WHEREAS, the World Health Organization has determined that a pandemic exists due to the global spread of a highly contagious virus commonly known as COVID-19; and

WHEREAS, a state of emergency has been declared by the federal, state, county and municipal governments in response to the COVID-19 pandemic; and

WHEREAS, on March 23, 2020, due to the COVID-19 pandemic, Governor Jay Inslee ("governor") issued Proclamation 20-25 ("Stay Home - Stay Healthy Order") requiring all people in Washington State to immediately cease leaving their home or place of residence except to conduct or participate in essential activities or for employment in essential business services; and

WHEREAS, on March 25, 2020, the governor provided official guidance stating that construction activities are not considered essential under Proclamation 20-25, except in limited circumstances; and

WHEREAS, on April 2, 2020, the governor issued Proclamation 20-25.1, extending the Stay Home - Stay Healthy Order to May 4, 2020, and it is not known at this time how or when non-essential construction activities will be allowed to resume; and

WHEREAS, the construction industry accounts for 8.5% of all jobs in Snohomish County ("county") and provides much-needed housing, including affordable housing, for county residents. Construction-related activity is a significant tax generator and is an important revenue source to the county to finance public safety and other needed public services; and

WHEREAS, the continuing COVID-19 pandemic adversely affects businesses of all types, including the construction industry. Measures to combat the pandemic are necessary to protect the health of the local construction work force. However, the shutdown of non-essential construction activity by the state has the potential to cause severe financial and liability hardships to builders and developers in the county who may be unable to initiate or finalize development projects for an indeterminate time period during and immediately following the shutdown; and
WHEREAS, due to the continuing COVID-19 pandemic, the construction industry is experiencing a disruption in the construction material supply chain which is resulting in the lack of available construction products, including safety equipment, and will potentially delay the completion of projects once the shutdown is lifted. Decreased manufacturing output abroad, where most construction supplies originate, is likely to remain disrupted for the near future; and

WHEREAS, the construction industry will experience delays in completing projects after the shutdown is lifted due to the difficulties of ramping up the needed construction labor force. Hiring and rehiring of the construction trades will take time. A portion of the labor force may have left the region due to the work stoppage, have sought other sources of income, or have decided not to return to construction work because of the continued threat of the virus. A reduced labor force would increase competition between builders for skilled trades. Also, the construction industry anticipates the implementation of new government worker safety procedures, such as physical worker distancing requirements, which would likely result in a reduction in the number of workers at a given job site, in turn requiring additional time to complete projects; and

WHEREAS, the county’s compliance with the governor’s restrictions on non-essential activities has resulted in the cessation of most project inspections by the county and state during the shutdown and has created an inspection backlog which will delay the completion of projects once the shutdown is lifted; and

WHEREAS, title 30 of the Snohomish County Code (SCC) imposes certain time limitations and process requirements on development permit applications that may not be achievable by applicants in the current emergency due to compliance with Proclamation 20-25; and

WHEREAS, when public health considerations allow relaxation of measures to combat the pandemic, resumption of construction activity will be an essential factor in reviving the local economy as well as meeting the urgent need for housing. The ability of project applications that might normally expire during the shutdown to continue through the development approval process to completion by extending the procedural review timelines following the end of the shutdown is critical to the economic recovery of the county; and

WHEREAS, on April 2, 2020, the governor issued Proclamation 20-40, extending the implementation of State Building Code amendments from July 1, 2020, to November 1, 2020; and

WHEREAS, the Snohomish County Council ("county council") finds that it is in the best interest of citizens of the county and the local economy to encourage a continuation of construction activity delayed by the emergency restrictions and by the economic impacts of the pandemic through the suspension and tolling of expiration dates for applications, approvals, and permits; and

WHEREAS, this public health and economic crisis creates the immediate need for an interim ordinance that would extend development permit application processing and permit expiration time periods for active permit applications, approvals, and permits during this public health emergency. This interim ordinance is intended to provide temporary relief related to the work stoppage mandated by Proclamation 20-25; and
WHEREAS, RCW 36.70A.390 provides that the county council may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and

WHEREAS, RCW 36.70A.390 provides that a moratorium, interim zoning control or interim official control may be effective for not longer than six months, but may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, the provisions of this interim ordinance are procedural in that they temporarily suspend the expiration of permits, approvals, and applications to provide relief from the work stoppage required under Proclamation 20-25. Accordingly, this interim ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-800(19) and does not require transmittal to the Washington State Department of Commerce for comment; and

WHEREAS, it is the intent of the county council that the suspension and tolling of time periods provided for in SCC 30.70.140 commence retroactively on March 23, 2020, the date the governor issued Proclamation 20-25.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the Snohomish County Council finds and concludes that adopting an interim official control suspending and tolling the expiration time periods for all applications, approvals, and permits regulated by SCC 30.70.140 is necessary for the immediate preservation of the public peace, health or safety. Based on the findings set forth in this ordinance, the Snohomish County Council declares that an emergency exists and this ordinance shall take effect immediately.

Section 3. The county council hereby adopts the following interim official control:

Expiration time periods for all applications, approvals, and permits regulated by SCC 30.70.140 that had not yet expired as of March 23, 2020, shall be suspended and tolled for 120 days from March 23, 2020. The intent of the Snohomish County Council is that although this interim official control is temporary, the tolling period permanently extends by 120 days the validity of all applications, approvals, and permits regulated by SCC 30.70.140 that had not yet expired as of March 23, 2020.

Section 4. Public hearing. The Snohomish County Council will hold a public hearing on this matter on June 3, 2020, at the hour of 10:30 a.m., for the purpose of receiving public testimony under RCW 36.70A.390. The notice for the public hearing shall specifically indicate that this ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 5. Effective date. This ordinance, an interim official control, shall become effective immediately upon its adoption.
Section 6. Expiration. This ordinance shall expire automatically six months from the date of adoption, unless renewed or otherwise extended under RCW 36.70A.390.

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

PASSED this 20th day of April, 2020.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

( ) APPROVED
(X) EMERGENCY
( ) VETOED

DATE: ________________________, 2020

Snohomish County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney