022

**Date Published:** June 8, 2022



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**Dave Somers**  
*County Executive*

## **SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST**

### **Purpose of Checklist**

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information on the impacts from this proposal (and to reduce or avoid impacts if possible) to help the agency decide whether an EIS is required.

### **A. Background**

#### **1. Name of proposed project:**

Proposed Code Amendments Relating Development Application and Permit Extensions.

#### **2. Name of applicant:**

Snohomish County, Department of Planning and Development Services.

#### **3. Address and phone number of applicant and contact person:**

Hilary McGowan, Project Manager  
3000 Rockefeller, M/S 604  
Everett, WA 98201  
Phone: 425-388-5377  
Email: Hilary.McGowan@snoco.org

#### **4. Date checklist prepared:**

May 26, 2022

**5. Agency requesting checklist:**

Snohomish County, Department of Planning and Development Services

**6. Proposed timing or schedule (including phasing, if applicable):**

Planning Commission briefing: June 28, 2022

Planning Commission public hearing: July 26, 2022

County Council public hearing: To be determined

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

This proposal is for a non-project action with no directly related plans for future activities associated with these code amendments.

**8. List any environmental information you know about what has been prepared, or will be prepared, directly related to this proposal.**

The proposed ordinance is consistent with the policies and goals of the adopted Growth Management Act Comprehensive Plan, which included an EIS that was adopted on June 3, 2015. No additional environmental information or studies have been prepared for the proposed development regulations.

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

This is a non-project action which would amend Snohomish County Code (SCC) Title 30 to increase the consistency between permit application expiration timelines of building permits and land use applications within Title 30 chapters, and to make fees and code language for permit application and permit extensions consistent among permit types. There are no properties directly associated with this proposed code amendment.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

No government approvals or permits are required for this proposal. The Snohomish County Planning Commission will make a recommendation to the County Council, who may adopt the amendment as proposed, revise the proposed amendment, or take no action.



**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 to increase the consistency between permit application expiration timelines of building permits and land use applications within Title 30 chapters, and to make fees and code language for permit application and permit extensions consistent among permit types.

More specifically,

- SCC Table 30.70.140(1) will be amended by adding a one time 18 month permit application extensions for Flood Hazard Permit, Flood Hazard Variance, and Land Disturbing Activity approval types. This table would also amend dated language for permit extensions for Subdivisions and Short Subdivisions.
- SCC Table 30.86.300 will be amended to add a one time fee of \$500 for a Flood Hazard Permit and Flood Hazard Variance application extension, in addition to a reference to SCC Table 30.70.140(1).
- SCC Table 30.86.510(2) will be amended to add a one time fee of \$500 for a Land Disturbing Activity application extension, in addition to a reference to SCC Table 30.70.140(1).
- SCC Table 30.86.400(6) will be amended to change the application extension fee for Construction Code fees to a flat \$500 fee from being \$400 administrative fee plus a percentage of the plan review fee equal to the percentage of work completed.
- SCC Table 30.86.400(7) will be amended to change the application extension fee for Building Permit fees to a flat \$500 fee from being \$400 administrative fee plus a percentage of the plan review fee equal to the percentage of work completed.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

This non-project proposal that would be in effect throughout the jurisdiction of Snohomish County.

## **B. Environmental Elements**

### **1. Earth**

#### **a. General description of the site:**

(Circle one): **Flat, rolling, hilly, steep slopes, mountainous, other** \_\_\_\_\_

Lands within the jurisdiction of Snohomish County include a variation of terrain such as flat, rolling, hilly, and steep slopes.

**b. What is the steepest slope on the site (approximate percent slope)?**

Slopes in excess of 100% can be found within the jurisdiction of Snohomish County.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

A range of soil types are found within the jurisdiction of Snohomish County.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Certain areas within Snohomish County have a history of surface instability associated with periods of heavy rainfall. Other areas have a history of more deep-seated instability associated with landslide activity.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

As a non-project action, no filling or grading is proposed. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review of any proposed grading or filling activity.

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

As a non-project action, no erosion will occur as a direct result of this proposal. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review of any proposed clearing and construction that might result in erosion.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

As a non-project action, no impervious surface coverage will occur as a result of this proposal.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

As a non-project action, no erosion reduction or control measures are proposed or required. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control erosion or other impacts to the earth.

**2. Air**

**a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

As a non-project action, no emissions to air will occur as a result of this proposal.

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

Not applicable.

**c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

As a non-project action, no measures to reduce or control emissions are required or proposed. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control emissions or other impacts to air, if any.

**3. Water**

**a. Surface Water:**

**1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

There are several streams, seasonal streams, and bodies of water located within Snohomish County.

**2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

As a non-project action, this proposal will not require any work in, or adjacent to, the described waters. Future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level SEPA and regulatory review and would require the implementation of applicable County regulations to reduce or control activities near surface water bodies, if any.

**3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

As a non-project action, no fill or dredge material will be placed or removed from surface water or wetlands.

**4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

As a non-project action, no surface water withdrawals or diversion will be required.

**5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Not applicable as this is a non-project action.

**6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

As a non-project action, no discharges of waste materials to surface waters will occur as a result of this proposal.

**b. Ground Water:**

**1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

As a non-project action, no groundwater will be withdrawn or discharged.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

As a non-project action, no waste material will be discharged from septic tanks or other sources as a result of this proposal. Future development or land use actions not exempted by WAC 197-11-800 or SCC 30.61.035 that would likely result in discharges from stormwater runoff would be subject to project-level SEPA and regulatory review.

**c. Water runoff (including stormwater):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal would be subject to a separate SEPA and development permit review, which would address runoff management.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.**

As a non-project action, no runoff will occur as a result of this proposal. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and development permit review, which would address runoff management.

**d. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

As a non-project action, no drainage patterns will be affected as a result of this proposal. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would address drainage.

**e. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

As a non-project action, no measures are proposed or required to reduce impacts to surface or groundwaters. Any future site-specific development or land use proposal not

exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review.

#### 4. Plants

**a. Check the types of vegetation found on the site:**

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

Orchards, vineyards or other permanent crops.

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

All types of the above vegetation occur in various locations throughout the County.

**b. What kind and amount of vegetation will be removed or altered?**

As a non-project action, no vegetation will be removed as a direct result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA evaluation of any proposed vegetation removal or alteration.

**c. List threatened and endangered species known to be on or near the site.**

U.S Fish and Wildlife Services provides listing for Endangered Species Act (ESA) species under its jurisdiction. National Marine Fisheries Service provides listing for ESA species under its jurisdiction. Washington State Department of Fish and Wildlife provides listing for sensitive species under its jurisdiction. Washington State Department of Natural Resources provides legal listing of sensitive species under its jurisdiction.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

As a non-project action, no measures to preserve or enhance vegetation are required for this proposal. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would include review of any proposed landscaping or measures to preserve or enhance vegetation on the site.

**e. List all noxious weeds and invasive species known to be on or near the site.**

All types of noxious weeds and invasive species occur throughout the County.

**5. Animals**

**a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.**

Birds: **hawk, heron, eagle, songbirds, other:** \_\_\_\_\_

Mammals: **deer, bear, elk, beaver, other:** \_\_\_\_\_

Fish: **bass, salmon, trout, herring, shellfish, other:** \_\_\_\_\_

All of the above animal species may be found in various locations throughout the County.

**b. List any threatened and endangered species known to be on or near the site.**

U.S Fish and Wildlife Services provides listing for ESA species under its jurisdiction. National Marine Fisheries Service provides listing for ESA species under its jurisdiction. Washington State Department of Fish and Wildlife provides legal listing for sensitive species under its jurisdiction. Washington State Department of Natural Resources provides legal listing of sensitive species under its jurisdiction.

**c. Is the site part of a migration route? If so, explain.**

Yes. Wildlife species do migrate through the County, but as a non-project action, this proposal will not impact migratory species.

**d. Proposed measures to preserve or enhance wildlife, if any:**

As a non-project action, no measures to preserve or enhance wildlife are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to preserve or enhance wildlife, if any.

**e. List any invasive animal species known to be on or near the site.**

All types of invasive animal species that occur throughout the County.

## 6. Energy and Natural Resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

As a non-project action, energy will not be consumed.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

As a non-project action, there will be no impact on solar energy as a result of this proposal.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

As a non-project action, energy conservation features are not applicable to this project. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control energy impacts, if any.

## 7. Environmental Health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

As a non-project action, no environmental health hazards will result as a consequence of this proposal.

- 1) **Describe any known or possible contamination at the site from present or past uses.**

As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include identification of known or possible contamination, if any.

- 2) **Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**



As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include identification existing hazardous chemicals/conditions, if any.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

As a non-project action, this is not applicable. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include a review of toxic or hazardous chemicals stored, used, or produced during the project's development or construction, or at any time during the operating life of the project, if any.

- 4) Describe special emergency services that might be required.**

As a non-project action, no special emergency services are required by this proposal.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

As a non-project action, no measures to reduce or control environmental health hazards are required for this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control environmental health hazards, if any.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

This non-project action will not be affected by noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

This non-project action will not generate noise.

- 3) Proposed measures to reduce or control noise impacts, if any:**

As a non-project action, no measures to reduce or control noise impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control noise impacts, if any.

## 8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

This is a non-project proposal and a variety of uses exist within the jurisdiction of Snohomish County.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

As a non-project action, no working farmlands or working forests will be converted. There are working farmlands and forest lands within the jurisdiction of Snohomish County.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:**

As a non-project action, this proposal will not directly affect or be affected by surrounding working farm or forest lands. This proposed non-project action does not change existing regulations or protections relating to working farm or forest lands.

- c. Describe any structures on the site.**

Not applicable to this non-project action.

- d. Will any structures be demolished? If so, what?**

As a non-project action, no structures will be demolished as a result of this proposal.

- e. What is the current zoning classification of the site?**

This is a non-project action that pertains to all zoning classifications within the jurisdiction of Snohomish County.

**f. What is the current comprehensive plan designation of the site?**

This is a non-project action that pertains to all future land use designations within the jurisdiction of Snohomish County.

**g. If applicable, what is the current shoreline master program designation of the site?**

Not applicable to this non-project action.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Not applicable to this non-project action.

**i. Approximately how many people would reside or work in the completed project?**

As a non-project action, this is not applicable.

**j. Approximately how many people would the completed project displace?**

As a non-project action, this is not applicable.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

As a non-project action, no measures to avoid or reduce displacement impacts are required by this proposal.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

The proposed code amendments are compatible with the land use plans and regulations.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

As a non-project action, no impacts to agricultural and forest lands of long-term commercial significance would occur as a result of this proposal. This proposed non-project action does not change existing regulations or protections relating to agricultural and forest lands of long-term commercial significance.

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

As a non-project action, no housing units would be provided by this proposal.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

As a non-project action, no housing units would be eliminated by this proposal.

- c. Proposed measures to reduce or control housing impacts, if any:**

As a non-project action, no measures to reduce or control impacts to housing are required or proposed.

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

As a non-project action, no structures are proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which will include review of structure height and building materials.

- b. What views in the immediate vicinity would be altered or obstructed?**

As a non-project action, no views will be altered or obstructed as a result of this proposal. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which will include review of views that may be altered or obstructed.

- c. Proposed measures to reduce or control aesthetic impacts, if any:**

As a non-project action, no measures to reduce or control aesthetic impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control aesthetic impacts, if any.

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

As a non-project action, no light or glare will occur as a result of this proposal.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

As a non-project action, no light or glare that could be a safety hazard or interfere with views will result from this proposal. Any future site-specific development proposals not exempted by WAC 197-11-800 or SCC 30.61.035 will be subject to a separate SEPA and applicable permit reviews, which will include review of light and glare from the development.

- c. What existing off-site sources of light or glare may affect your proposal?**

Not applicable to this non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

As a non-project action, no measures to reduce or control light and glare impacts are required or proposed. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control light and glare impact, if any.

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

Hunting, fishing, bird watching and many other recreational opportunities exist.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

As a non-project action, no existing recreational uses will be displaced.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by

WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provide by the project or applicant, if any.

### 13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

Not applicable to this non-project action.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review on a site-specific basis under Chapter 30.32D SCC – Historic and Archaeological Resources.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable to this non-project action. Future development proposals may be conditioned or subject to further review on a site-specific basis under Chapter 30.32D SCC – Historic and Archaeological Resources.

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

As a non-project action, no measures to reduce or control impacts on recreation are proposed or required. Any future site-specific development proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control impacts on recreation, including recreation opportunities to be provide by the project or applicant, if any.

## 14. Transportation

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

Various highways and several state routes and local streets service Snohomish County.

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Various transit services exist in Snohomish County.

- c. **How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?**

As a non-project action, no parking spaces are proposed or required. Future site-specific development must meet the minimum parking requirements as mandated by Chapter 30.26 of the Snohomish County Code.

- d. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

As a non-project proposal, new transportation improvements are not required or proposed. Future site-specific development will be reviewed for impacts to the roadway system and improvements to existing roadways may be required on a project-by-project basis.

- e. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not applicable to this non-project action.

- f. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

This non-project action will not directly generate any vehicular trips per day. Any future site-specific development or land use proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which would include review of traffic issues.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

As a non-project action, the proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets. Any future development or land use proposal w not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and permit review, which will include review of impacts interfering, affecting, or resulting from the movement of agricultural and forest products on roads or streets.

- h. Proposed measures to reduce or control transportation impacts, if any:**

As a non-project action, no measures to reduce or control transportation are proposed or required. Any future site-specific development or land use action not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA and concurrency review, which would include implementation of measures to reduce or control any transportation impacts.

## **15. Public Services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

As a non-project action, this proposal will not result in an increased need for public services. Site-specific project actions may affect services such as fire and police. These impacts will be reviewed during the project level permitting of the development.

- b. Proposed measures to reduce or control direct impacts on public services, if any.**

As a non-project action, no measures to reduce or control impacts on public services are proposed or required. Any future site-specific development or land use action proposal not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to a separate SEPA review, which would include review and implementation of measures to reduce or control any impacts on public services.

## **16. Utilities**

- a. Circle utilities currently available at the site:**

Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_



Not applicable to this non-project action.

- b. **Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

As a non-project action, no utilities are proposed or required. Any future site-specific development or land use action proposal would need to provide electricity to serve the proposed development.

### C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: *Hilary McGowan*  
Hilary McGowan (Jun 3, 2022 10:58 PDT)

Hilary McGowan, Project Manager  
Planner, Planning and Development Services

Date Submitted: May 26, 2022

### D. Supplemental sheet for non-project actions

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposal will not likely cause any increase in these types of discharges or emissions. As a non-project action, no direct impacts will occur to water or air quality. The proposed code changes will not likely be a direct effect to the production, storage, or release of toxic or hazardous substances; or production of noise.

