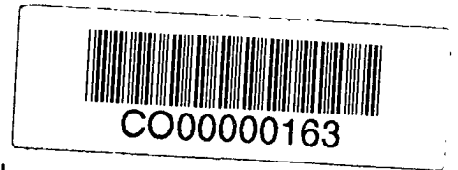


SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 01-002

AMENDING CHAPTER 32.05 OF THE SNOHOMISH COUNTY CODE
RELATING TO PUBLIC PARTICIPATION REQUIREMENTS FOR THE
ADOPTION OR AMENDMENT OF THE GMA COMPREHENSIVE PLAN AND
DEVELOPMENT REGULATIONS BY EMERGENCY ORDINANCE

WHEREAS, Snohomish County (the county) is required to plan and adopt development regulations under the Growth Management Act (GMA) pursuant to RCW 36.70A.040; and

WHEREAS, in 1994 the county adopted the Growth Management Planning and Public Participation Chapter in Title 32 SCC pursuant to RCW 36.70A.140; and

WHEREAS, prior to adoption of this ordinance, Chapter 32.05 SCC exempted any plan or regulation adopted by emergency ordinance from the provisions of the chapter; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board (the board) in *McVittie v. Snohomish County*, CPSGMHB Case No. 00-3-0016 (*McVittie V*), directed the county to take appropriate legislative action to bring its notice and public participation process for the adoption of emergency ordinances related to GMA plans and development regulations into compliance with the goals and requirements of the GMA; and

WHEREAS, the county council desires to comply with the board's order and include in its public participation regulations the opportunity for public review and hearing of GMA development plans and regulations that are adopted or amended by emergency ordinance; and

WHEREAS, the planning commission held a hearing on the amendments on October 24, 2000, and forwarded a recommendation to the county council; and

WHEREAS, the county council held public hearings on February 28, March 28, April 16, April 25, April 30 and June 20, 2001, to consider the entire record and hear public testimony on Ordinance 01-002.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

A. The amendments to Chapter 32.05 SCC provide for increased opportunities for the public to participate in the adoption and amendment of GMA plans and development regulations by emergency ordinance.

B. The amendments to Chapter 32.05 SCC are consistent with the public participation and coordination goal of the GMA.

C. The amendments to Chapter 32.05 SCC are consistent with the requirements of the GMA.

D. The amendments to Chapter 32.05 SCC are consistent with the Snohomish County GMA Comprehensive Plan.

E. The amendments to Chapter 32.05 SCC comply with the Final Decision and Order issued by the board in the *McVittie V* case.

F. The public participation requirements of the GMA and Chapter 32.05 SCC have been met in the review and adoption of this amendment.

G. An environmental checklist was prepared and a Determination of Nonsignificance was issued, satisfying the procedural and substantive requirements of the State Environmental Policy Act and the Snohomish County Environmental Policy Ordinance for this action.

Section 2. Snohomish County code section 32.05.015 adopted by Ordinance 94-036 on April 6, 1994, is amended to read:

32.05.015 Applicability.

The provisions of this chapter apply to comprehensive plans, or parts of comprehensive plans, and development regulations proposed for adoption or amendment by the council to implement the requirements of the GMA. ~~((The provisions of this title do not apply to the following:~~

- ~~(1) Any interim land use plan, or part thereof, not expressly designated as a part of the comprehensive plan required by the GMA;~~
- ~~(2) Any interim regulation adopted pursuant to RCW 36.70A.060 to assure the conservation of designated natural resource lands or to protect designated critical areas.~~
- ~~(3) Any ordinance adopting an interim urban growth area; or~~
- ~~(4) Any plan or regulation adopted by emergency ordinance.))~~

Section 3. Snohomish County code section 32.05.020 adopted by Ordinance 94-036 on April 6, 1994, is amended to read:

32.05.020 Procedures.

Procedures for adoption or amendment of ~~((the))~~ GMA comprehensive plans and ~~((implementing))~~ development regulations, ~~((or amendments to such plans and regulations))~~ except for those subject to SCC 32.05.023 shall, at a minimum, consist of the following:

(1) Planning Commission Consideration.

