

Chapter 14.55

PROVISIONS APPLICABLE TO ALL PERMITS

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14.55.005 Application Information Requirements.

- A. An applicant shall submit the information required for each appropriate procedure.
- B. All applications for development permits, design review approvals, variances, and other City approvals

under the Development Code shall be submitted on forms provided by the Department of Community Development.

C. Depending on the nature of the application, the required information may include the following:

1. The name, address, telephone and fax number of the property owner. The name, address, telephone and fax number of the developer/applicant, if different from the owner. A signature of the property owner or authorized official. If the developer/applicant is not the owner, a letter from the owner authorizing the developer/ applicant to process the application on behalf of the owner. (Ord. 2213, 2011)
2. Names and addresses of all property owners within three hundred (300) feet of the subject property, according to the County Assessor.
3. Description of the proposed action in accordance with the appropriate City application form, including a written explanation of how the proposal meets the requirements and intent of Title 14 SMC.
4. Name and address of the proposed site, project, or action.
5. Vicinity map identifying the project site, adjacent streets, and bordering lines of adjacent properties and adjacent uses.
6. Legal description of the subject property and of the existing lots, tracts or parcels and easements therein.

7. Subdivision or site plan map of the proposed project or subdivision showing the land use designation, lot sizes in square feet, and dimensions of all existing and proposed lots with lot numbers, set-backs for each lot, parcels and tracts to be reserved or dedicated for streets or other public uses. The map shall be to scale of 1" = 20, 30, or 50, as required by the City Planner. (Ord. 2213, 2011)
8. Existing conditions map identifying the location, character, and required buffer areas for any critical or sensitive environmental areas including steep slopes, streams, lakes, wetlands, wildlife habitat or migration corridors, woodlands, and existing vegetation in accordance with the definitions and requirements of this code. These must be located by a qualified professional.
9. Photographs identifying existing vegetation, buildings, views, and other characteristics on and off the site, and of and from adjacent properties that may be impacted by the proposed action.
10. Existing topographic contours of the subject property at intervals of not less than five (5) feet, referred to by datum identification. (Ord. 2213, 2011)
11. Geotechnical studies identifying the characteristics and capabilities of site soils and landform features.
12. Grading plan identifying roads, streets, building pads, and other major changes in the topographic grade.
13. Site plan indicating the location of any existing and proposed buildings, streets, parking areas, or other impervious surfaces identifying setback, coverage, and other dimensional requirements of this code.
14. Building plan illustrating the size, placement, elevation, architectural detail and character of any existing and proposed structures or improvements.
15. Landscape plan identifying the species, size, placement, irrigation, planting and staking details, and other characteristics of all existing and proposed trees, plantings, contours at two-foot (2') intervals, fences, rockeries, required landscape screens and other site improvements.
16. Access plan identifying the right-of way, pavement, construction material, traffic channelization, and other characteristics of all existing and proposed public and private streets, alleys, parking areas, trails, sidewalks, and other circulation system.
17. Utilities plan identifying the right-of way or easement, size or capacity of all existing and proposed sewer, water, stormwater, power, telecommunications, and other public or private system.
18. Flood control certification and impact studies including:
 - a. elevation in relation to mean sea level of the lowest floor (including basement) of all structures.