**Proposed measures to avoid or reduce such increases are:**

As a non-project action, this proposal is not likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determination.

2. **How would the proposal be likely to affect plants, animals, fish, or marine life?**

As a non-project action, the proposal is not likely to impact animals, fish, or marine life. Future development will be subject to the County's critical area regulations under Title 30, which include provisions to protect streams, wetlands, and wildlife.

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

The County's critical areas regulations regulate development in environmentally sensitive areas. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determinations.

**3. How would the proposal be likely to deplete energy or natural resources?**

The proposal would not likely deplete energy or natural resources.

**Proposed measures to protect or conserve energy and natural resources are:**

As a non-project action, no measures to conserve energy or natural resources are necessary for this proposal. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project-level environmental analysis and threshold determinations.

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposed code amendments would not likely affect environmentally sensitive areas as vegetation removal is prohibited in critical areas and critical area buffers. As a non-project action, this proposal is unlikely to directly affect environmentally sensitive areas or areas designated (or eligible or under study) for government protection.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

The County's critical areas regulations regulate development in environmentally sensitive areas. Future site-specific land activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project level environmental analysis and threshold determinations.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposal is not likely to affect land and shoreline use. The County's Shoreline Management Plan regulates development in the shoreline designations. This proposal does not encourage incompatible land or shoreline uses.

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

The County's shoreline and land use regulations regulate development within shoreline areas. Future site-specific development proposals in the shoreline environment are subject to County development regulations implementing the Shoreline Management Program, Chapters 30.44 and 30.67 SCC.

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

As a non-project action, this proposal is unlikely to directly increase demands on transportation or public services and utilities.

**Proposed measures to reduce or respond to such demand(s) are:**

As a non-project action, this proposal is unlikely to directly increase demands on transportation or public services and utilities, so measures to reduce impacts are not applicable. Future site-specific development or land use activity not exempted by WAC 197-11-800 or SCC 30.61.035 would be subject to project-level environmental analysis and threshold determinations.

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposal does not conflict with any law or requirements to protect the environment.

Expiration Extensions

Index # - File Name: 1.0007.pdf

## SEPA NOTIFICATION



**Notice is Hereby Given** that SNOHOMISH COUNTY PLANNING AND DEVELOPMENT SERVICES (PDS) has issued a Determination of Non-significance (DNS) for a non-project action.

**Description of Proposal:** This is a non-project proposal to amend Snohomish County Code (SCC) Title 30 relating to development application and permit extensions. This proposal would amend permit application expiration terms for Land Disturbing Activity (LDA), Flood Hazard, and Flood Hazard Variance permits, and permit expiration fees to match the proposed permit application expirations. This code amendment also proposes limited code clean-up associated with permitting fee tables. The proposed code could work to increase the consistency between permit application expiration timelines within Title 30 chapters, and make fees and code language for permit application and permit extensions consistent among permit types.

**Project Proponent:** Snohomish County PDS. PDS determined that this non-project proposal will not have a probable significant adverse impact on the environment.

**Date of Issuance:** June 8, 2022

**Contact:** Hilary McGowan, Planner, (425) 388-5377, or Hilary.McGowan@snoco.org.

**SEPA Comments Due:** This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the issue date above. Comments must be submitted by 5:00 p.m., June 15, 2022, to the responsible official at the address listed on the DNS.

Additional information regarding the proposed legislation is available at the County's website at:

<https://snohomishcountywa.gov/1603/Environmental-SEPADocuments>

1 Approved: June 3, 2009  
2 Effective: June 25, 2009  
3  
4

5 SNOHOMISH COUNTY COUNCIL  
6 SNOHOMISH COUNTY, WASHINGTON  
7

8 AMENDED ORDINANCE NO. 09-018  
9

10 RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL  
11 OF SUBDIVISIONS AND SHORT SUBDIVISIONS;  
12 AMENDING SCC 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110  
13

14 WHEREAS, in order to prevent the expiration of preliminary subdivision and short  
15 subdivision approvals during the national economic crisis, extensions of preliminary  
16 subdivision and short subdivision approvals are needed; and  
17

18 WHEREAS, the expiration of preliminary subdivision and short subdivision  
19 approvals adversely affects financial institutions and other investors that have provided  
20 financing in support of development proposals; and  
21

22 WHEREAS, in the existing economic climate, the permitted one-year extension  
23 of preliminary approvals of subdivisions and short subdivisions may not provide  
24 sufficient time for some applicants to complete final subdivision and short subdivision  
25 approval; and  
26

27 WHEREAS, providing a longer extension of preliminary subdivision and short  
28 subdivision approvals to allow applicants to file for and complete final subdivision or  
29 short subdivision approval may stave off unneeded business closures and further job  
30 losses; and  
31

32 WHEREAS, allowing applicants to request up to a three-year extension of  
33 preliminary subdivision and short subdivision approval would allow for better debt  
34 recovery and provide property owners the time needed for financing and construction;  
35 and  
36

37 WHEREAS, the Revised Code of Washington (RCW) 58.17.140 allows cities,  
38 towns, or counties to adopt by ordinance procedures which would allow extensions of  
39 time to obtain final plat approval; and  
40

41 WHEREAS, pursuant to Snohomish County Code (SCC) 30.41A.300(1) and  
42 SCC 30.41B.300(1), a one-year extension of preliminary subdivision approval may be  
43 granted by the Snohomish County Department of Planning and Development Services

1 (PDS) when requested in writing at least 30 days prior to the expiration of the  
2 preliminary subdivision or short subdivision approval; and  
3

4 WHEREAS, under RCW 82.02.020, the county may collect reasonable fees from  
5 an applicant for a permit or other governmental approval to cover the cost to the county  
6 of processing applications; and  
7

8 WHEREAS, chapter 30.86 SCC establishes fees required to be paid by  
9 applicants to compensate the county for the cost of administering title 30 SCC; and  
10

11 WHEREAS, the county council finds that it is in the best interest of citizens of  
12 Snohomish County and the local economy to make available a longer extension of  
13 preliminary subdivision or short subdivision approval to allow applicants sufficient time  
14 to complete construction and file for final subdivision and short subdivision approval;  
15 and  
16

17 WHEREAS, the county council was briefed on April 14, 2009, and held a public  
18 hearing on June 3, 2009, to consider the entire record on the proposed amendments  
19 and to hear public testimony on this ordinance.  
20

21 NOW, THEREFORE, BE IT ORDAINED:  
22

23 Section 1. The county council makes the following findings:  
24

- 25 A. The county council adopts and incorporates the foregoing recitals as findings as  
26 if set forth fully herein.  
27
- 28 B. Snohomish County is faced with economic issues that were not present  
29 when code provisions addressing subdivision and short subdivision term  
30 provisions were originally adopted.  
31
- 32 C. The proposed amendments address the economic difficulty that the  
33 homebuilding industry is experiencing in completing construction of  
34 subdivisions and short subdivisions.  
35
- 36 D. The proposed amendments do not alter, extend or impact the concurrency  
37 determination expiration pursuant to SCC 30.66B.155(6).  
38
- 39 E. The proposed amendments do not alter, extend or impact miscellaneous  
40 approvals pertaining to health, fire, water, sewer, electrical and other  
41 approvals that must be obtained by the applicant pursuant to SCC  
42 30.41A.620 and SCC 30.41B.610.  
43

- 1 F. Adoption of the proposed amendments will assist homebuilders in the process of  
2 achieving final subdivision and short subdivision approval.  
3
- 4 G. Adoption of the proposed amendments will stimulate the local economy by  
5 assisting with the prevention of foreclosure, unemployment, bankruptcies, and  
6 burdened financial institutions.  
7
- 8 H. Section 5 of this ordinance amends the subdivision fee table in SCC 30.86.100.  
9 The proposed amendment adds a new subdivision extension fee of \$500. The  
10 \$500 fee will fully compensate the county for the intake review, bonding  
11 processing and tracking and monitoring activity related to providing preliminary  
12 subdivision extensions.  
13
- 14 I. Section 6 of this ordinance amends the short subdivision fee table in SCC  
15 30.86.110. The proposed amendment adds a new short subdivision extension  
16 fee of \$500. The \$500 fee will fully compensate the county for the intake review,  
17 bonding processing, and tracking and monitoring activity related to providing  
18 preliminary short subdivision extensions.  
19
- 20 J. The proposed amendments maintain consistency with the following goals,  
21 objective, and policies of the Snohomish County Growth Management Act  
22 Comprehensive Plan (GMACP) – General Policy Plan:  
23
  - 24 **Goal ED 2.** Provide a planning and regulatory environment which  
25 facilitates growth of the local economy.  
26
  - 27 **Objective ED 2.A.** Develop and maintain a regulatory system that is fair,  
28 understandable, coordinated and timely.  
29
  - 30 **Policy ED 2.A.2.** Snohomish County should stress predictability but maintain  
31 enough flexibility in the Comprehensive Plan and development codes to allow for  
32 timely response to unanticipated and desirable developments.  
33
  - 34 **Goal ED 3.** Encourage the retention and expansion of existing businesses and  
35 jobs to attract new businesses and jobs.  
36
  - 37 **Policy ED 3.C.2.** Snohomish County shall work with public and private and  
38 non-profit groups to preserve and nurture the growth of existing local industries  
39 and businesses and maintain a business environment conducive to preserve jobs  
40 at large manufacturers and the estimated 50,000+ large and small business  
41 operations in the county.  
42

- 1 K. The proposed amendments are procedural and do not alter, create or amend the  
2 rights of the applicant relating to final subdivision or short subdivision approval.  
3

4 Section 2. The county council makes the following conclusions:

- 5  
6 A. The proposed amendments are consistent with the GMACP.  
7  
8 B. The proposed amendments are needed to address local impacts on the  
9 homebuilding industry due to the national economic crisis.  
10  
11 C. Pursuant to SCC 30.73.040(2)(b), planning commission review of this procedural  
12 legislation is not required.  
13  
14 D. Pursuant to Washington Administrative Code (WAC) 197-11-800(19), the  
15 proposed amendments are categorically exempt from review under the State  
16 Environmental Policy Act (SEPA).  
17  
18 E. The proposed amendments are in the best interest of Snohomish County citizens  
19 and promote the health, safety and welfare of the citizens of Snohomish County.  
20  
21 F. The proposed amendments have been disseminated and opportunities have  
22 been provided for written comments and public hearing after effective notice.  
23  
24 G. Notice of the proposed amendments was provided pursuant to Snohomish  
25 County Charter, Section 2.110, and chapter 30.73 SCC.  
26

27 Section 3. Snohomish County Code Section 30.41A.300, adopted by Amended  
28 Ordinance No. 02-064 on December 9, 2002, is amended to read:  
29

30 **30.41A.300 Preliminary subdivision approval - term.**

31 (1) The standard term of approval for a preliminary subdivision is five years. An  
32 applicant must file for and complete final subdivision approval within the five year  
33 period, running from the date of preliminary subdivision approval, or the approval will  
34 expire. An applicant or his or her successors may request, in writing, up to a one-year  
35 extension of preliminary approval. Such request must be received by the director at  
36 least 30 days prior to the expiration of the preliminary subdivision approval. The  
37 department may grant an (~~one one-year~~) extension if the applicant can demonstrate  
38 that a good faith effort was exerted to complete the final subdivision within the initial  
39 five-year approval period in accordance with the terms of the preliminary approval. The  
40 total time period that any preliminary subdivision approval may be extended by the  
41 department shall not exceed one year. The applicant shall pay an extension fee  
42 pursuant to SCC 30.86.100. In addition to any extension granted by the department,  
43 preliminary subdivision approval ((Approval)) may be further extended for ((an



1 additional)) a period not to exceed four months by the county council concurrent with  
2 the council's consideration of final subdivision approval.

3 (2) The department shall grant an extension in cases where a preliminary approval  
4 has been appealed to court, not to exceed the period of time the approval is under  
5 judicial review.

6 (3) The applicant may request final subdivision approval in phases, subject to the  
7 time restrictions in 30.41A.300(1) and the terms of the preliminary subdivision approval.  
8 Open space, amenities, and other requirements of the preliminary approval shall be  
9 completed coincident with each phase of the final subdivision on a prorata basis unless  
10 otherwise required in the preliminary approval. A revision to the preliminary approval,  
11 pursuant to SCC 30.41A.330, must be applied for with the request to complete the final  
12 subdivision improvements in phases.

13  
14 Section 4. A new section is added to Chapter 30.41A of the Snohomish County Code to  
15 read:

16  
17 **30.41A.305 Preliminary subdivision approval – additional extension.**

18 The one-year extension of preliminary subdivision approvals established in SCC  
19 30.41A.300 may be further extended by up to an additional two years for a preliminary  
20 subdivision that was approved prior to January 1, 2009. An applicant may request, and  
21 the department may approve, a three-year extension of a preliminary subdivision  
22 approval or an additional two-year extension of a preliminary subdivision approval  
23 provided that all other requirements of SCC 30.41A.300 are met. The total combined  
24 time period that any preliminary subdivision approval may be extended by the  
25 department under SCC 30.41A.300 and 30.41A.305 shall not exceed three years. A  
26 request for such extension must be received by the director at least 30 days prior to the  
27 expiration of the preliminary subdivision approval.

28  
29 Section 5. A new section is added to Chapter 30.41A of the Snohomish County Code to  
30 read:

31  
32 **30.41A.307 Repeal.**

33 Snohomish County Code Section 30.41A.305, adopted by Amended Ordinance 09-018  
34 on June 3, 2009, is repealed effective December 31, 2010.

35  
36  
37 Section 6. Snohomish County Code Section 30.41B.300, adopted by Amended  
38 Ordinance No. 02-064 on December 9, 2002, is amended to read:

39  
40 **30.41B.300 Preliminary short subdivision approval - term.**

41  
42 (1) The standard term of approval for a preliminary short subdivision is five years. An  
43 applicant must file for and complete final short subdivision approval within the five year

1 period, running from the date of preliminary short subdivision approval, or the approval  
2 will expire. ~~((; except that an applicant may request in writing a one-year extension.))~~ An  
3 applicant or his or her successors may request, in writing, up to a one-year extension of  
4 preliminary approval. ((The department may extend the approval for not more than one  
5 additional 12-month period if the applicant or his or her successors files a written  
6 application for extension with the department)) Such request must be received by the  
7 director at least 30 days prior to the expiration date of the preliminary short subdivision  
8 approval. The department may grant an extension if the applicant can demonstrate that  
9 a good faith effort was exerted to complete the final short subdivision within the initial  
10 five-year approval period in accordance with the terms of the preliminary approval. The  
11 total time period that any preliminary short subdivision approval may be extended by the  
12 department shall not exceed one year. The applicant shall pay an extension fee  
13 pursuant to SCC 30.86.110. ((In cases where dedication of right of way is required,  
14 approval may be further extended for an additional period not to exceed four months.))  
15 (2) The department shall grant an extension in cases where a preliminary approval  
16 has been appealed to court, not to exceed the period of time the approval is under  
17 judicial review.

