

SNOHOMISH COUNTY BOARD OF HEALTH
Snohomish County, Washington

ORDINANCE NO. BOH25-04

RELATING TO ADMINISTRATIVE APPEALS AND SEPA APPEALS; AMENDING
CHAPTER 1.20 OF THE SNOHOMISH COUNTY BOARD OF HEALTH COUNTY

WHEREAS, under RCW 70.05.060(3) the Snohomish County Board of Health has authority to enact such local rules and regulations as necessary in order to preserve, promote, and improve the public health and provide for the enforcement thereof; and

WHEREAS, revisions to chapter 1.20 of the Snohomish County Board of Health Code are necessary to clarify that only final administrative decisions, determinations, and orders are appealable; and

WHEREAS, appeals of decisions made by the Health Department under the Washington State Environmental Policy Act (SEPA), chapter 43.21C RCW, must comply with the appeal requirements of that law; and

WHEREAS, adoption by reference of the County's SEPA provisions found in chapter 30.61 of the Snohomish County Code ensures that SEPA-specific appeal requirements are provided for in the Board of Health Code;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Board of Health Code Section 1.20.020, last amended by Ordinance No. BOH24-04 on October 8, 2024, is amended to read:

1.20.20 Applicability – what may be appealed.

Any aggrieved person may appeal ~~((an))~~ a final administrative decision, final determination, or final order made by the Health Officer or a Health Department official in the administration, interpretation, or enforcement of the Health Code subject to the appeal procedures in this chapter. To the extent there is a conflict between the appeal procedures in this chapter and those provided in state law or state regulations, the procedures in state law or state regulations shall govern. For purposes of this chapter, the appealable actions listed in this section are referred to as a "decision."

Section 2. Snohomish County Board of Health Code Section 1.20.050, adopted by Ordinance No. BOH23-01 on October 10, 2023, is amended to read:

1.20.050 Appeal procedure – General Information

A. The appeal process shall consist of a step one appeal and a step two appeal.

1
2 B. A step one appeal shall be an administrative review conducted by the responsible
3 Health Department Division of a final decision, final determination, or final order listed in
4 SCBHC 1.20.020.

5
6 C. A step two appeal shall be a review of a step one appeal decision issued by the
7 Department under SCBHC 1.20.060(E) and shall be conducted by the Hearing
8 Examiner under the ((~~procedures~~)) provisions in chapter 2.02 SCC.

9
10 D. Exception for SEPA appeals. The appeals process provided for in this section shall
11 not apply to an appeal of any decision issued by the department under the State
12 Environmental Policy Act (SEPA). Chapter 30.61 SCC, *Environmental Review SEPA*,
13 adopted by reference as currently exists or subsequently amended, shall apply to all
14 appeals of the department's SEPA decisions including threshold determinations or any
15 appeal challenging the adequacy of an environmental impact statement. An appeal of a
16 SEPA decision associated with an underlying decision, determination or order of the
17 department shall be combined with an appeal of the underlying decision, determination
18 or order and considered together at a combined hearing to be conducted by the hearing
19 examiner under Chapter 30.61 SCC

20
21 Section 3. Severability. If any provision of this ordinance or its application to any
22 person or circumstance is held invalid, the remainder of the ordinance or the application
23 of the provision to other persons or circumstances is not affected.

24
25
26 PASSED this ____ day of _____, 2025.

27
28
29
30 SNOHOMISH COUNTY BOARD OF HEALTH
31 Snohomish County, Washington

32
33
34
35 _____
36 Chairperson

37
38 ATTEST:

39
40
41 _____
42 Clerk of the Board

43
44 () APPROVED
45 () EMERGENCY
46 () VETOED

DATE: _____

Approved as to form only:

Deputy Prosecuting Attorney