- b. elevation in relation to mean sea level to which any structure has been floodproofed.
 - c. certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria specified in this code.
 - d. description of the extent to which a watercourse will be altered or relocated as a result of the proposed development.
19. Engineering or working drawings in accordance with City Engineer specifications that detail:
- a. street, curb and gutter, parking area, sidewalk, trail, and other transportation system locations, profiles, cross-sections, construction materials and specifications.
 - b. sewer and water main sizes, material types, grades, manholes, valves, individual stub lines, hydrants, and stormwater management systems including pipes, swales, oil/water separators and retention/detention ponds, and other public and private utilities, including easements and/or dedications to the City.
 - c. building floor plans, sections, and elevations defining grading, foundation, structural, electrical, mechanical, landscape, materials, finish, and other features.
- 20. Civil drawings in accordance with City Engineer specifications must be submitted with any building permit for multifamily, commercial and industrial construction. Preliminary civil drawings will be required for preliminary plats.
 - 21. Survey and monument placements in accordance with City Engineer specifications. The site survey will be accomplished under the supervision of a registered land surveyor registered in the State of Washington and will locate monuments or markers on-site for street intersections, roadway placements, lot and block corner lines, and other requirements listed by the City Engineer.
 - 22. Final plat or site plan prepared by or under the supervision of a land surveyor registered in the State of Washington. The final plat or site plan shall conform to the specifications provided by the City Engineer including appropriate certification statements, signatures, and seals.
 - 23. Draft of any proposed public or private covenants, restrictions, or easements.
 - 24. State Environmental Policy Act (SEPA) checklist summarizing the impacts the proposed project action will have on all of the natural and human elements of the environment. The checklist shall include a site plan that identifies the existence of all sensitive environmental areas.
 - 25. Drainage basin resource determination or delineation for

streams, wetlands or other water bodies. Submitted plans must include the delineated critical areas and their required buffer.

26. A fee deposit to cover all costs of processing the application.

14.55.010 Acknowledgement of Owner.

All applications shall be signed by the property owner or an authorized representative and shall include an accurate description of the property to be subject to the requested permit.

14.55.012 Vesting.

A. An application for a permit to be processed under the City's Land Use Development Code and that is subject to the Vested Rights Doctrine under Washington State law, vests at such time as a complete application is filed with the Department and all required permit fees are paid. An application is "complete" on the date a complete application is filed, as subsequently determined in the letter of completeness issued by the City Planner or his or her designee.

B. A permit application that is vested under section A shall be reviewed under the development regulations in effect on the date when the complete application is filed.

C. Nothing herein shall be construed to restrict the City from imposing conditions on permits pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, WAC Chapter 197-11, and SMC Chapter 14.90, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.

D. Nothing herein shall be construed to prevent the City from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

E. The following are not subject to the Vested Right Doctrine under Washington State law and vesting under this section:

1. Applications for rezones and comprehensive plan amendments;
2. Applications for site plan development review;
3. Fees associated with permits issued under the Land Use Development Code, including but not limited to fees for permit review, impact mitigation, general City services, and/or utility connections.

14.55.015 Determination of Legal Status of Lot or Parcel.

Prior to further processing of a permit application, the City Planner shall determine whether or not the lot or parcel being developed is a legal lot of record in compliance with State and City regulations. In so determining, the City Planner may require the applicant to provide necessary research and background information.

14.55.020 Consolidation of Permits.

If a proposal requires more than one permit, all permits shall be consolidated, consistent with the following:

A. Reports, hearings, notices, recommendations, and decisions shall address the project as a whole, except when expediency requires otherwise such as when the proponent requires one authorization before another.

- B. The City Planner shall administer the permit process in accordance with all of the requirements set forth in this title for the particular types of permit being applied for.
- C. If one permit cannot be reasonably processed until another is issued, such as a building permit that cannot be processed until a variance is issued, the 120 days within which a notice of decision must be issued for the latter permit shall not begin until the former permit has been issued.
- D. Appeals of more than one of the permits required for a project shall be consolidated in a single appeal if this title provides for the same appellate body to consider each of the appeals.

14.55.030 Concurrency.

- A. For permit processes that require concurrency review in accordance with Chapter 36.70A RCW, the application shall include the traffic study or other information necessary to determine concurrency. The City Planner shall issue the concurrency determination, if applicable, at any appropriate point in the permit process prior to or concurrent with the decision on the permit application.
- B. If construction of any system improvements, which are scheduled to occur concurrent with a development proposal or in the next six years per the Transportation Improvement Plan, will still result in the development causing the level of service of transportation facilities to drop below the standard established in the Comprehensive Plan, the City shall not issue a permit for the development.

- C. The City Planner may exempt from concurrency review those permits typically unassociated with significant traffic generation, such as proposals that will create less than 10 peak hour trips.

14.55.040 Method of Notification.

- A. All notices required by this Development Code shall include the information required by RCW 36.70B.110(2) and the appeal information required by WAC 197-11-680(5), if applicable, provided that:
 - 1. SEPA-related information shall not be required for SEPA-exempt permits; and
 - 2. All notices shall contain at least:
 - a. name of the applicant;
 - b. project description, including permits required;
 - c. project location;
 - d. time period and contact information for commenting; and
 - e. information regarding the public hearing, if applicable.
- B. The public comment period shall extend to and include the 15th day after the date of publication unless the City Planner states a longer period. The date of publication shall be the date on which all of the required methods of publication have been implemented.
- C. Notices of application, hearing, and/or determination of significance/scoping shall be:

1. Mailed by first-class mail to the applicant and all owners of property within 300 feet of any portion of the proposed action according to the County Assessor's current records;
 2. Posted on the development site, at location(s) which the City Planner deems suitable to reach the attention of the public, on a sign(s) at least two feet by three feet in size; and
 3. Posted at City Hall.
- D. Notices of decision shall be mailed to the applicant, the County Assessor, and anyone who, prior to the decision, requested notice of the decision or submitted substantive comments on the application or was otherwise a party of record.
- E. The City Planner may publicize a given permit proposal more broadly or by additional means than stated herein, if in the City Planner's sole discretion a greater level of public awareness is deemed necessary.
- F. If a public hearing is continued to a date certain, no further notice is required.

14.55.050 120-Day Time Limit – Exceptions. As required by Ch. 36.70B RCW, the City shall issue a notice of decision (the decision itself in the case of Type 1 permits) on complete project applications within 120 days of the determination that the application is complete, provided that the following time periods shall not count toward the 120 day period:

- A. Any period commencing with a request by the City that the applicant provide any further information or an

environmental impact statement until the applicant provides said information.

- B. Any period during which the applicant is not current in payment of City permit review fees.
- C. Any period during which a Comprehensive Plan or development regulation amendment is being processed preliminarily to deciding upon a permit application.
- D. Any period between the initial determination of completeness and any subsequent determination of completeness should the applicant substantially revise the proposal.
- E. Any period during which any decision related to the permit application is being appealed.
- F. Any period mutually agreed upon by the applicant and the City.

14.55.060 120-Day Time Limit - Limitation on Liability. The City shall not be liable for damages due to the City's failure to make a final decision within the time limits specified in these regulations.

14.55.065 Time Limits for Submittal of Required Information. Incomplete Permit Applications:

- A. Upon the issuance of a notice of incomplete permit application, the applicant shall submit the necessary information within 90 days. The City Planner may extend this time period an additional 90 days upon written request of the applicant prior to the expiration of the 90-day period.
- B. Following a determination that a permit application is complete, the City Planner

may notify the applicant when changes or corrections to the application materials are required before a permit may be approved.

Upon the issuance of a notice of required changes or corrections to a complete permit application, the applicant shall submit the necessary information to the City within 90 days. The director may extend this time period an additional 90 days upon written request of the applicant prior to the expiration of the 90-day period.

- C. If the information and/or corrections required pursuant to subsections A or B above are not received within the specified timeframe, the City Planner shall notify the applicant that the permit application is nullified. The City Planner shall return all unexpended application fees and deposits.

(Ord. 2213, 2011)

14.55.070 Delayed Threshold

Determination. If the City Planner is unable to make a threshold determination within the same 14 day time period as the determination of completeness, he or she shall issue a notice of application within 14 days of determination of completeness, which notice shall have a comment period of at least 14 days. Thereafter, the City Planner shall issue a notice for SEPA and public hearing if applicable, complying with the permit procedure applicable to that type of permit.