18  
19 Section 7. A new section is added to Chapter 30.41B of the Snohomish County Code to  
20 read:

21  
22 **30.41B.305 Preliminary short subdivision approval – additional extension.**  
23 The one-year extension of preliminary short subdivision approvals established in SCC  
24 30.41B.300 may be further extended by up to an additional two years for a preliminary  
25 short subdivision that was approved prior to January 1, 2009. An applicant may  
26 request, and the department may approve, a three-year extension of a preliminary short  
27 subdivision approval or an additional two-year extension of a preliminary short  
28 subdivision approval provided that all other requirements of SCC 30.41B.300 are met.  
29 The total combined time period that any preliminary short subdivision approval may be  
30 extended by the department under SCC 30.41B.300 and 30.41B.305 shall not exceed  
31 three years. A request for such extension must be received by the director at least 30  
32 days prior to the expiration of the preliminary subdivision approval.

33  
34  
35 Section 8. A new section is added to Chapter 30.41B of the Snohomish County Code to  
36 read:

37  
38 **30.41B.307 Repeal.**  
39 Snohomish County Code Section 30.41B.305, adopted by Amended Ordinance 09-018  
40 on June 3, 2009, is repealed effective December 31, 2010.

41  
42

1 Section 9. Snohomish County Code Section 30.86.100, last amended by Amended  
 2 Ordinance No. 07-108 on November 19, 2007, is amended to read:

3  
 4 **30.86.100 Subdivision fees.**

6 **Table 30.86.100 - SUBDIVISION FEES**

7 *OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of*  
 8 *fees not collected by the department include: (1) Applicable private well and septic system approvals*  
 9 *(Snohomish Health District); (2) right-of-way permit (department/department of public works). See SCC*  
 10 *13.110.020; and (3) subdivision recording fees (auditor).*

<b>PRE-APPLICATION CONFERENCE FEE</b>	\$480
<b>PRELIMINARY SUBDIVISION FILING FEE <sup>(1),(2)</sup></b>	
Base fee	\$4,680
Plus \$ per lot	\$132
Plus \$ per acre	\$78
Total maximum fee	\$21,600
<b>SUBDIVISION MODIFICATIONS</b>	\$1,200
<b>REVISIONS TO APPROVED PRELIMINARY SUBDIVISIONS</b>	
Minor revision-administrative	\$312
Major revision-public hearing	\$1,248
<b>CONSTRUCTION PLAN CHECK FEE <sup>(3)</sup></b>	
Per lot <sup>(4)</sup>	\$192
Per tract or non-building lot	\$192
<b>ROAD INSPECTION FEE</b>	
Per lot <sup>(4)</sup>	\$192

AMENDED ORDINANCE No. 09-018  
 RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL  
 OF SUBDIVISIONS AND SHORT SUBDIVISIONS;  
 AMENDING 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110

Per tract or non-building lot	\$192
<b>FINAL SUBDIVISION FEES</b>	
Filing fee	\$2,400
Document check and sign installation fee	\$264/lot and unit cost/sign required
<b>ROAD BOND FEE <sup>(5)</sup></b>	
Construction bond option <sup>(6)</sup>	\$24.00/Lot
Maintenance bond <sup>(7)</sup>	\$31.00/Lot
"MARKUP CORRECTIONS FEE <sup>(8)</sup>	\$240
<b>SUBDIVISION ALTERATION</b>	<b>PLACEHOLDER POSITION</b>
<b>MODEL HOME FEES <sup>(9)</sup></b>	
Base fee	\$360
Plus \$ per subdivision	\$120
NOTE: For reference notes, see table following SCC 30.86.110.	
<b>PRELIMINARY SUBDIVISION EXTENSION <sup>(10)</sup></b>	<b>\$500</b>
<p><b>Reference notes for subdivision and short subdivision fee tables:</b></p> <p>(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.</p> <p>(2) When a preliminary subdivision application is considered in conjunction with a rezone for the same property, the total preliminary subdivision fee shall be reduced by 25 percent. If a preliminary subdivision application is considered in conjunction with a planned residential development, with or without a rezone, the total preliminary subdivision fee shall be reduced by 50 percent. The sum of the above fees shall be limited to \$16,800.</p>	

AMENDED ORDINANCE No. 09-018  
 RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL  
 OF SUBDIVISIONS AND SHORT SUBDIVISIONS;  
 AMENDING 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110

- (3) Collected when the preliminary subdivision applicant submits the construction plan.
- (4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), then a plan check fee of \$192.00 per building will be charged and the plan check or inspection fee will not be based on the number of lots.
- (5) Paid by the applicant to cover the costs of administering bonds or other securities as provided by chapter 30.84 SCC.
- (6) This fee applies if the developer elects to carry out minimum improvements using the provisions of SCC 30.41A.410(1)(b), before requesting final approval, and is in addition to subsequent subdivision road inspection fees.
- (7) Collected in accordance with SCC 30.41A.410(1)(b).
- (8) This fee applies whenever an applicant fails to submit required corrections noted on "markup final subdivision drawings or other documents during the final subdivision review.
- (9) This fee is in addition to the residential building permit fees for plan check, site review and access permit.
- (10) This fee applies to preliminary subdivision approval extensions pursuant to SCC 30.41A.300.

1  
 2 **Section 10.** Snohomish County Code Section 30.86.110, last amended by Amended  
 3 Ordinance No. 07-108 on November 19, 2007, is amended to read:

4  
 5 **30.86.110 Short Subdivision fees.**

6  
 7 **Table 30.86.110 – SHORT SUBDIVISION FEES**

8 *OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of*  
 9 *fees not collected by the department include: (1) Applicable private well and septic system approvals*  
 10 *(Snohomish Health District); (2) right-of-way permit (department/department of public works). See SCC*  
 11 *13.110.020; and (3) short subdivision recording fees (auditor).*

<b>PRE-APPLICATION CONFERENCE FEE</b>	<b>\$480</b>
<b>PRELIMINARY SHORT SUBDIVISION FILING FEES<sup>(1)</sup></b>	
Base fee	\$1,560

AMENDED ORDINANCE No. 09-018  
 RELATING TO THE EXTENSION OF PRELIMINARY APPROVAL  
 OF SUBDIVISIONS AND SHORT SUBDIVISIONS;  
 AMENDING 30.41A.300, 30.41B.300, 30.86.100 and 30.86.110

Plus \$ per acre	\$78
Plus \$ per lot	\$78
<b>SHORT SUBDIVISION MODIFICATION APPLICATION</b>	\$960
<b>PLAN/DOCUMENT RESUBMITTAL FEE <sup>(2)</sup></b>	\$240
<b>SHORT SUBDIVISION REVISIONS AFTER PRELIMINARY APPROVAL</b>	\$312
<b>SHORT SUBDIVISION FINAL APPROVAL</b>	\$600
<b>SHORT SUBDIVISION FINAL DOCUMENT CHECK</b>	\$1,800
<b>RECORDING OF FINAL SHORT SUBDIVISION</b>	\$30
<b>ALTERATIONS TO RECORDED SHORT SUBDIVISIONS</b>	\$420
<b><u>PRELIMINARY SHORT SUBDIVISION EXTENSION <sup>(3)</sup></u></b>	<b>\$500</b>

**Reference notes:**

(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.

(2) This fee applies to the resubmittal of short subdivision plans and documents after a second review for which the applicant did not include corrections noted by the department, or the applicant made revisions, which necessitate additional review and comments.

(3) This fee applies to preliminary short subdivision approval extensions pursuant to SCC 30.41B.300.

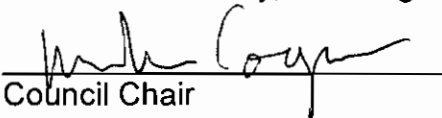
1  
 2 Section 11. The county council intends that no preliminary subdivision or short  
 3 subdivision approval be extended by PDS for a total of more than three years. Some  
 4 subdivision and short subdivision applicants already may have obtained an extension of  
 5 preliminary approval from PDS of up to one year under the current code. In such cases,  
 6 an extension of approval by PDS may not exceed three years minus the length of the  
 7 pre-existing extension. For example, an applicant that has received a one-year  
 8 extension from PDS under the current version of SCC 30.41A.300 or 30.41B.300 may  
 9 receive up to an additional two-year extension under the amendments adopted by this  
 10 ordinance.

1  
2 Section 12. The county council bases its findings and conclusions on the entire record  
3 of the county council, including all testimony and exhibits. Any finding, which should be  
4 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby  
5 adopted as such.

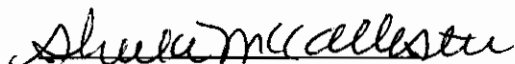
6  
7 Section 13. Severability. If any section, sentence, clause or phrase of this ordinance  
8 is held to be invalid or unconstitutional by the Growth Management Hearings Board  
9 (Board) or a court of competent jurisdiction, such invalidity or unconstitutionality shall  
10 not affect the validity or constitutionality of any other section, sentence, clause or phrase  
11 of this ordinance. Provided, however, that if any section, sentence, clause or phrase of  
12 this ordinance is held to be invalid by the Board or a court of competent jurisdiction,  
13 then the section, sentence, clause or phrase in effect prior to the effective date of this  
14 ordinance shall be in full force and effect for that individual section, sentence, clause or  
15 phrase as if this ordinance had never been adopted.

16  
17 PASSED this 3<sup>rd</sup> day of June, 2009.

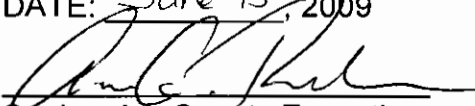
18  
19 SNOHOMISH COUNTY COUNCIL  
20 Snohomish County, Washington

21  
22   
23 Council Chair

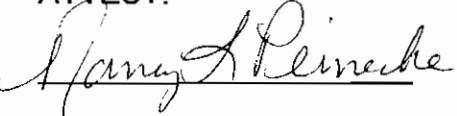
24 ATTEST:

25   
26 Asst. Clerk of the Council

- 27  
28  APPROVED  
29  EMERGENCY  
30  VETOED

31 DATE: June 15, 2009  
32  
33   
34 Snohomish County Executive

35 ATTEST:

36  
37   
38

39 **AARON REARDON**  
40 **County Executive**

41 Approved as to form only:

42 \_\_\_\_\_  
43 Deputy Prosecuting Attorney

D-11

1 Adopted: March 16, 2016

2 Effective: April 1, 2016

3

4

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

6

7

AMENDED ORDINANCE NO. 16-004

8

AN ORDINANCE RELATING TO DEVELOPMENT PERMIT PROCESSING AND APPROVALS,  
AMENDING TITLE 30 OF THE SNOHOMISH COUNTY CODE

11

12 WHEREAS, the Growth Management Act (GMA) Planning Goals (RCW 36.70A.020) and policies  
13 in the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP) address  
14 the efficient and fair processing of permit applications, protection of the environment, and economic  
15 development; and

16

17 WHEREAS, the Washington state common law doctrine of vested rights “refers generally to the  
18 notion that a land use application, under the proper conditions, will be considered only under the land  
19 use statutes and ordinances in effect at the time of the application’s submission,” Noble Manor v.  
20 Pierce County, 133 Wn.2d 269, 275 (1997); and

21

22 WHEREAS, the Washington state legislature has codified the vested rights doctrine for building  
23 permit applications (RCW 19.27.095), short subdivision and subdivision applications (RCW 58.17.033),  
24 and development agreements (RCW 36.70B.180); and

25

26 WHEREAS, municipalities are allowed to enact their own vesting schemes to suit their particular  
27 local needs so long as the schemes remain within the parameters set by state law, Erickson & Assoc.  
28 v. McLerran, 123 Wn.2d 864, 873 (1994); and

29

30 WHEREAS, on December 9, 2002, the Snohomish County Council (the “County Council”) adopted  
31 Title 30 of the Snohomish County Code (SCC), entitled the Unified Development Code (“UDC”),  
32 containing regulations that guide development within the unincorporated areas of Snohomish County;  
33 and

34

35 WHEREAS, during the 2013 legislative session, the Washington state legislature passed  
36 Substitute House Bill 1074 (SHB 1074), which amended RCW 58.17.140 to provide for a ten-year  
37 preliminary subdivision approval period if the date of preliminary approval was on or before December  
38 31, 2007, and maintained the seven-year preliminary subdivision approval period if the date of  
39 preliminary approval was on or before December 31, 2014, and the five-year preliminary approval  
40 period if the date of preliminary approval was on or after January 1, 2015; and

41

42 WHEREAS, pursuant to RCW 58.17.140, a city, town, or county is authorized to allow extensions  
43 of time for plats; and

44

45 WHEREAS, the County Council finds that it is in the best interest of citizens of Snohomish County  
46 (“the County”) and the local economy to provide up to twelve years for preliminary subdivision and  
47 preliminary short subdivision approvals granted on or before December 31, 2007, to allow applicants  
48 sufficient time to complete construction and file for final approval; and

49

AMENDED ORDINANCE NO. 16-004  
AN ORDINANCE RELATING TO DEVELOPMENT PERMIT  
PROCESSING, AND APPROVALS, AMENDING TITLE 30  
OF THE SNOHOMISH COUNTY CODE



1  
2 WHEREAS, the County Council finds that it is in the best interest of citizens of the County and the  
3 local economy to provide extensions of time for preliminary subdivision and preliminary short  
4 subdivision approval; and

5  
6 WHEREAS, the recent court case, Potala Village Kirkland, LLC v. City of Kirkland, 183 Wn. App.  
7 191, 194 (2014), affirmed that statutory vested rights replaced common law vesting; and

8  
9 WHEREAS, the Potala Village Kirkland, LLC v. City of Kirkland court case has resulted in  
10 uncertainty in vesting for those permit application types that are not codified in state law; and

11  
12 WHEREAS, a need exists to amend the SCC to provide greater consistency and predictability  
13 regarding the vesting of applications and the expiration of applications, approvals and permits for  
14 applicants and residents of Snohomish County; and

15  
16 WHEREAS, there is a need to help reduce costs associated with applying for and processing  
17 subdivision extension requests, avoid expiration of subdivision approvals, and help maintain certainty  
18 for applicants; and

19  
20 WHEREAS, the Snohomish County Department of Planning and Development Services ("PDS")  
21 briefed the Snohomish County Planning Commission (the "Planning Commission") at a public meeting  
22 on June 23, 2015; and

23  
24 WHEREAS, after proper notice, the Planning Commission held a public hearing on August 25,  
25 2015, to receive public testimony concerning the proposed code amendments; and

26  
27 WHEREAS, at the conclusion of its deliberations the Planning Commission voted to recommend  
28 that the County Council approve the proposed development regulations as written by PDS, with the  
29 exception of one proposed amendment; and

30  
31 WHEREAS, the Planning Commission's recommendations are enumerated in its recommendation  
32 letter dated September 3, 2015; and

33  
34 WHEREAS, after proper notice, the County Council held a public hearing on March 16, 2016, to  
35 consider the entire record, including the Planning Commission's recommendations on the full package  
36 of development regulations and PDS staff report dated August 12, 2015, which provides a detailed  
37 summary and analysis of the proposed development regulations, and to receive public testimony on  
38 Ordinance No. 16-004; and

39  
40 WHEREAS, following the public hearing, the County Council deliberated on the code amendments  
41 contained in this ordinance.

