

AMENDMENT SHEET 2

ORDINANCE NO. 21-004 (ECAF 71069)

Amendment Name: Opt-in retroactive applicability

Brief Description: Add a section and associated findings that would provide an option for a development applicant with a vesting date prior to the effective date of this ordinance to opt in to the provisions in this ordinance.

Affected Ordinance Sections: recitals, section 1, section 8 (new)

Affected Code Section: 30.23.400 (new)

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

Page 2, Line 2, after “will apply to new development proposals and”, **add:**

development applications for which the applicant has opted in to the code amendments contained in this ordinance under Section 8 of this Ordinance; all

Page 3, Line 9, **add new finding and re-letter remaining findings:**

- E. This ordinance adds a new section SCC 30.23.400 to allow vested development applications to opt in to higher maximum lot coverage regulations contained in this ordinance. Retroactivity eliminates inconsistency in lot coverage regulations between like development types and may allow developments to maximize unit yield on a given site, increasing the county’s urban housing capacity.

Page 17, Line 4, **add new section and renumber remaining sections:**

Section 8. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.400 Allowing a complete development application to use amended provisions adopted by Amended Ordinance No. 21-004.

(1) An applicant with a development application that was determined to be complete prior to [the effective date of Amended Ordinance 21-004] for which a final decision has not been issued may voluntarily submit a signed waiver to the department requesting the permit application be reviewed under regulations as amended by Amended Ordinance No. 21-004. All other development regulations in effect as of the date of the original permit application was determined to be complete shall apply.

(2) Applicants submitting a signed waiver shall have 12 months from [the effective date of Amended Ordinance 21-004] to submit revised application materials.

(3) Revised application materials submitted under this section shall require:

- (a) Updated and renewed public notice under chapter 30.70 SCC for any application materials revised under the provisions of this section; and
- (b) Payment of any applicable fees as determined by the department.
- (4) The department shall include in its written decision for a Type 1 permit or staff recommendation for Type 2 permit a statement explaining that amended provisions established under Amended Ordinance No. 21-004 apply.
- (5) This section is repealed effective 12 months from [the effective date of Amended Ordinance No. 21-004].

Council Disposition: _____ **Date:** _____