14.55.075 Development Activity and Associated Regulations.

- A. Where modifications to existing buildings and/or existing land uses are proposed, the City Planner shall determine whether a proposed development activity constitutes Full,

Partial, or Incidental Development as described below. The purpose of this determination is to specify the extent to which the development site's nonconforming conditions shall be remedied.

- B. Full Development refers to construction or development and/or changes in use or occupancy that warrant compliance with all, or virtually all, applicable development regulations. Compliance with applicable development regulations will eliminate all, or virtually all, nonconforming conditions. Examples of Full Development include:

1. Construction of a new primary structure, with or without demolition of an existing primary structure. Where there is a conflict between this section and the non-conforming structure regulations in Ch. 14.82 SMC, the provisions of Ch. 14.82 SMC shall apply.
2. A change of use of the primary structure or the majority of the site, along with the demolition and reconstruction of site's parking, access, or similar significant modifications that affect the appearance and function of, and circulation on, the site.

- C. Partial Development refers to construction or development and/or changes in use or occupancy of all or portions of an existing developed site that warrant compliance with those development regulations specifically related to and proportionate to the proposed change. Compliance with applicable development regulations will eliminate nonconforming conditions specifically related to and proportionate

to the proposed change. Examples of Partial Development include:

1. Construction or re-construction of an accessory structure.
2. Expansion of an existing structure that results in less than 25 percent increase gross floor area.
3. A change in use of the primary structure with a reconfiguration of the existing off-street parking.

D. Incidental Development. A minor change to a development site that does not warrant compliance with development regulations not directly related to the proposed change. Examples of Incidental Development include:

1. Installation of one or more windows or similar exterior modifications intended as aesthetic improvements.
2. Construction of an enclosure to screen solid waste containers.
3. Removal and replacement of a building sign, except that compliance with all regulations in Ch. 14.245 SMC is required.
4. Building improvements internal to an existing structure.

E. As provided by SMC 14.05.050A, the City Planner shall interpret and apply the provisions of the Land Use Development Code in a consistent manner. The City Planner shall employ consistent reasoning and criteria in determining whether a proposed development activity constitutes Full, Partial, or Incidental Development. Determinations made by

the City Planner pursuant to this chapter shall be appealable to the hearing examiner as provided by Ch. 14.75 SMC and Ch. 14.90 SMC.

(Ord. 2213, 2011)

14.55.080 Permit Conditions.

- A. In granting a permit, the City may attach thereto such conditions as necessary to make the permit compatible with the criteria applicable to that permit.
- B. The City may require, as a condition of any permit approval, the posting of a cash performance bond or other security sufficient to fulfill the requirements of this Development Code and any conditions upon which the permit is granted.
- C. To the extent appropriate and allowed by law, the City may require that conditions of permit approval be recorded as binding on the property and successors in interest.
- D. The following process may be used by the City to provide applicants notice of permit conditions and to receive notice from applicants of any objections to such conditions:
 1. At any point in the permit process, the City may provide written notice to the applicant that the City intends to recommend or impose one or more conditions of permit approval and that, if the applicant objects to any of said conditions, the applicant is required to provide written notice to the City of which conditions the applicant objects to and the reasons for the applicant's objections.
 2. For the purpose of this subsection, written notice may be given either by

e-mail, fax, first-class mail, or hand delivery.

3. The applicant's written notice of objections to permit conditions shall be given to, and received by, the City no later than seven calendar days from the applicant's receipt of the written notice from the City.
4. If the applicant receives written notice from the City of the City's intent to recommend or impose permit conditions within seven calendar days of a hearing on the permit application, then the applicant shall provide written notice to the City of the applicant's objections to any such conditions, which notice shall be given to, and received by, the City at any time prior to the commencement of the hearing. (Ord. 2111, 2006)

14.55.090 Assignability of Permits.

Development permits shall run with the land and be freely assignable.