42  
43 NOW, THEREFORE, BE IT ORDAINED:

44  
45 Section 1. The County Council adopts the following findings in support of this ordinance:

- 46  
47 A. The foregoing recitals are adopted as findings as if set forth herein.  
48  
49 B. This ordinance will amend Title 30 SCC in the following manner:  
50

- 1           1. The proposal would establish a vesting framework, specific to the County and consistent  
2           with state law, to provide property owners, permit applicants, and the general public  
3           assurance that the regulations for a project development will remain consistent during the  
4           life of an application. A new section, SCC 30.70.300, would be added to clarify which  
5           applications vest and to which development regulations an application vests. This  
6           amendment would establish vesting for, among other things, applications that prior to the  
7           Potlata Village Kirkland, LLC v. City of Kirkland court case, had common law vesting and/or  
8           had vesting established under specific provisions of the SCC.  
9
- 10          2. The proposal would amend SCC 30.70.140 to: 1) clarify the expiration periods for  
11          applications, approvals, and permits, consistent with state law, to provide greater  
12          predictability on the timing of project development, and to improve uniformity in processing  
13          similar types of applications, approvals, and permits, and 2) add provisions for extensions of  
14          plats granted by PDS to add certainty to their duration.  
15
- 16          3. Amends chapter 30.91C SCC to add a new definition for the term “commence construction”  
17          to help clarify the expiration time frame for approvals and permits listed in SCC Table  
18          30.70.140(1).  
19
- 20          4. Amends other sections of Title 30 SCC for internal code consistency and for consistency  
21          with the substantive amendments to chapter 30.70 SCC.  
22
- 23    C. Current regulations do not clearly define the expiration of applications, approvals, and permits and  
24    allow for repeated extensions of applications; this lack of specificity in the current regulations  
25    creates uncertainty for the general public as to the timing that a development might occur in the  
26    community.  
27
- 28    D. The proposal would provide greater predictability in the permitting process, and should help retain  
29    lot availability and development opportunities which could help reduce costs associated with  
30    applying for and processing subdivision extension requests, avoid expiration of subdivision  
31    approvals and help maintain certainty for applicants.  
32
- 33    E. This ordinance is consistent with vested rights codified in state law and maintains consistency with  
34    the following GMA Planning Goals:  
35
- 36          1. Planning Goal 5 (RCW 36.70A.020(5)) “Economic development. Encourage economic  
37          development throughout the state that is consistent with adopted comprehensive plans,  
38          promote economic opportunity for all citizens of this state, especially for unemployed and for  
39          disadvantaged persons, promote the retention and expansion of existing businesses and  
40          recruitment of new businesses, recognize regional differences impacting economic  
41          development opportunities, and encourage growth in areas experiencing insufficient  
42          economic growth, all within the capacities of the state's natural resources, public services,  
43          and public facilities.” The proposal encourages economic development by providing a more  
44          consistent and predictable permitting process for the vesting of applications and the  
45          expiration of applications, approvals, and permits. The elimination of uncertainty in the  
46          permitting process encourages development, as economic investment in projects will be  
47          protected from changing regulations. This is particularly true for large-scale or complex  
48          development that cannot be completed within a short timeframe.  
49

- 1
- 2           2. Planning Goal 6 (RCW 36.70A.020(6)) “Property rights. Private property shall not be taken
- 3           for public use without just compensation having been made. The property rights of
- 4           landowners shall be protected from arbitrary and discriminatory actions.” This proposal helps
- 5           to protect property rights by applying vesting rights to additional applications than those
- 6           currently codified under state law; this provides greater certainty to the applicant as to which
- 7           development regulations an application vests, and thus provides greater assurance to a
- 8           landowner in developing his or her property.
- 9
- 10           3. Planning Goal 7 (RCW 36.70A.020(7)) “Permits. Applications for both state and local
- 11           government permits should be processed in a timely and fair manner to ensure
- 12           predictability.” The proposal promotes the efficient processing of permit applications by
- 13           amending and consolidating regulations for the vesting of applications and expiration of
- 14           approvals and permits into one code chapter for quick reference and ease of use. The
- 15           concept of vesting an application to regulations in place at the time a complete application is
- 16           submitted is rooted in the concept of fairness, as regulations will remain static as the
- 17           application is processed.
- 18
- 19           4. Planning Goal 10 (RCW 36.70A.020(10)) “Environment. Protect the environment and
- 20           enhance the state's high quality of life, including air and water quality, and the availability of
- 21           water.” This proposal helps protect the environment by establishing limits on the duration of
- 22           permit applications and approvals. Those duration periods are those that, in the experience
- 23           of PDS, are reasonable for processing applications and constructing projects. This ensures
- 24           that applications and approvals do not remain valid beyond what is reasonably necessary
- 25           for project development, thus reducing the number of projects that potentially are
- 26           constructed under outdated regulations.
- 27
- 28           F. This ordinance is consistent with the following goals, objectives, and policies contained in the
- 29           GMACP – GPP:
- 30
- 31           1. Goal ED 1 “Maintain and enhance a healthy economy.” The proposed amendments help
- 32           retain lot availability and development potential by providing extensions to approval periods
- 33           for certain subdivision and short subdivision developments.
- 34
- 35           2. Objective ED 1.C “Snohomish County shall recognize the needs of small and minority
- 36           owned businesses as well as larger, established enterprises.” The proposed amendments
- 37           include a provision extending the ten-year approval period for subdivisions in RCW
- 38           58.17.140 to short subdivisions, providing smaller short subdivision developments the same
- 39           approval period accorded larger subdivision developments.
- 40
- 41           3. Goal ED 2 “Provide a planning and regulatory environment which facilitates growth of the
- 42           local economy” The proposed amendments to chapter 30.70 SCC would provide greater
- 43           predictability and clarity for PDS’ customers and staff regarding the vesting and expiration of
- 44           development applications; this would provide greater efficiency in the permitting process and
- 45           therefore facilitate growth of the local economy.
- 46
- 47           4. Objective ED 2.A “Develop and maintain a regulatory system that is fair, understandable,
- 48           coordinated and timely.” The proposed amendments include provisions that clarify: 1) when
- 49           a development application vests, 2) to which development regulations the application vests,
- 50           and 3) if any subsequent applications vest that are subordinate to the primary development

1 identified in the complete application. These proposed amendments will provide for  
2 permitting regulations that are better understood because they provide clarity on vesting and  
3 expiration language; are fair because the proposed amendments provide a definitive time  
4 frame for vesting and expiration of applications that enables the development of a proposal;  
5 and provide greater coordination between primary applications and subsequent applications  
6 for a proposed development.

7  
8 5. Policy ED 2.A.1 "Snohomish County shall work to ensure that the Snohomish County Code  
9 is an understandable, accessible, and user friendly document." The proposed amendments  
10 consolidate vesting and expiration language into one chapter which greatly improves the  
11 accessibility of the SCC.

12  
13 6. Policy ED 2.A.2 "Snohomish County should stress predictability but maintain enough  
14 flexibility in the Comprehensive Plan and development codes to allow for timely response to  
15 unanticipated and desirable developments." The proposed amendments implement ED  
16 Policy 2.A.2 by establishing provisions for suspending the expiration period of an application  
17 to allow for environmental review time.

18  
19 G. Procedural requirements.

20  
21 1. The proposed amendments are consistent with state law.

22  
23 2. Pursuant to WAC 197-11-800(19), the proposal is exempt from State Environmental Policy  
24 Act (SEPA) requirements.

25  
26 3. Pursuant to RCW 36.70A.106, a notice to adopt this ordinance was received by the  
27 Washington State Department of Commerce on September 3, 2015, for distribution to state  
28 agencies.

29  
30 4. The public participation process used in the adoption of this ordinance complied with all  
31 applicable requirements of the GMA and the SCC.

32  
33 5. As required by RCW 36.70A.370, the Washington State Attorney General last issued an  
34 advisory memorandum in December of 2006 entitled "Advisory Memorandum: Avoiding  
35 Unconstitutional Takings of Private Property" to help local governments avoid the  
36 unconstitutional taking of private property. The process outlined in the State Attorney  
37 General's 2006 advisory memorandum was used by the County in objectively evaluating the  
38 regulatory changes proposed by this ordinance.

39  
40 H. The proposed amendments are consistent with the record.

41  
42 1. Although the recent court case, Potala Village Kirkland, LLC v. City of Kirkland, affirmed that  
43 statutory vested rights replaced common law vesting, county and cities may develop a  
44 vested rights ordinance best suited to the needs of the jurisdiction, provided the regulations  
45 strike an appropriate balance between developers' rights and the public interest.

46  
47 2. The amendments are consistent with vesting rights established through state law in (RCW  
48 19.27.095), (RCW 58.17.033), and (RCW 36.70B.180).

49

- 1
- 2
- 3 3. Amendments to Title 30 SCC are necessary to provide greater clarity, certainty, and
- 4 predictability for the vesting of applications and the expiration of applications, approvals, and
- 5 permits.
- 6
- 7 4. Amendments to SCC 30.70.015 help clarify the exemptions for subtitle 30.7 SCC.
- 8
- 9 5. Amendments to SCC 30.70.140 provide greater clarity, flexibility, and predictability on the
- 10 expiration of permits and approvals than the existing regulations by: 1) stating to which
- 11 applications, approvals, and permits the expiration code applies, 2) suspending the
- 12 expiration of an application when an Environmental Impact Statement (EIS) is required, and
- 13 3) requiring that the applicant monitor the time limitations and review deadlines for an
- 14 application.
- 15
- 16 6. Amendments to SCC 30.70.140 change the period of expiration for applications. In general,
- 17 this amendment increases the period of time for when an application is valid. These
- 18 amendments provide greater predictability for the general public and PDS on proposed
- 19 projects. In PDS' permitting experience, these amendments provide applicants with an
- 20 adequate amount of time in which to complete their applications.
- 21
- 22 7. Amendments to SCC 30.70.140 include a change in the time frames for the expiration of
- 23 approvals and permits. This amendment would provide greater predictability for the general
- 24 public and PDS on proposed projects. In PDS' permitting experience, the proposed changes
- 25 in time for the expiration of approvals and permits are adequate.
- 26
- 27 8. Granting an extension of preliminary subdivision and short subdivision approval may avoid
- 28 additional costs associated with applying for and processing new preliminary subdivisions
- 29 and short subdivisions.
- 30
- 31 9. Adoption of this proposal may assist homebuilders in the process of achieving final
- 32 subdivision and short subdivision approval and may help the county meet future housing
- 33 needs.
- 34
- 35 10. The addition of new section SCC 30.70.300 (Vesting of applications) provides greater clarity
- 36 and predictability on the vesting of applications than the existing regulations by:
- 37 1) establishing when a development application vests, 2) stating to which development
- 38 regulations the application vests, and 3) establishing the vesting of subsequent applications.
- 39
- 40 11. The ordinance adds a new definition to chapter SCC 30.91.C for new definition "commence
- 41 construction" related to the expiration of approvals and permits in SCC 30.70.140.
- 42
- 43 12. Amendments to other provisions of Title 30 SCC are necessary to update cross-references
- 44 and to provide internal consistency with the proposed amendments.
- 45
- 46 13. This ordinance is consistent with the record as set forth in the PDS staff memoranda dated
- 47 June 10, 2015, and August 12, 2015.
- 48
- 49 14. This proposal supports and balances GMA Planning Goal 5 Economic Development, GMA
- 50 Planning Goal 6 Property Rights, GMA Planning Goal 7 Permits, GMA Planning Goal 10
- Environment, GPP Goal ED 2, GPP Objective ED 2.A, GPP Policy 2.A.1, GPP Policy 2.A.2

1 and maintains consistency with vested rights outlined in state law.

2  
3 a. The amendments contained in this ordinance strike an appropriate balance  
4 between developers' rights and the public interest. The amendments protect  
5 developers' rights by establishing vested rights for applications so applicants have  
6 certainty as to which regulations apply to their projects during the processing of their  
7 applications. This encourages economic development and helps protect the ability of  
8 a landowner to develop his or her property. The amendments also establish limits on  
9 the duration of permit applications and approvals, ensuring that applications and  
10 approvals do not remain valid beyond what is reasonably necessary for project  
11 development, thus reducing the number of projects that potentially are constructed  
12 under outdated regulations. Further, this proposal streamlines the permitting  
13 process and provides greater predictability by clarifying the expiration timeframes for  
14 applications, approvals, and permits and consolidating these regulations into one  
15 chapter; this improvement in the permitting process acts to encourage economic  
16 development.