(a) The planning commission shall hold at least one public hearing, and may hold additional hearings, to consider a proposed GMA comprehensive plan~~((s)), ((implementing))~~ development regulation~~((s))~~ or ~~((proposed))~~ amendment~~((s))~~ ~~((to adopted plans and regulations))~~ thereto. Notice of the time, date, place and general purpose of such hearings shall be given as follows:

(i) Notice shall be given by one publication, at least 10 days before the hearing, in a newspaper of general circulation in the area affected and in the official county newspaper, and

(ii) The planning commission may prescribe additional methods for providing notice and for obtaining public participation.

(b) At the conclusion of its public hearing, the planning commission shall prepare a written recommendation on the proposed plan, regulation or amendment and shall transmit the recommendation to the council for its consideration.

(2) Council Consideration.

(a) If the council wishes to consider a GMA comprehensive plan, development regulation or ~~((an))~~ amendment ~~((to a plan or regulation))~~ thereto recommended by the planning commission, the council shall ~~((schedule))~~ hold at least one public hearing, and may hold additional hearings. Notice of the time, date, place and general purpose of such hearing shall be given as follows:

(i) Notice shall be given by one publication, at least 10 days before the hearing, in a newspaper of general circulation in the area affected and in the official county newspaper, and

(ii) The council may, at its discretion, utilize additional methods for providing notice.

(b) At its public hearing, the council may concurrently consider additional proposals on the same plan, regulation or amendment thereto which may or may not have been considered by the planning commission.

(c) At the conclusion of its public hearing, the council may make one of the following decisions regarding the proposed plan, regulation or amendment:

(i) Adopt,

(ii) Amend and adopt,

(iii) Decline to adopt,

(iv) Remand in whole or in part to the planning commission for further consideration, or

(v) Adopt such other proposals or modifications of such proposals as were considered by the council at its own hearing.

Section 4. A new Snohomish County code section 32.05.023 is added to read:

32.05.023 Procedures for adoption of an emergency ordinance adopting or amending a GMA development regulation or comprehensive plan.

(1) The county council may adopt or amend a GMA comprehensive plan or development regulation, including a moratorium, interim zoning map, interim zoning ordinance or interim official control, by emergency action as permitted by the county charter, Section 2.120. Any emergency action to adopt or amend a GMA comprehensive plan or development regulation must also comply with the provisions of this section. SCC 32.05.020 does not apply to the adoption of, or amendment to, a GMA comprehensive plan or development regulation under the provisions of this section.

(2) The county council may adopt a moratorium, interim zoning map, interim zoning ordinance, or interim official control affecting a development regulation by emergency action without holding a public hearing prior to taking such action if the county council holds a public hearing noticed in compliance with SCC 32.05.023(4) within sixty days of adoption and otherwise complies with RCW 36.70A.390.

(3) The county council may adopt or amend a comprehensive plan or development regulation, not including a moratorium, interim zoning map, interim zoning ordinance or interim official control, by emergency action only after holding at least one public hearing noticed in compliance with SCC 32.05.023(4) prior to adoption.

(4) For purposes of this section, the notice of the time, date, place, and general purpose of any hearing on an emergency action shall be provided as follows:

(a) Notice shall be given by one publication, at least 10 days before the hearing in the official county newspaper; and

(b) The county council may, at its discretion, utilize additional methods for providing notice.

Section 5. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or 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 June, 2001

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Don Jon
Chairperson

ATTEST:

Sheila McCallister
Clerk of the Council, *asst.*

- APPROVED
 EMERGENCY
 VETOED

DATE: 6/25/01
[Signature]
Snohomish County Executive

ATTEST: Pamela S. Sandoz

Approved as to form only:

Barbara J. Dykes
Deputy Prosecuting Attorney

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