14.55.100 Permit Expiration.

- A. This section shall apply to all permits except the following:
 1. Building permits;
 2. Preliminary plats;
 3. Short plats;
 4. Boundary line adjustments;
 5. Shoreline management substantial development permits; and
 6. Any permits for which this Development Code establishes a specific permit expiration.

- B. Permits not excepted pursuant to SMC 14.55.100A shall expire two years after the date of issuance, if substantial progress has not been made toward completing the development, or within five years, if construction has not been completed. The City shall mail notice of the expiration of any permit application to the address of the applicant as contained in the permit file and shall also place a copy of the expiration notice in the file. If the City fails to mail the expiration notice, the permit period shall not be extended except as provided in SMC 14.55.100C.
- C. The City Planner, in his or her sole discretion may extend the date of permit expiration for one year upon written request by the applicant received prior to said permit's expiration. The applicant's written request shall include justification for the delay and reasonable grounds for the extension.

14.55.110 Minor Changes.

- A. The City Planner may approve minor changes to the permit only if the proposed changes:
 1. Do not create any additional lots or impacts;
 2. Are so insignificant that, in the City Planner's judgment, the changes would not have affected the decision of the original decision-makers; and
 3. The proposal still complies with the Development Code.
- B. If the City Planner determines that proposed changes are not minor, then the applicant shall either reduce the proposed changes or submit a new permit application for the revisions.

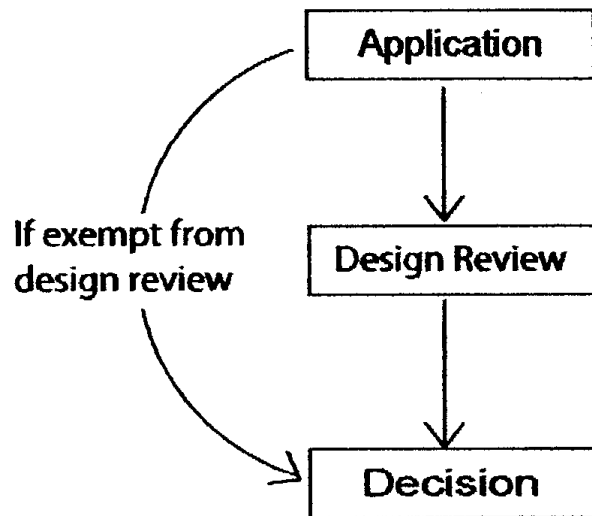
14.55.120 Time Deadlines Falling on Non-Business Days. Any time deadline established by this title that falls on a day on which the Snohomish City Hall is closed shall extend to the next business day.

14.55.130 Minor Procedural Errors Shall Not Invalidate Proceedings. Minor errors in permit procedures, such as unintended inaccuracies in any public notice that still result in adequate notice, shall not invalidate a permit proceeding.

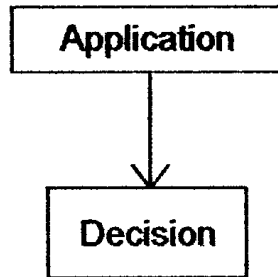
14.55.140 Stay of Further Permits in the Event of Appeal. When any City action taken pursuant to this Development Code is administratively or judicially appealed, the City Planner may stay further permit issuances for the use or improvement to which the appeal relates until the appeal has been resolved.

14.55.150 Permit Flow Diagrams. The following permit flow diagrams of the various permit processes are for illustrative purposes only. (Ord. 2082, 2005)