17  
18 b. The proposal maintains consistency with vested rights codified in state law and  
19 amendments to SCC 30.70.104 provide references to those provisions in state law.  
20

21 Section 2. The County Council makes the following conclusions:

- 22  
23 A. The proposed amendments provide greater clarity and improved predictability in the permitting  
24 process.  
25  
26 B. The proposed amendments provide a means of addressing the economic difficulty that the  
27 homebuilding industry is experiencing in completing construction of subdivisions and short  
28 subdivisions.  
29  
30 C. The proposed amendments are consistent with Washington state law and the SCC.  
31  
32 D. The proposed amendments implement and are consistent with the goals, objectives, and policies of  
33 the GMACP-GPP.  
34  
35 E. The proposal is exempt from SEPA requirements.  
36  
37 F. The proposed amendments do not result in an unconstitutional taking of private property for a public  
38 purpose and they do not violate substantive due process guarantees.  
39

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

44 Section 4. Snohomish County Code Section 30.23A.100, last amended by Amended Ordinance  
45 No. 13-050 on August 28, 2013, is amended to read:  
46

47 **30.23A.100 Administrative site plan review.**

48  
49 (1) An administrative site development plan shall be required for all residential development subject to  
50 the requirements of this chapter. The elements of an administrative or official site plan required by

1 chapters 30.41F and 30.42B SCC shall be combined with the administrative site plan required by this  
2 chapter.

3 (2) Administrative site plan review.

4 (a) Administrative site plan review is a Type 1 decision and is subject to the review procedures in  
5 chapter 30.71 SCC, except that consolidated permit review shall be granted if requested by the  
6 applicant pursuant to SCC 30.70.120(2). When an administrative site plan is consolidated with a Type 2  
7 decision, notwithstanding subsection (2)(b) of this section, the administrative site plan shall be  
8 processed as a Type 2 decision concurrent with the Type 2 decision with which it is consolidated.

9 (b) When residential development requires both an administrative site plan approval pursuant to this  
10 section and a Type 2 decision issued by the hearing examiner after an open record hearing, the  
11 administrative site plan shall not be approved until the hearing examiner has issued a decision.

12 (c) To approve an administrative site plan pursuant to this section, the director must find that the  
13 administrative site plan is consistent with the applicable requirements of Subtitle 30.2. The director's  
14 decision on the administrative site plan shall be consistent with any hearing examiner decision issued  
15 for the residential development.

16 (3) The administrative site plan application shall meet the submittal requirements established by SCC  
17 30.70.030 and shall include the following:

18 (a) The building envelope of all structures and the location of all on-site recreation open space areas,  
19 buffers, points of egress, ingress, and internal circulation, pedestrian facilities and parking;

20 (b) Existing and proposed topography at contour intervals of five or less feet;

21 (c) Name, address, and phone number of the owner and plan preparer(s);

22 (d) Calculations showing acreage of the site, number of dwelling units proposed, zoning, site density  
23 and on-site recreation open space acreage;

24 (e) Scale and north arrow;

25 (f) Vicinity sketch (drawn to approximately 1" = 2,000' scale) showing sufficient area and detail to  
26 clearly locate the project in relation to arterial streets, natural features, landmarks and municipal  
27 boundaries; and

28 (g) Natural drainage courses and probable alterations which will be necessary to handle the expected  
29 drainage from the proposal, and the general method proposed to comply with chapter 30.63A SCC.

30 (4) An administrative site plan shall also meet the submittal requirements established by SCC  
31 30.70.030, and shall be subject to the notice requirements for a notice of application in chapter 30.70  
32 SCC.

33 (5) Time limitation of application. An administrative site plan application shall expire pursuant to SCC  
34 30.70.140.

35 ~~((5))~~(6) Revisions to an administrative site plan that has been approved by the department shall be  
36 processed pursuant to SCC 30.70.210 or 30.70.220.

37 ~~((6))~~(7) Approval expiration.

38 ~~((a))~~ Administrative site plan approval expires ~~((when construction has not commenced within five~~  
39 ~~years after the date an approved administrative site plan becomes final))~~ pursuant to SCC 30.70.140.

40 ~~((b) For the purpose of this section, construction shall mean actual construction begun on some~~  
41 ~~permanent structure, utility or facility on the site.~~

42 ~~—(c) An applicant may request an extension of an approved administrative site plan pursuant to the~~  
43 ~~procedures established for extension of applications in SCC 30.70.140(2) and (3).))~~

44

45 Section 5. A new section is added to Chapter 30.31A of the Snohomish County Code to read:

46

47 **30.31A.230 Time limitation of application.**

48

49 An application for a site plan under this chapter shall expire pursuant to SCC 30.70.140.

50

1 Section 6. A new section is added to Chapter 30.31A of the Snohomish County Code to read:

2

3 **30.31A.510 Approval expiration.**

4

5 Site plan approval under this chapter shall expire pursuant to SCC 30.70.140.

6

7 Section 7. A new section is added to Chapter 30.31B of the Snohomish County Code to read:

8

9 **30.31B.220 Time limitation of application.**

10

11 An application for an official site plan under this chapter shall expire pursuant to SCC 30.70.140.

12

13 Section 8. A new section is added to Chapter 30.31B of the Snohomish County Code to read:

14

15 **30.31B.230 Approval expiration.**

16

17 Approval of an official site plan under this chapter shall expire pursuant to SCC 30.70.140.

18

19 Section 9. Snohomish County Code Section 30.34A.170, last amended by Amended Ordinance  
20 No. 13-007 on September 11, 2013, is amended to read:

21

22 **30.34A.170 Submittal requirements.**

23

24 (1) All applications in the UC zone shall comply with the Urban Center development submittal checklist  
25 established by the department pursuant to SCC 30.70.030.

26 (2) The department shall invite a staff representative from any city or town in whose urban growth area,  
27 municipal urban growth area or potential annexation area the proposed development will be located to  
28 attend the application submittal meeting.

29 (3) A complete application ~~((meeting the requirements of this chapter is deemed to have vested to the  
30 development regulations as of the date of submittal. A complete application does not vest to chapters  
31 30.52A through 30.52G SCC and chapter 30.53A SCC))~~ shall vest pursuant to SCC 30.70.300.

32 (4) An application for urban center development shall expire pursuant to SCC 30.70.140.

33

34 Section 10. Snohomish County Code Section 30.34A.183, added by Amended Ordinance No.  
35 13-007 on September 11, 2013, is amended to read:

36

37 **30.34A.183 Approval expiration.**

38

39 Urban center development approval expires ~~((when construction has not commenced within five years  
40 after the date an approved administrative site plan becomes final. An applicant may request an  
41 extension of an approved administrative site plan))~~ pursuant to ~~((the procedures established for  
42 extension of applications in))~~ SCC 30.70.140~~((2) and (3))~~.

43

44 Section 11. Snohomish County Code Section 30.41A.300, last amended by Amended  
45 Ordinance No. 12-075 on October 3, 2012, is amended to read:

46

47 **30.41A.300 Preliminary subdivision approval - term.**

48

49 (1) The standard term of approval for a preliminary subdivision is ~~((five years. An applicant must file for  
50 and complete final subdivision approval within the five-year period, running from the date of preliminary~~



1 subdivision approval, or the approval will expire. However, preliminary subdivision approval may be  
2 extended beyond the five-year period as provided for in subsections (2), (3), and (4) of this section))  
3 pursuant to SCC 30.70.140, except that preliminary subdivision approval may be extended for a period  
4 not to exceed four months by the county council if the applicant demonstrates that a continued good  
5 faith effort has been exerted to complete the final subdivision and provides justification of the  
6 extenuating circumstances as to why the additional four months is required. A request for consideration  
7 of the four-month extension shall be filed with the clerk of the council at least 30 days prior to the date  
8 the approval is set to expire.

9 ~~((2) An applicant or his or her successors may request, in writing, one or more extensions of~~  
10 ~~preliminary approval, not to exceed a total of two years. Such request must be received by the director~~  
11 ~~at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The~~  
12 ~~department may grant an extension if the applicant can demonstrate that a good faith effort was~~  
13 ~~exerted to complete the final subdivision within the initial five-year approval period in accordance with~~  
14 ~~the terms of the preliminary approval, or within the subsequent extension period. Except as provided for~~  
15 ~~in subsections (3) and (4) of this section, the department may not extend preliminary subdivision~~  
16 ~~approval beyond a seven-year period if the date of preliminary approval is on or after January 1, 2015,~~  
17 ~~and the preliminary approval period has not expired. The applicant shall pay a fee for each extension~~  
18 ~~pursuant to SCC 30.86.100.~~

19 ~~(3) In addition to any extension granted by the department, preliminary subdivision approval may be~~  
20 ~~further extended for a period not to exceed four months by the county council if the applicant~~  
21 ~~demonstrates that a continued good faith effort has been exerted to complete the final subdivision and~~  
22 ~~provides justification of the extenuating circumstances as to why the additional four months is required.~~  
23 ~~A request for consideration of the four month extension shall be filed with the clerk of the council at any~~  
24 ~~time during the final extension granted by the department.~~

25 ~~(4) The department shall grant an extension in cases where a preliminary approval has been appealed~~  
26 ~~to court, not to exceed the period of time the approval is under judicial review.))~~

27 ~~((5)) (2) The applicant may request final subdivision approval in phases, subject to the time~~  
28 ~~restrictions in SCC ((30.41A.300(1))) 30.70.140 and the terms of the preliminary subdivision approval.~~  
29 ~~Open space, amenities, and other requirements of the preliminary approval shall be completed~~  
30 ~~coincident with each phase of the final subdivision on a pro rata basis unless otherwise required in the~~  
31 ~~preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be~~  
32 ~~applied for with the request to complete the final subdivision improvements in phases.~~

33  
34 Section 12. Snohomish County Code Section 30.41A.600, last amended by Amended  
35 Ordinance No. 11-075 on January 11, 2012, is amended to read:

36  
37 **30.41A.600 Final subdivision application approval - timing.**

38  
39 A final subdivision application shall be approved within the ~~((five-year))~~ time period pursuant to SCC  
40 30.70.140 for preliminary subdivision approval ~~((unless an extension of time is granted pursuant to SCC~~  
41 ~~30.41A.300)).~~

42  
43 Section 13. Snohomish County Code Section 30.41B.300, last amended by Amended  
44 Ordinance No. 12-075 on October 3, 2012, is amended to read:

45  
46 **30.41B.300 Preliminary short subdivision approval – term.**

47  
48 (1) The standard term of approval for a preliminary short subdivision is ~~((five years. An applicant must~~  
49 ~~file for and complete final short subdivision approval within the five-year period, running from the date of~~  
50 ~~preliminary short subdivision approval, or the approval will expire. However, preliminary short~~

1 subdivision approval may be extended beyond the five-year period as provided for in subsections (2)  
2 and (3) of this section.  
3 ~~(2) An applicant or his or her successors may request, in writing, one or more extensions of preliminary~~  
4 ~~approval, not to exceed a total of two years. Such request must be received by the director at least 30~~  
5 ~~days prior to the expiration of the preliminary short subdivision approval or prior extension. The~~  
6 ~~department may grant an extension if the applicant can demonstrate that a good faith effort was~~  
7 ~~exerted to complete the final short subdivision within the initial five-year approval period in accordance~~  
8 ~~with the terms of the preliminary short subdivision approval, or within the subsequent extension period.~~  
9 ~~Except as provided for in subsection (3) of this section, the department may not extend preliminary~~  
10 ~~short subdivision approval beyond a seven-year period if the date of preliminary approval is on or after~~  
11 ~~January 1, 2015, and the preliminary approval period has not expired. The applicant shall pay a fee for~~  
12 ~~each extension pursuant to SCC 30.86.110.~~  
13 ~~(3) The department shall grant an extension in cases where a preliminary approval has been appealed~~  
14 ~~to court, not to exceed the period of time the approval is under judicial review)) pursuant to SCC~~  
15 ~~30.70.140.~~

16  
17 Section 14. Snohomish County Code Section 30.41B.600, last amended by Amended  
18 Ordinance No. 11-075 on January 11, 2012, is amended to read:

19  
20 **30.41B.600 Final short subdivision application approval - timing.**

21  
22 A final short subdivision application shall be approved within the ((five-year)) time period for preliminary  
23 approval pursuant to SCC 30.70.140 ((unless an extension of time is granted pursuant to SCC  
24 30.41B.300)).

25  
26 Section 15. A new section is added to Chapter 30.41D of the Snohomish County Code to read:

27  
28 **30.41D.025 Time limitation of application.**

29  
30 A binding site plan application shall expire pursuant to SCC 30.70.140.

31  
32 Section 16. Snohomish County Code Section 30.41D.105, added by Amended Ordinance No.  
33 02-064 on December 9, 2002, is repealed.

34  
35 Section 17. A new section is added to Chapter 30.41D of the Snohomish County Code to read:

36  
37 **30.41D.140 Approval expiration.**

38  
39 Binding site plan approval shall expire pursuant to SCC 30.70.140.

40  
41 Section 18. Snohomish County Code Section 30.41D.340, added by Amended Ordinance No.  
42 02-064 on December 9, 2002, is amended to read:

43  
44 **30.41D.340 Recording with auditor.**

45  
46 (1) The applicant shall file for record the approved original binding site plan and original record of  
47 survey as one document with the auditor in accordance with SCC 30.41D.110(6). The auditor shall  
48 distribute copies of the recorded document to the department, the department of public works, and the  
49 county assessor. All distributed copies shall bear the auditor's recording data.

1 (2) The auditor shall refuse to accept any binding site plan and record of survey for filing and recording  
2 until the director has approved and signed each document.

3 (3) A binding site plan and record of survey shall take effect upon recording, which must occur within  
4 ~~((120 days))~~ the timeframe established in SCC Table 30.70.140(1), after both are approved by the  
5 director, subject to the conditions contained therein.  
6

7 Section 19. Snohomish County Code Section 30.41E.020, last amended by Amended  
8 Ordinance No. 12-018 on May 2, 2012, is amended to read:  
9

10 **30.41E.020 Procedure and special timing requirements.**

11  
12 (1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

13 (a) The department shall process the BLA as a Type 1 decision; or

14 (b) If accompanied by a concurrent Type 2 application, the BLA application may, at the applicant's  
15 request, be processed as a Type 2 permit application pursuant to the provisions of SCC 30.41E.100(5).  
16 In order to be considered concurrent, the Type 2 application must be submitted to the county at the  
17 same time as the BLA application and involve the same property or adjacent property.

18 (c) The BLA is exempt from notice provisions set forth in SCC 30.70.050 and 30.70.060(2) except that  
19 the BLA shall comply with SCC 30.70.045(4)(d) when applicable.

20 (2) The department shall decide upon a BLA application within 45 days following submittal of a  
21 complete application or revision ~~((, unless the applicant consents to an extension of such time period))~~.

22 (3) The department or hearing examiner may deny a BLA application or void a BLA approval due to  
23 incorrect or incomplete submittal information.

24 (4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

25 (a) the adjustments involve contiguous parcels;

26 (b) the application includes the signatures of every parcel owner involved in the adjustment; and

27 (c) the application is accompanied by a record of survey.

28 (5) An application for a boundary line adjustment shall expire pursuant to SCC 30.70.140.

