



CO00005228

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 01-129

EXTENDING A MORATORIUM, INTERIM ZONING ORDINANCE AND INTERIM OFFICIAL CONTROL ENACTED BY EMERGENCY ORDINANCE 01-007 FOR AN ADDITIONAL SIX-MONTH PERIOD RELATING TO PERMITS FOR HOUSING OF SEXUALLY VIOLENT PREDATORS, SUCH AS COMMUNITY TRANSITIONAL HOUSING, COMMUNITY TREATMENT FACILITIES, SECURE RESIDENTIAL TREATMENT HOUSING, AND SIMILAR FACILITIES; DECLARING AN EMERGENCY; AND AMENDING SNOHOMISH COUNTY CODE SECTION 18.32.050, MORATORIUM ON CERTAIN USES

WHEREAS, pursuant to the Snohomish County Charter and the Growth Management Act (GMA), Chapter 36.70A RCW, the County Council has adopted the Snohomish County GMA Comprehensive Plan-General Policy Plan and Title 18 SCC, the Snohomish County Zoning Code for the unincorporated area of Snohomish County; and

WHEREAS, the GMA at RCW 36.70A.390 provides that the County Council may adopt a moratorium, interim zoning ordinance and interim official control; and

WHEREAS, a moratorium, interim zoning ordinance and interim official control enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, on January 31, 2001, the County Council adopted Emergency Ordinance 01-007, enacting a moratorium, interim zoning ordinance and interim official control pursuant to RCW 36.70A.390; and

WHEREAS, the County has undertaken a code amendment project to bring county codes pertaining to the regulation of social service facilities, including housing for sexually violent predators into compliance with applicable state law during the term of the Emergency Ordinance 01-007 moratorium; and

WHEREAS, enactment of 3ESSB 6151 in July 2001 pertaining to the housing of sexually violent predators within secure community transition facilities in the State of Washington has mandated that the County commence planning and prepare development regulations that permit the siting of such facilities consistent with the act; and

WHEREAS, 3ESSB 6151 requires state agencies to provide substantive information to counties to aid in the development of comprehensive plan amendments and development regulations, and that all such information has not yet been provided; and

WHEREAS, additional time is now necessary for the completion of reviews, assessments of regulatory alternatives, and development of possible comprehensive plan and code amendments to bring county regulations into compliance with the new state requirements; and

WHEREAS, the provisions of Emergency Ordinance 01-007 will expire on January 31, 2002 unless action is taken to extend the expiration date of the ordinance provisions; and

WHEREAS, the emergency that existed at the time of adoption of Emergency Ordinance 01-007, and as documented in Emergency Ordinance 01-007, continues to exist within the County, and a moratorium on acceptance of applications for permits for housing of sexually violent predators, such as community transitional housing, community treatment facilities, secure residential treatment housing or similar facilities, and an interim zoning ordinance and interim official control relative to such facilities, are necessary for the continued preservation of the public peace, health, and safety and for the support of county government and its existing institutions; and

WHEREAS, a moratorium, interim zoning ordinance and interim official control enacted under RCW 36.70A.390 may be extended for one or more six-month periods.

THEREFORE, BE IT ORDAINED:

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

1. The foregoing recitals are adopted as findings of fact and conclusions.
2. Additional time is now necessary for the completion of reviews, assessments of regulatory alternatives, and development of possible comprehensive plan and code amendments to bring the county comprehensive plan and development regulations into compliance with the requirements of 3ESSB 6151.
3. The County staff estimates that the time necessary for the completion of planning and preparation of code amendments, including the adoption of new requirements, will require at least an additional six months from the expiration

date of the moratorium and other provisions enacted by Emergency Ordinance 01-007.

4. The emergency that existed at the time of adoption of Emergency Ordinance 01-007, and as documented in Emergency Ordinance 01-007, continues to exist within the County, and a moratorium on acceptance of applications or permits for housing of sexually violent predators, such as community transitional housing, community treatment facilities, secure residential treatment housing or similar facilities, and an interim zoning ordinance and interim official control relative to such facilities, are necessary for the continued preservation of the public peace, health, and safety and for the support of county government and its existing institutions.

5. A moratorium, interim zoning ordinance and interim official control may be renewed for one or more six-month periods if a public hearing is held and findings of fact are made prior to each renewal, pursuant to RCW 36.70A.390.

6. The findings of fact and conclusions in Section 1 of Emergency Ordinance 01-007 remain applicable to this ordinance and are incorporated herein by reference. The executive's work plan is in the legislative record for Emergency Ordinance 01-007.

7. The County Council held a public hearing on January 23, 2002 on this ordinance, in accordance with SCC 32.05.023.

8. This action is exempt from the requirements of SEPA pursuant to WAC 197-11-880.

Section 2. Extension of moratorium, interim zoning ordinance and official controls.

All moratorium, interim zoning ordinance and official controls as stated and adopted pursuant to Sections 3, 4, 5, 6, and 8 in Emergency Ordinance 01-007 remain in effect and shall expire on July 31, 2002, unless extended by further legislative action.

Section 3. Section 18.32.050 of the Snohomish County Code enacted by Emergency Ordinance 01-007 on January 31, 2001 is amended to read:

18.32.050 Moratorium on Certain Uses. Pursuant to Emergency Ordinance 01-007 and Emergency Ordinance 01-129 a moratorium, interim zoning ordinance and official interim control have been adopted to allow time for the adoption of new comprehensive plan and code amendments to address the siting and use of certain facilities within Snohomish County. During the pendency of the moratorium, interim zoning ordinance and interim official control, the following uses do not constitute permitted, conditional or temporary uses:

housing of sexually violent predators, including community transitional housing, community treatment facilities, secure residential treatment housing, and similar facilities. During the pendency of the moratorium, interim zoning ordinance and interim official control the County shall not accept any applications for permits for housing of sexually violent predators, such as community transitional housing, community treatment facilities, secure residential treatment housing, and similar facilities, and the County shall not define or permit such facilities as permitted or conditional uses or recognize or establish any asserted nonconforming right to such use or facility. During the pendency of this moratorium, this section shall suspend any existing provision of the Snohomish County Code affected by Emergency Ordinance 01-007 and Emergency Ordinance 01-129.

Section 4. Effective date.

This ordinance shall take effect upon January 31, 2002.

Section 5. Severability.


If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 23 day of January, ~~2001~~ 2002.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 1/25/02


Snohomish County Executive

ATTEST: 

Approved as to form only:

Barbara Dyle 12/5/01
Deputy Prosecuting Attorney