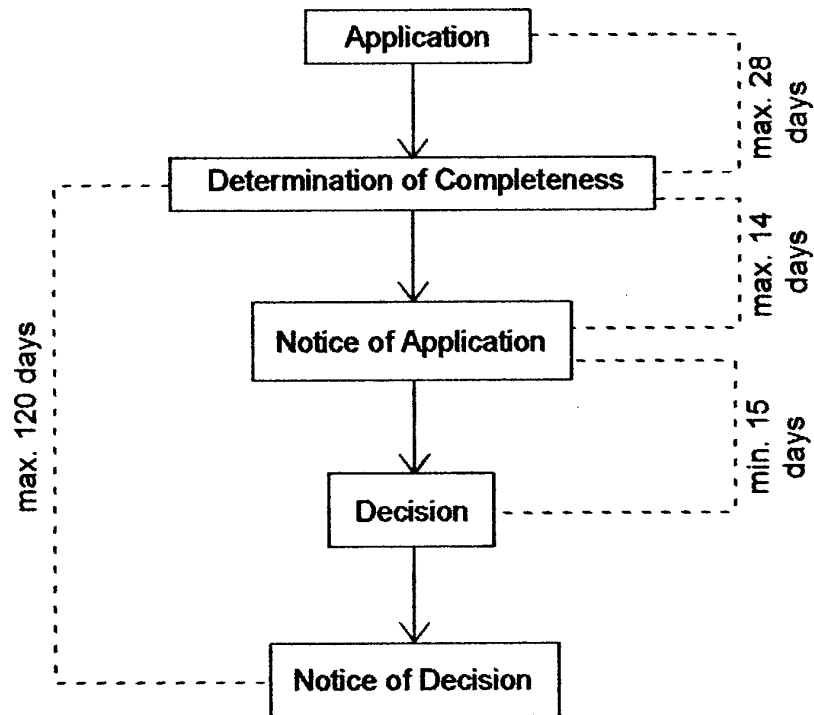
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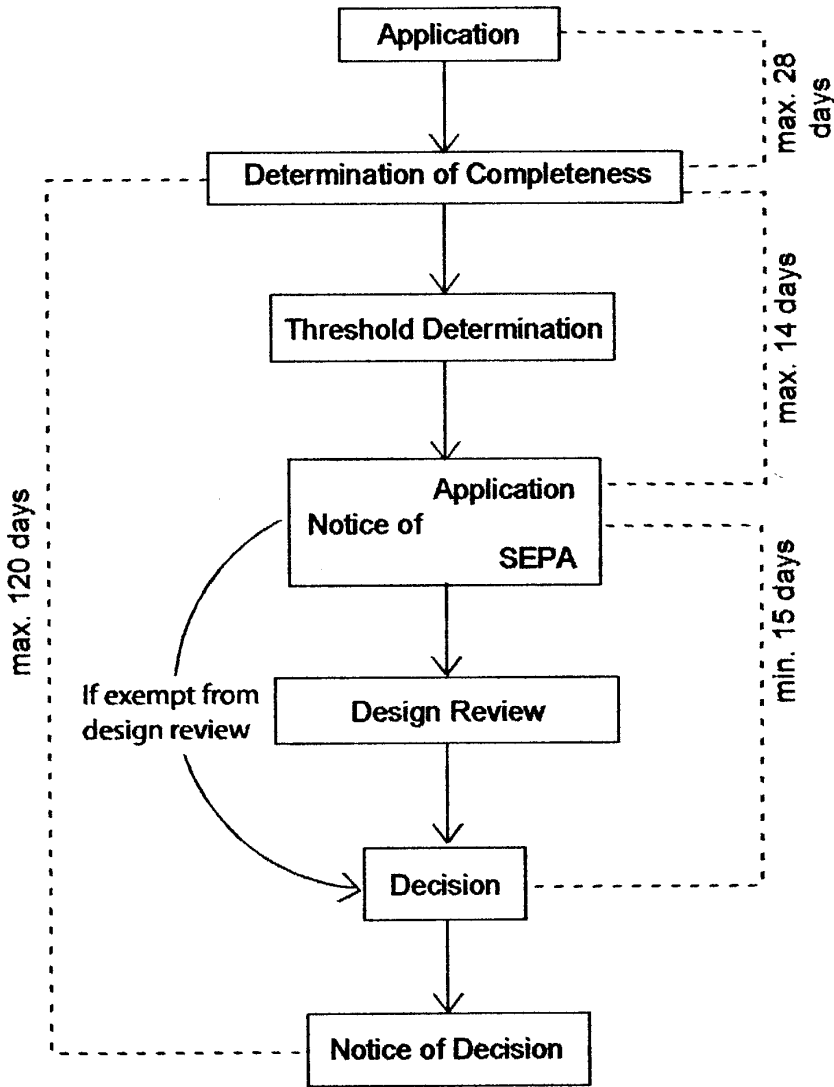