29 (6) Boundary line adjustment approval expires pursuant to SCC 30.70.140.

30 ~~((5))~~ (7) The legal descriptions of the revised lots, tracts, or parcels, shall be certified by a licensed  
31 surveyor or title company.

32 ~~((6))~~ (8) A boundary line adjustment shall be not approved for any property for which an exemption to  
33 the subdivision provisions set forth in SCC 30.41A.020(6) or 30.41A.020(7) or an exemption to the  
34 short subdivision provisions set forth in SCC 30.41B.020(6) or 30.41B.020(7) has been exercised within  
35 the past five years.  
36

37 Section 20. Snohomish County Code Section 30.41E.400, added by Amended Ordinance No.  
38 02-064 on December 9, 2002, is amended to read:  
39

40 **30.41E.400 Recording**

41  
42 To finalize an approved BLA, the applicant must record with the county auditor the BLA application,  
43 certified legal descriptions, and the BLA map within ~~((one year))~~ the timeframe established in SCC  
44 30.70.140, from the date of approval, or the application and approval shall lapse. ~~((The department may~~  
45 ~~grant up to one one-year extension for good cause.))~~ If the BLA affects more than one property owner,  
46 a conveyance document(s) shall be recorded at the same time as the BLA documents. The  
47 conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries.  
48 When a BLA is recorded subsequent to a record of survey for the same property, the recording number  
49 of the record of survey shall be noted on the BLA map. Recording fees and applicable state fees shall

1 be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be  
2 provided to the department by the applicant. The BLA shall not take effect until recorded.  
3

4 Section 21. A new section is added to Chapter 30.41F of the Snohomish County Code to read:  
5

6 **30.41F.025 Time limitation of application.**  
7

8 An application for a single family detached units administrative site plan approval shall expire pursuant  
9 to SCC 30.70.140.  
10

11 Section 22. Snohomish County Code Section 30.41F.030 added by Amended Ordinance No.  
12 07-022 on April 23, 2007, is amended to read:  
13

14 **30.41F.030 Submittals.**  
15

16 Administrative site plan. An administrative site plan shall be submitted with each single family detached  
17 units permit application. Pursuant to SCC 30.70.030, the department will supply a submittal checklist for  
18 textual and graphical requirements. A complete application for an administrative site plan meeting the  
19 requirements of this section shall ~~((be deemed to have vested as of the date of submittal))~~ vest  
20 pursuant to SCC 30.70.300.

21 (1) An administrative site plan for a single family detached units application may be finalized as a  
22 whole or in successive divisions or phases. When phasing is proposed, and all information required by  
23 this section is provided for only a portion of the entire site, a preliminary plan shall be submitted for the  
24 entire site concurrently with the first phase plan. The preliminary plan shall include the following:

- 25 (i) general phasing plan for the entire site;
- 26 (ii) general vehicular circulation and access control plan for the entire site;
- 27 (iii) general pedestrian circulation plan for the entire site; and
- 28 (iv) general landscape and open space plan for the entire site.

29 The preliminary plan shall be used as a guide for adequate connectivity of the plan components for all  
30 development phases on the site. A preliminary plan shall not be required where an entire site is  
31 proposed for final administrative site plan approval.

32 (2) The site plan or phased divisions shall be submitted to the director for final approval or disapproval.  
33 The director shall submit copies of the final plan for a 21-day review and comment period to appropriate  
34 departments, cities or agencies for their review and comment. Reviewing departments, cities or  
35 agencies may make comments consistent with the county code. If a consulted department, city or  
36 agency does not respond in writing within the 21-day comment period, the director may assume that  
37 the consulted department, city or agency has no comments on the proposal. Upon review of any  
38 comments received, the director shall approve the site plan in writing when found to be in conformance  
39 with this chapter and other applicable chapters of title 30 SCC. Upon approval, the final administrative  
40 site plan shall control all development of the property.

41 (3) Within 45 days of the effective date of this chapter, the department shall develop a set of standard  
42 covenants (SFDU Covenants) that will be required for all developments of single family detached units.  
43 The standard SFDU Covenants shall include provisions for parking enforcement, and for the  
44 maintenance of areas held in common ownership, including drive aisles and pedestrian facilities,  
45 landscaping, and common open space. The standard SFDU Covenants shall also include provisions  
46 authorizing the department to assess fines against the homeowners' association of a development of  
47 single family detached units for the failure to enforce drive aisle parking requirements. The standard  
48 SFDU Covenants shall be required to be recorded prior to the final inspection for the first unit in a  
49 development of single family detached units.  
50

1 Section 23. Snohomish County Code Section 30.41F.040, last amended by Amended  
2 Ordinance No. 15-103 on January 11, 2016, is amended to read:

3  
4 **30.41F.040 Approvals.**

5  
6 (1) Administrative site plan. In order to approve an administrative site plan, the department must find  
7 that the site plan is consistent with the requirements of this chapter and other applicable regulations as  
8 determined by the department.

9 (2) Final inspection and occupancy shall not be completed until the following requirements are met for  
10 those units included in the inspection:

11 (a) Fire lane signs and/or striping are completed for all access ways to the units;

12 (b) Address signs, street signs and unit addressing is completed;

13 (c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for  
14 the units, pursuant to this chapter, are installed and approved; and

15 (d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian  
16 facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a  
17 recorded covenant, in a form approved by the director.

18 (3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the  
19 director and public works director shall have the authority to grant modifications or deviations as  
20 follows:

21 (a) Modifications or deviations may be granted to the following provisions of the county code if the  
22 applicant demonstrates that its proposal is consistent with the requirements of this chapter and the  
23 requested modification or deviation is consistent with the intent and purpose of this chapter and its  
24 provisions:

25 (i) chapter 30.24 SCC;

26 (ii) chapter 30.25 SCC;

27 (iii) chapter 30.26 SCC; and

28 (iv) chapter 30.27 SCC.

29 (b) The director shall retain administrative authority over the request. The director's decision shall be  
30 final and not subject to appeal to the hearing examiner.

31 (4) An approved administrative site plan shall expire pursuant to SCC ((30.23A.100(6))) 30.70.140.

32  
33 Section 24. A new section is added to Chapter 30.42A of the Snohomish County Code to read:

34  
35 **30.42A.040 Time limitation of application.**

36  
37 An application for a site-specific rezone shall expire pursuant to SCC 30.70.140.

38  
39 Section 25. A new section is added to Chapter 30.42B of the Snohomish County Code to read:

40  
41 **30.42B.035 Time limitation of application.**

42  
43 An application for a planned residential development shall expire pursuant to SCC 30.70.140.

44  
45 Section 26. A new section is added to Chapter 30.42B of the Snohomish County Code to read:

46  
47 **30.42B.037 Approval expiration.**

48  
49 Approval of a planned residential development shall expire pursuant to SCC 30.70.140.

1 Section 27. A new section is added to Chapter 30.42C of the Snohomish County Code to read:

2

3 **30.42C.040 Time limitation of application.**

4

5 An application for a conditional use permit shall expire pursuant to SCC 30.70.140.

6

7 Section 28. A new section is added to Chapter 30.42C of the Snohomish County Code to read:

8

9 **30.42C.105 Permit expiration.**

10

11 Conditional use permits shall expire pursuant to SCC 30.70.140.

12

13 Section 29. A new section is added to Chapter 30.42F of the Snohomish County Code to read:

14

15 **30.42F.025 Time limitation of application.**

16

17 An application for a special use permit for community facilities for juveniles shall expire pursuant to  
18 SCC 30.70.140

19

20 Section 30. A new section is added to Chapter 30.42F of the Snohomish County Code to read:

21

22 **30.42F.050 Permit expiration.**

23

24 A special use permit for community facilities for juveniles shall expire pursuant to SCC 30.70.140.

25

26 Section 31. A new section is added to Chapter 30.43A of the Snohomish County Code to read:

27

28 **30.43A.030 Time limitation of application.**

29

30 An application for an administrative conditional use permit shall expire pursuant to SCC 30.70.140.

31

32 Section 32. A new section is added to Chapter 30.43A of the Snohomish County Code to read:

33

34 **30.43A.035 Permit expiration.**

35

36 Administrative conditional use permits shall expire pursuant to SCC 30.70.140.

37

38 Section 33. A new section is added to Chapter 30.43B of the Snohomish County Code to read:

39

40 **30.43B.030 Time limitation of application.**

41

42 An application for a variance shall expire pursuant to SCC 30.70.140.

43

44 Section 34. A new section is added to Chapter 30.43C of the Snohomish County Code to read:

45

46 **30.43C.050 Time limitation of application.**

47

48 An application for a flood hazard permit shall expire pursuant to SCC 30.70.140.

49

1  
2 Section 35. Snohomish County Code Section 30.43C.200, last amended by Amended  
3 Ordinance No. 05-068 on September 7, 2005, is amended to read:

4  
5 **30.43C.200 Permit expiration.**

6  
7 ~~((1)) The ((start of construction, as defined in SCC 30.91S.570, for any new construction or~~  
8 ~~substantial improvement must commence within 180 days of the issuance of a flood hazard permit or~~  
9 ~~the flood hazard permit will automatically expire)) flood hazard permit shall expire pursuant to SCC  
10 30.70.140.  
11 ~~((2) A permit may be renewed for the original project description only once for up to 24 additional~~  
12 ~~months.))~~~~

13  
14 Section 36. A new section is added to Chapter 30.43D of the Snohomish County Code to read:

15  
16 **30.43D.030 Time limitation of application.**

17  
18 An application for a flood hazard variance shall expire pursuant to SCC 30.70.140.

19  
20 Section 37. A new section is added to Chapter 30.43D of the Snohomish County Code to read:

21  
22 **30.43D.120 Approval expiration.**

23  
24 Approval of a flood hazard variance shall expire pursuant to SCC 30.70.140.

25  
26 Section 38. Snohomish County Code Section 30.43F.100, added by Amended Ordinance No.  
27 15-033 on June 3, 2015, is amended to read:

28  
29 **30.43F.100 Class IV-General forest practices – permit required.**

- 30  
31 (1) Permit required for Class IV-General forest practices. An approved Class IV-General forest  
32 practices permit shall be obtained from the department prior to conducting any forest practices  
33 described in SCC 30.43F.030(1).  
34 (2) Procedure. The department shall process a Class IV-General forest practices permit application  
35 according to the procedures for a Type 1 administrative decision under chapter 30.71 SCC unless  
36 submitted concurrently with a Type 2 application under chapter 30.72 SCC, in which case the Class IV-  
37 General forest practices permit application shall be consolidated and processed as a Type 2 permit  
38 application. Applications for Class IV-General forest practices permits shall be submitted in compliance  
39 with the requirements in SCC 30.70.030, and may be processed concurrently with other development  
40 applications.  
41 (3) General requirements. The department shall not issue a Class IV-General forest practices permit  
42 unless the following requirements are met:  
43 (a) The applicant submits a completed State Environmental Policy Act checklist;  
44 (b) The applicant has either obtained a land disturbing activity (LDA) permit under chapter 30.63B  
45 SCC, or has obtained a determination from the department that an LDA permit is not required; and  
46 (c) The applicant provides verification from the Washington State Department of Natural Resources  
47 that the subject site is not and has not been subject to a notice of conversion to nonforestry use under  
48 RCW 76.09.060 during the six-year period prior to the submission of the permit application.  
49 (4) Time limitation of application. An application for a Class IV-General forest practices permit shall  
50 expire pursuant to SCC 30.70.140.

1 ~~((4))~~ (5) Compliance with other conditions. If a Class IV-General forest practices permit is issued in  
2 association with any other development permits or approvals, the applicant shall comply with any  
3 conditions of approval established in those associated development permits or approvals.

4 ~~((5))~~ (6) Permit expiration and extension.

5 ~~((a))~~ A Class IV-General forest practices permit approval shall ~~((be valid for 18 months following the~~  
6 ~~date of issuance unless a longer time period has been established through an associated approval~~  
7 ~~issued by the county, in which case the time limits applicable to the associated approval shall apply))~~  
8 expire pursuant to SCC 30.70.140.

9 ~~((b) The director may grant, in writing, one extension of time, for a period of not more than 18 months.~~  
10 ~~The extension shall be requested in writing prior to expiration and must demonstrate justifiable cause.~~

11 ~~-(c) The fee for the permit extension shall be in accordance with chapter 30.86-SCG)).~~

12  
13 Section 39. Snohomish County Code Section 30.50.140, added by Amended Ordinance No. 14-  
14 060 on August 27, 2014, is amended to read:

15  
16 **30.50.140 Time limitation of application.**

17  
18 (1) An application for a permit for any proposed work shall expire 18 months after the date of filing. The  
19 building official is authorized to grant one extension of time for an additional period not to exceed 18  
20 months. The extension shall be requested in writing prior to expiration and justifiable cause  
21 demonstrated.

22 (2) The fee for the permit application extension shall be in accordance with SCC 30.86.400(6).

23 ~~((3) The expiration and extension provisions of this section do not apply to applications subject to~~  
24 ~~environmental review under chapter 30.61 SCC. Applications subject to environmental review under~~  
25 ~~chapter 30.61 SCC are subject to the expiration and extension provisions of SCC 30.70.140.))~~

26  
27 Section 40. Snohomish County Code Section 30.63B.270, last amended by Amended  
28 Ordinance No. 14-053 on August 27, 2014, is amended to read:

29  
30 **30.63B.270 Time limitation of application.**

31  
32 ~~((4))~~ An application for a land disturbing activity permit shall ~~((be deemed to have been abandoned 18~~  
33 ~~months after the date the applicant filed a complete application, unless the applicant has pursued the~~  
34 ~~submittal of all necessary information and revisions requested by the department in good faith, or a~~  
35 ~~permit has been issued))~~ expire pursuant to SCC 30.70.140.

36 ~~((2) The director is authorized to grant one extension of the permit application if abandoned. Such~~  
37 ~~extension shall not exceed an additional 18 month period. The application extension shall be requested~~  
38 ~~in writing and the applicant shall demonstrate a justifiable cause for the extension. A renewal fee shall~~  
39 ~~be paid at the time of the renewal request pursuant to SCC 30.86.510(2).))~~

40  
41 Section 41. Snohomish County Code Section 30.63B.280, added by Amended Ordinance No.  
42 10-023 on June 9, 2010, is amended to read:

43  
44 **30.63B.280 Permit expiration ((and renewal)).**

45  
46 (1) Land disturbing activity permits shall expire ~~((18 months from the date of issuance))~~ pursuant to  
47 SCC 30.70.140. However, the director may set an earlier expiration date for a permit or issue a permit  
48 that is non-renewable, or both, if the director determines that soil, hydrologic or geologic conditions on  
49 the project site necessitate that land disturbing activity, drainage improvements and site stabilization be  
50 completed in less time.



1 (2) No land disturbing activity shall be performed under an expired land disturbing activity permit. An  
2 applicant shall obtain a new permit before starting work authorized under the expired permit.  
3 ~~((3) The director is authorized to grant, in writing, one permit extension of not more than 18 months.  
4 The permit extension shall be requested in writing and the applicant shall demonstrate justifiable cause  
5 for the extension. The request for extension shall be submitted to the department 30 days before the  
6 date of expiration of the original permit.  
7 (4) Prior to extension of a permit, an on-site inspection may be required to determine whether the work  
8 authorized by the original permit complies with this chapter and any other applicable law or regulation.  
9 (5) The renewal fee in SCC 30.86.510(2) for a permit extension request shall be paid at the time the  
10 extension request is submitted.  
11 (6) The director may extend the timeframe for submitting an extension request under SCC  
12 30.63B.280(3) for good cause, but shall not approve any extension request received later than 30 days  
13 after the date of expiration of the original permit.))~~

14  
15 Section 42. Snohomish County Code Section 30.70.015, last amended by Amended  
16 Ordinance No. 10-023 on June 9, 2010, is amended to read:

17  
18 **30.70.015 Exemptions.**

19  
20 The following ~~((actions))~~ permit types are exempt from the requirements of this subtitle, except the  
21 consistency determination required by SCC 30.70.100, and the expiration and vesting provisions of  
22 SCC 30.70.140 and SCC 30.70.300 shall apply:  
23 ~~((1) Street vacations under chapter 13.100 SCC;  
24 (2) Approvals relating to the use of public areas and facilities under title 13 SCC;))  
25 ((3)) (1) Building permits exempt from the State Environmental Policy Act (SEPA);  
26 ((4)) (2) Land disturbing activity permits exempt from SEPA; and  
27 ((5)) (3) All other construction ~~((, mechanical, and plumbing))~~ permits pursuant to subtitle 30 SCC  
28 that are exempt from SEPA ~~((and related approvals, including certificates of occupancy)).~~~~

29  
30 Section 43. Snohomish County Code Section 30.70.140, added by Amended  
31 Ordinance No. 02-064 on December 9, 2002, is amended to read:

32  
33 **30.70.140 Expiration ~~((and extension of application))~~ of applications, approvals, and permits.**

34  
35 ~~((1) An application shall expire one year after the last date that additional information is requested if  
36 the applicant has failed to provide the information, except that  
37 (a) The department may grant one or more extensions pursuant to SCC 30.70.140(2) and (3) below;  
38 (b) The department may set an expiration date of less than one year when the permit application is  
39 the result of a code enforcement action; and  
40 (c) No application shall expire when under review by the department following submittal of a  
41 complete application or timely resubmittal of an application when all required information has been  
42 provided.  
43 (2) The applicant may request an extension to a date certain prior to expiration of the application. The  
44 department may grant an extension request if the criteria of SCC 30.70.140(3) are met. If granted, the  
45 department shall set a reasonable expiration date that may be different from the date requested by the  
46 applicant.  
47 (3) An applicant's extension request may only be granted when the following criteria are met:  
48 (a) A written request for extension is submitted at least 14 days prior to the expiration date;  
49 (b) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely  
50 submittal of the requested information; and~~

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- 1 ~~—(c) The applicant provides a reasonable schedule for submittal of the requested information.~~  
 2 ~~—(4) The department may extend an expiration date for an application with no written request from an~~  
 3 ~~applicant when additional time for county processing or scheduling of appointments is required, when~~  
 4 ~~the department needs information or responses from other agencies, or under other similar~~  
 5 ~~circumstances.~~  
 6 ~~—(5) A permit application approved for issuance pursuant to subtitle 30.5 SCC but not paid for and~~  
 7 ~~issued shall expire six months after the date it is approved for issuance.))~~  
 8 (1) This section shall apply to:  
 9 (a) New applications, approvals, and permits set forth in SCC Table 30.70.140(1); and  
 10 (b) Existing applications set forth in SCC Table 30.70.140(1) that were deemed complete but that  
 11 were not approved or denied prior to [insert effective date of this ordinance], provided that the  
 12 department shall provide notice to the applicant one year prior to the expiration date of the application.  
 13 (2) SCC Table 30.70.140(1) establishes the expiration period for applications, approvals, and permits,  
 14 except that:  
 15 (a) When an EIS is required, the expiration period of an application will be suspended until the FEIS  
 16 is issued. The suspension of the expiration period for an application shall not exceed 18 months unless  
 17 approved by the director; and  
 18 (b) When otherwise modified by the hearing examiner.  
 19 (3) The applicant is responsible for monitoring the expiration periods for an application, approval, or  
 20 permit. The county is not required to inform an applicant when an application, approval, or permit will  
 21 expire or has expired.  
 22 (4) For minor revisions under SCC 30.70.210 and major revisions under SCC 30.70.220, the term of  
 23 expiration for an application shall be 12 months and shall not extend the term of the corresponding  
 24 development application approval or concurrency determination.

25  
 26 SCC Table 30.70.140(1)  
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<u>Approval Type</u>	<u>Expiration of application</u>	<u>Expiration of approval or permit</u>
<u>Administrative Conditional Use Permit</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Administrative Conditional Use Permit – Temporary Dwelling During Construction</u>	<u>12 months</u>	<u>As determined in decision</u>
<u>Administrative Conditional Use Permit - Temporary Dwelling For Relative</u>	<u>12 months</u>	<u>Shall be subject to annual renewal</u>
<u>Administrative Conditional Use Permit - Other Temporary Uses</u>	<u>12 months</u>	<u>As determined in decision</u>
<u>Administrative Site Plan (pursuant to chapter 30.23A SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Binding Site Plan</u>	<u>36 months</u>	<u>6 months to record</u>

<u>Boundary Line Adjustment</u>	<u>12 months</u>	<u>12 months to record. The department may grant up to one 12-month extension.</u>
<u>Building Permit</u>	<u>Per subtitle 30.5 SCC</u>	<u>Per subtitle 30.5 SCC</u>
<u>Conditional Use Permit</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Flood Hazard Permit &amp; Flood Hazard Variance</u>	<u>18 months</u>	<u>18 months from the date of issuance. Start of construction, as defined in SCC 30.91S.570, must commence within 180 days.</u>
<u>Forest Practices (Class IV-General)</u>	<u>18 months</u>	<u>36 months</u>
<u>Land Disturbing Activity</u>	<u>18 months</u>	<u>36 months</u>
<u>Official Site Plan and Site Plans (pursuant to chapters 30.31A and 30.31B SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Planned Residential Development</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Pre-application Concurrency Determination</u>	<u>6 months</u>	<u>Per SCC 30.66B.155</u>
<u>Rezones</u>	<u>36 months</u>	<u>Not applicable</u>
<u>Shoreline Conditional Use Permit</u>	<u>36 months</u>	<u>Per chapter 30.44 SCC</u>
<u>Shoreline Substantial Development Permit</u>	<u>36 months</u>	<u>Per chapter 30.44 SCC</u>
<u>Single Family Detached Units</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Special Use Permit (pursuant to chapter 30.42F SCC)</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Subdivisions</u>	<u>48 months</u>	<u>Per RCW 58.17.140, except that:</u> <ul style="list-style-type: none"> <li>• <u>For preliminary subdivisions that were approved on or after January 1, 2008, one or more</u></li> </ul>

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

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		<u>term of twelve years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.</u>
<u>Urban Center Development</u>	<u>36 months</u>	<u>5 years to commence construction or use</u>
<u>Variance</u>	<u>36 months</u>	<u>Not applicable</u>

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Section 44. A new section is added to Chapter 30.70 of the Snohomish County Code to read:

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**30.70.300 Vesting of applications.**

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The purpose of this section is to implement local vesting regulations that are best suited to the needs of the county and consistent with state law. This section is intended to provide property owners, permit applicants, and the general public assurance that the regulations for project development will remain consistent during the life of an application.

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(1) Except for rezones, an application for a permit or approval type set forth in SCC Table 30.70.140(1) shall be considered under the development regulations in effect on the date a complete application is filed, pursuant to SCC 30.70.040. Provided, that projects under the authority of the director of the department of public works or the county engineer pursuant to SCC 30.63B.100 shall vest as of the date the county engineer approves a design report or memorandum for the project.

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(2) Building permit or land disturbing activity permit applications that are subsequent and related to the development identified in an application listed in SCC 30.70.300(2)(a)-(m), shall vest to the development regulations in effect at the time a complete application listed in SCC 30.70.300(2)(a)-(m) is filed pursuant to SCC 30.70.040.

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- (a) Administrative conditional use permit;
- (b) Administrative site plan (pursuant to chapter 30.23A SCC);
- (c) Binding site plan;
- (d) Conditional use permit;
- (e) Official site plan and site plan (pursuant to chapters 30.31A and 31.31B SCC);
- (f) Planned residential development;
- (g) Shoreline conditional use permit;
- (h) Shoreline substantial development permit;
- (i) Single family detached units;
- (j) Special use permits (pursuant to chapter 30.42F SCC);
- (k) Short subdivision;
- (l) Subdivision; and
- (m) Urban center development.

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However, a complete application for any subsequent application must be submitted prior to the expiration date of the permit(s) or approval(s) applied for in the application types listed in this subsection.

- 1 (3) For the purpose of this section, "development regulation" means those provisions of title 30 SCC  
 2 that exercise a restraining or directing influence over land, including provisions that control or affect the  
 3 type, degree, or physical attributes of land development or use. For the purpose of this section,  
 4 "development regulation" does not include fees listed in title 30 SCC or procedural regulations.  
 5 (4) A complete building permit application shall always be subject to that version of subtitle 30.5 SCC  
 6 in effect at the time the building permit application is submitted.  
 7 (5) Notwithstanding any other provision in this section, any application dependent on approval of a  
 8 rezone application shall not vest until the underlying rezone is approved.

9  
 10 Section 45 Snohomish County Code Section 30.86.100, last amended by Amended Ordinance  
 11 No. 15-005 on March 18, 2015, is amended to read:

12  
 13 **30.86.100 Subdivision fees.**

14  
 15 Table 30.86.100 - SUBDIVISION FEES

16  
 17 *OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of*  
 18 *fees not collected by the department include: (1) Applicable private well and septic system approvals*  
 19 *(Snohomish Health District); (2) right-of-way permit (department/department of public works), see SCC*  
 20 *13.110.020; and (3) subdivision recording fees (auditor).*  
 21

<b>PRE-APPLICATION CONFERENCE FEE)</b>	\$480
<b>PRELIMINARY SUBDIVISION FILING FEE <sup>(1), (2)</sup></b>	
Base fee	\$4,680
Plus \$ per lot	\$132
Plus \$ per acre	\$78
Total maximum fee	\$21,600
<b>SUBDIVISION MODIFICATIONS</b>	\$1,200
<b>REVISIONS TO APPROVED PRELIMINARY SUBDIVISIONS</b>	
Minor revision-administrative	\$312
Major revision-public hearing	\$1,248
<b>CONSTRUCTION PLAN CHECK FEE <sup>(3)</sup></b>	
Per lot <sup>(4)</sup>	\$192
Per tract or non-building lot	\$192

<b>ROAD INSPECTION FEE</b>	
Per lot <sup>(4)</sup>	\$192
Per tract or non-building lot	\$192
<b>FINAL SUBDIVISION FEES</b>	
Filing fee	\$2,400
Document check and sign installation fee	\$264/lot and unit cost/sign required
<b>ROAD SECURITY DEVICE ADMINISTRATION FEE <sup>(5)</sup></b>	
Performance security option <sup>(6)</sup>	\$24.50/Lot
Maintenance security <sup>(7)</sup>	\$31.00/Lot
<b>"MARKUP" CORRECTIONS FEE <sup>(8)</sup></b>	\$240
<b>SUBDIVISION ALTERATION</b>	<b>PLACEHOLDER POSITION</b>
<b>MODEL HOME FEES <sup>(9)</sup></b>	
Base fee	\$360
Plus \$ per subdivision NOTE: For reference notes, see table following SCC 30.86.110.	120
<b>PRELIMINARY SUBDIVISION EXTENSION <sup>(10)</sup></b>	<b>\$500</b>
<p><b>Reference notes for subdivision and short subdivision fee tables:</b></p> <p>(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.</p> <p>(2) When a preliminary subdivision application is considered in conjunction with a rezone for the same property, the total preliminary subdivision fee shall be reduced by 25 percent. If a preliminary subdivision application is considered in conjunction with a planned residential development, with or without a rezone, the total preliminary subdivision fee shall be reduced by 50 percent. The sum of the above fees shall be limited to \$16,800.</p> <p>(3) Collected when the preliminary subdivision applicant submits the construction plan.</p> <p>(4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), then a plan check fee of \$192.00 per building will be charged and the plan check or inspection fee will not be based on the number of lots.</p> <p>(5) Paid by the applicant to cover the costs of administering security devices as provided by chapter 30.84 SCC.</p> <p>(6) This fee applies if the developer elects to carry out minimum improvements using the provisions of SCC 30.41A.410(1)(b) before requesting final approval, and is in addition to subsequent subdivision road inspection fees.</p>	

- (7) Collected in accordance with SCC 30.41A.410(2).
- (8) This fee applies whenever an applicant fails to submit required corrections noted on "markup" final subdivision drawings or other documents during the final subdivision review.
- (9) This fee is in addition to the residential building permit fees for plan check, site review and access permit.
- (10) This fee applies to preliminary subdivision approval extensions pursuant to SCC ((30.41A.300)) Table 30.70.140(1).