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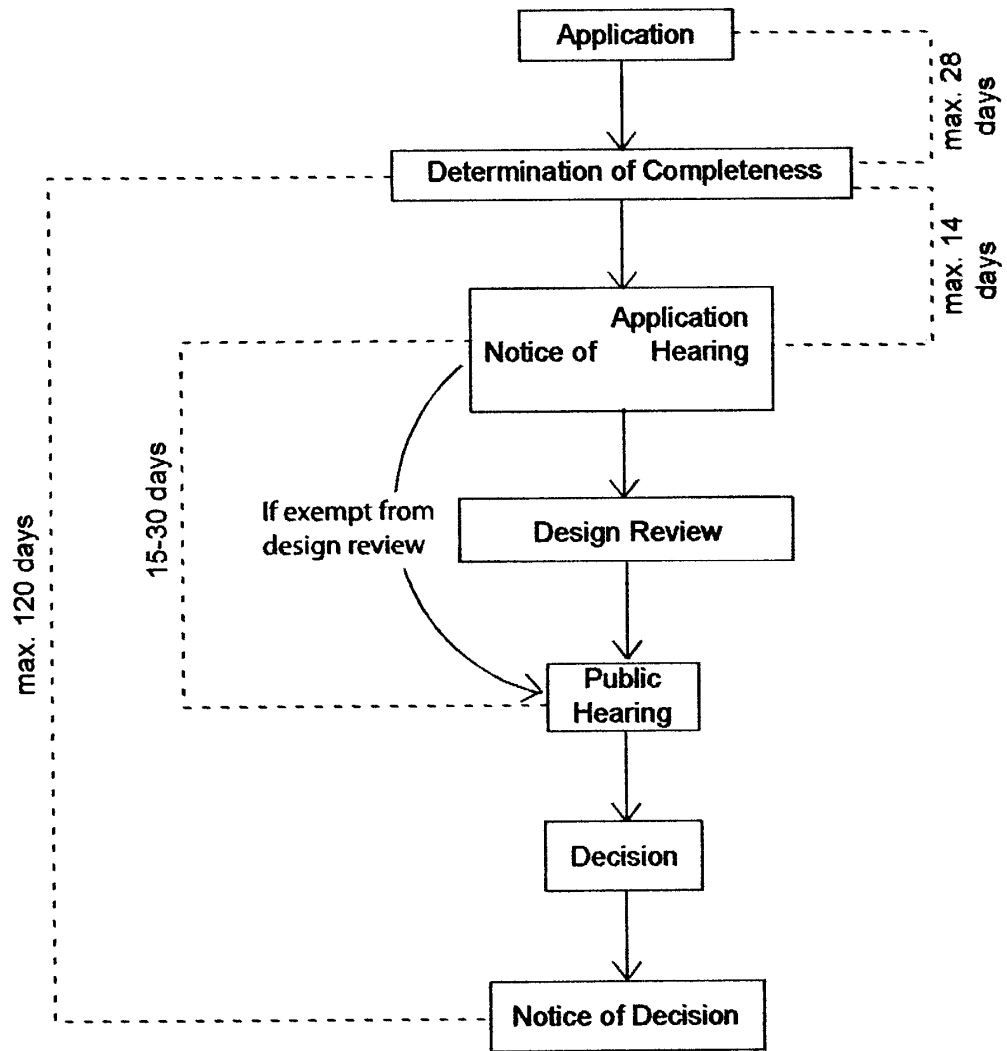
TYPE 3 PERMIT



TYPE 4 PERMIT



TYPE 5 PERMIT



TYPE 6 PERMIT