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Section 46. Snohomish County Code Section 30.86.110, last amended by Amended Ordinance No. 09-018 on June 3, 2009, is amended to read:

**30.86.110 Short subdivision fees.**

Table 30.86.110 - SHORT SUBDIVISION FEES

*OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of fees not collected by the department include: (1) Applicable private well and septic system approvals (Snohomish Health District); (2) right-of-way permit (the department/ department of public works), see SCC 13.110.020; and (3) short subdivision recording fees (auditor).*

<b>PRE-APPLICATION CONFERENCE FEE)</b>	\$480
<b>PRELIMINARY SHORT SUBDIVISION FILING FEES (1)</b>	
Base fee	\$1,560
Plus \$ per acre	\$78
Plus \$ per lot	\$78
<b>SHORT SUBDIVISION MODIFICATION APPLICATION</b>	\$960
<b>PLAN/DOCUMENT RESUBMITTAL FEE (2)</b>	\$240
<b>SHORT SUBDIVISION REVISIONS AFTER PRELIMINARY APPROVAL</b>	\$312
<b>SHORT SUBDIVISION FINAL APPROVAL</b>	\$600
<b>SHORT SUBDIVISION FINAL DOCUMENT CHECK</b>	\$1,800
<b>RECORDING OF FINAL SHORT SUBDIVISION</b>	\$30
<b>ALTERATIONS TO RECORDED SHORT SUBDIVISIONS</b>	\$420
<b>PRELIMINARY SHORT SUBDIVISION EXTENSION(3)</b>	\$500



<p><b>Reference notes:</b></p> <p>(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.</p> <p>(2) This fee applies to the resubmittal of short subdivision plans and documents after a second review for which the applicant did not include corrections noted by the department, or the applicant made revisions, which necessitate additional review and comments.</p> <p>(3) This fee applies to preliminary short subdivision approval extensions pursuant to SCC ((30.41B.300)) <u>Table 30.70.140(1)</u>.</p>
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Section 47. Snohomish County Code Section 30.86.220, last amended by Amended Ordinance No. 15-005 on March 18, 2015, is amended to read:

**30.86.220 Administrative conditional use permit fees.**

Table 30.86.220 - ADMINISTRATIVE CONDITIONAL USE PERMIT (ACU) FEES<sup>(1)</sup>

<b>PRE-APPLICATION CONFERENCE FEE</b>	\$480
<b>ADMINISTRATIVE CONDITIONAL USE (ACU) PERMIT, Except: ACU for Expansion of a nonconforming use as provided below</b>	\$180
<b>ACU FOR EXPANSION OF A NONCONFORMING USE</b>	
Base fee	\$1,200
Plus \$ per acre	\$60
Total maximum fee for expansion of a nonconforming use	\$3,600
<del>((TIME EXTENSION REQUEST))</del>	<del>(((\$120))</del>
<b>MINOR REVISION REQUEST</b>	\$240
<b>MAJOR REVISION REQUEST</b>	\$960
<b>*TEMPORARY WOODWASTE RECYCLING PERMIT</b>	\$600
<b>*TEMPORARY WOODWASTE STORAGE PERMIT</b>	\$600
<b>ANNUAL RENEWAL FEE FOR ANY TEMPORARY USE</b>	\$48

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Reference note:  
 (1) Administrative conditional use permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 shall be set at \$0.00.

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Section 48 Snohomish County Code Section 30.86.230, last amended by Amended Ordinance No. 07-108 on November 19, 2007, is amended to read:

**30.86.230 Variance fees.**

Table 30.86.230 -VARIANCE FEES

<b>PRE APPLICATION CONFERENCE FEE</b>	\$480
<b>STANDARD VARIANCE</b>	\$1,200
<b>SINGLE FAMILY RESIDENCE REQUEST FOR A SINGLE</b>	
REVISION TO A DIMENSIONAL REQUIREMENT	\$600
(( <b>TIME EXTENSION REQUEST</b> ))	(((\$420))
<b>MINOR REVISION REQUEST</b>	\$312
<b>MAJOR REVISION REQUEST</b>	\$1,248

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Section 49. Snohomish County Code Section 30.86.510, last amended by Amended Ordinance No. 10-086 on October 20, 2010, is amended to read:

(1) This section establishes drainage and land disturbing activity fees that apply when drainage or land disturbing activity review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law. Construction applications referenced in this code section include applications for grading permits submitted prior to September 30, 2010, and building, right-of-way and land disturbing activity permit applications.

(2) Fees for plan review and inspection of drainage plans and land disturbing activities are established in SCC Table 30.86.510(2)(A) and (B). SCC Table 30.86.510(2)(A) and (B) includes fees for plan review and inspection of independent activities as well as fees for plan review and inspection of multiple activities. Whenever two or more proposed activities subject to fees in SCC Table 30.86.510(2) are submitted concurrently as part of the same project, the applicant shall only pay one fee; the applicable fee shall be the one associated with the proposed activity that meets the highest threshold level in SCC Table 30.86.510(2)(A) and (B).

(3) Drainage and land disturbing activity fees shall be based upon the fee table in effect at the time of payment.

(4) For complete applications submitted to the department on or after September 30, 2010, the applicable drainage and land disturbing activity fees in SCC Table 30.86.510(2)(A) and (B) shall be

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- 1 paid as follows:
- 2 (a) For applications that require preliminary land use approval or for which site plan approval is
- 3 required or requested prior to the submittal of construction applications, the following percentages of
- 4 the fees shall be paid as follows:
- 5 (i) Fifty percent of the fees shall be paid upon submittal of the initial application(s) for land use or site
- 6 plan approval;
- 7 (ii) Twenty-five percent of the fees shall be paid upon submittal of the construction application(s); and
- 8 (iii) Twenty-five percent of the fees shall be paid prior to permit issuance;
- 9 (b) For all other applications, except single-family residential building permit applications, 75 percent
- 10 of the fees shall be paid upon submittal of the construction application(s) and 25 percent of the fees
- 11 shall be paid prior to permit issuance; and
- 12 (c) For single-family residential building permit applications, 50 percent of the fees shall be paid upon
- 13 submittal of the construction application(s) and 50 percent of the fees shall be paid prior to permit
- 14 issuance.
- 15 (5) When inspection services are requested for complete construction applications submitted to the
- 16 department before September 30, 2010, and for which permits or approvals are issued on or after
- 17 September 30, 2010, the following percentages of the applicable fees in SCC Table 30.86.510(2)(A)
- 18 shall be paid as follows:
- 19 (a) Fifty percent of the fees shall be paid prior to single-family residential building permit issuance
- 20 when the permit application included the submittal of a stormwater site plan or stormwater pollution
- 21 prevention plan; and
- 22 (b) Twenty-five percent of the fees shall be paid prior to permit issuance for all applications, except as
- 23 provided above in subsection (5)(a).

Table 30.86.510(2)

FEEES FOR DRAINAGE AND LAND DISTURBING ACTIVITIES

(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION <sup>(1)</sup>	DRAINAGE (new, replaced, or new plus replaced impervious surface in square feet)	GRADING (cut or fill in cubic yards, whichever is greater)	FEE
Level 1(a): Drainage only	1 - 1,999		\$ 375
Level 1(b): Grading only		1 - 500	\$ 350
Level 1(a)+(b): Drainage and Grading	1 - 1,999	and 1 - 500	\$ 725
Level 2	2,000 - 4,999	and 0 - 500	\$ 1,575
Level 3	5,000 - 9,999	and/or 501 - 4,999	\$ 2,450
Level 4	10,000 - 39,999	and/or 5,000 - 14,999	\$ 4,800
Level 5	40,000 - 99,999	and/or 15,000 - 69,999	\$ 12,700
Level 6	100,000 or more	and/or 70,000 or more	\$ 34,700
(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION <sup>(1)</sup>	CLEARING <sup>(2)</sup>		FEE
Level 1	1 - 6,999 sq. ft.		\$ 750
Level 2	7,000 sq. ft. or more		\$ 1,650
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of native vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of		\$ 2,800

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	native vegetation to pasture.	
<b>(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:</b>		
Pre-application site review		\$ 250
Subsequent plan review <sup>(3)</sup>		\$ 350
Field revisions <sup>(4)</sup>		\$ 350
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842		See SCC 30.86.515
Investigation penalty <sup>(7)</sup>		100% of the applicable drainage and land disturbing activity fee
((Renewal of a land disturbing activity application or permit <sup>(5)</sup> ))		(( \$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed))
Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan		\$ 60 per hour
Drainage plan review for mining operations <sup>(6)</sup>		\$ 156 per acre
Monitoring associated with drainage plan review for mining operations		\$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2)		
(a) Land Use		(a) \$ 850
(b) Engineering		(b) \$ 975
(a)+(b) Land Use and Engineering Combination		(a)+(b) \$ 1,655
<b>(D) SECURITY DEVICE ADMINISTRATION FEES:</b>		
Performance Security		\$ 19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for all other permits
Maintenance Security		\$ 15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for all other permits
<b>REFERENCE NOTES:</b>		
<p>(1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.</p> <p>(2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 - 6 for drainage and/or grading plan review and inspection also apply.</p> <p>(3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on "markup" plans, drawings, or other required submittal documents.</p> <p>(4) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.</p> <p><del>((5)) ((Requests for renewals of land disturbing activity approvals or permits must include a written statement of the percentage of approved or permitted activity that remains to be completed. Applicants may provide this written statement for all level 1 projects. The engineer of record must provide the written statement for all other projects.))</del></p> <p><del>((6))</del> (5) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land. Fees for phased mine developments and mining site restoration plans of phased mine developments shall be calculated separately for each phase of mining based upon the area for each phase.</p> <p><del>((7))</del> (6) Any person who commences any land disturbing activity before obtaining the necessary permits shall be subject to an investigation penalty in addition to the required permit fees.</p>		

1  
2

1  
2 Section 50. A new section is added to Chapter 30.91C of the Snohomish County Code to read:

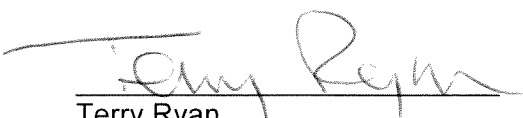
3  
4 **30.91C.267 Construction, commence (Commence construction).**

5  
6 "Construction, commence" ("Commence construction") means the point in time demarking the breaking  
7 of ground for the construction of a development.


8  
9 Section 51. Severability and Savings. If any section, sentence, clause or phrase of this  
10 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or  
11 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect  
12 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.  
13 Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid  
14 by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect  
15 prior to the effective date of this ordinance shall be in full force and effect for that individual section,  
16 sentence, clause or phrase as if this ordinance had never been adopted.

17  
18 PASSED this 16<sup>th</sup> day of March, 2016

19  
20 SNOHOMISH COUNTY COUNCIL  
21 Snohomish County, Washington


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24  
25 Terry Ryan  
26 Council Chair

27 ATTEST:

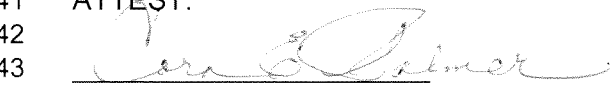
28  
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31 Debbie Eco, CMC  
32 Clerk of the Council

- 33  
34  APPROVED  
35  EMERGENCY  
36  VETOED

37  
38 Date: 3/22/16, 2016

39  
40   
41 Dave Somers  
42 County Executive

43 ATTEST:

44  
45 

46 Approved as to form only:

47  
48  
49 \_\_\_\_\_  
50 Deputy Prosecuting Attorney

# Public Works Projects' Land Disturbing Activity (LDA) Expirations *Proposed Code Amendment*

# LDA Permit Applications (Design Reports)

- DPW projects requiring LDA permits can be “self-certified” (reviewed and approved by DPW) under the authority of SCC 30.63B.100 and Rule 5001 (Rev Oct 2020)
- SCC 30.70.300 (1) states: “... projects under the authority of the director of the department of public works or the county engineer pursuant to SCC 30.63B.100 **shall vest as of the date the county engineer approves a design report or memorandum** for the project
- A Design Report or Memo is equivalent to a complete Permit Application submitted to PDS by the public



# Table 30.70.140 (1)

- Permit applications and approvals have expiration periods
- The vesting that attaches to the filing of an application or permit approval does not continue indefinitely and terminates if the application or permit approval expires
- DPW's Design Reports and LDA Decisions expire

**Table 30.70.140 (1)**

<b>Approval Type</b>	<b>Expiration of Application</b>	<b>Expiration of approval or permit</b>
Land Disturbing Activity	18 months	36 months



# Proposed Code Amendment

- For DPW projects, amend Table 30.70.140 (1) for LDA Expirations:
  - Expiration of Application – from 18 months to **36 months**
  - Expiration of Approval or Permit – from 36 months to **60 months**
- For bridge projects requiring Shoreline Permits, have consistent timelines with the **36 months** expiration of applications and **60 months** expiration of permits already in Snohomish County Code



# Why are DPW projects different from private development?

- Vesting is from the date of the Design Report
- Obtain a Right of Way Plan Approval
- Federal funding requirements – NEPA approval and sequencing of right-of-way acquisitions
- Complete 60% Designs, SEPA Review and Utility Coordination
- Allow ample time for federal and state review of permit applications
  - There is no vesting with federal and state laws
  - Need to adhere to strict environmental protections as laws change

**18 months is not enough time for most capital projects to complete all of the above before issuance of an LDA Permit**



# Public Works Project Examples

## Public Works – Fast Track Projects:

Project Name	Design Report (signed @30%)	LDA Notice issued	LDA Cert (DPW approval)	Time from 30%-90% Design Phase and Certifications	Notes
196 <sup>th</sup> / Grannis	January 2018	December 2018	November 2018	9 months	Overlay
Marine Drive Embankment Repair	N/A	April 2018	April 2018	6 months	SEPA, Shoreline & FHZ Exempt

## Public Works – Typical Capital Projects:

Project Name	Design Report (signed @30%)	LDA Notice issued	LDA Cert (DPW approval)	Time from 30%-90% Design Phase and Certifications	Contributing factors to extended Design Phase
S Machias / Machias Cutoff	January 2017	April 2017	November 2018	22 months	ROW & utility relocation
Alderwood Mall Parkway Sidewalk Gaps	April 2018	May 2018	January 2020	21 months	ROW & utility relocation
Riley Slough Bridge 155 Replacement	July 2016	January 2017	October 2018	27 months	Fed aid & ROW processes
Pilchuck River Bridge 581 Replacement	May 2013	October 2013	September 2015	29 months	Fed aid & ROW processes

Row Labels	Count of Sub
Commercial	281
Other	79
Residential	2013
Right of Way	26
Short Subdivision	135
Stand Alone	133
Subdivision	145
<b>Grand Total</b>	<b>2812</b>

Count of Sub	Column Labels	
Row Labels	App Expired	Grand Total
Commercial	42	42
Other	10	10
Residential	64	64
Short Subdivision	19	19
Stand Alone	10	10
Subdivision	4	4
<b>Grand Total</b>	<b>149</b>	<b>149</b>

It looks like I can about 46 to complete work or to replace expired or to continue work  
 They only clude I have is description

But 46 out of 149 is a high percentage.

31%

However I think the complete work and replace expired are a mix of new applications and new permits  
 I am wondering if the code should consider both (application extension and permit extension)