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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 02-072

AMENDING SNOHOMISH COUNTY CODE
CHAPTER 18.68
URBAN CENTERS DEMONSTRATION PROGRAM

WHEREAS, both the Growth Management Act ("GMA") and the County's GMA General Policy Plan encourage the adoption and implementation of policies designed to facilitate the development of urban centers, and

WHEREAS, on August 23, 2001, the Snohomish County Council adopted Amended Ordinance No. 01-052, which adopted the Urban Centers Demonstration Ordinance to encourage centers development consistent with the intent and policies of the GMA comprehensive plan while centers planning is in progress; and

WHEREAS, the county executive and county council have identified economic development as a high priority for county government; and

WHEREAS, the urban centers require transit oriented development (TOD), so the county is coordinating with adjacent cities, the Economic Development Council of Snohomish County, Sound Transit, and Community Transit to ensure appropriate transit facilities are available for the designated urban centers; and

WHEREAS, based on public comments, staff review of urban centers demonstration projects, and discussions with interested developers, amendments to the Urban Centers Demonstration Program are needed to clarify code language, better define the purpose of the program, refine decision criteria, and expand program eligibility to additional center designations in subarea plans and master plans; and

WHEREAS, the Department of Planning and Development Services drafted amendments to the urban centers demonstration program; and

WHEREAS, the planning commission held a hearing on the amendments to the urban centers demonstration program on July 23 and August 6, 2002, and forwarded a recommendation to the county council; and

WHEREAS, the county council held a public hearing on November 18, 2002, to consider the entire record and hear public testimony on Ordinance No. 02-072.

WHEREAS, having considered the recommendations of the planning commission and county executive and the additional public review and comment, the county council finds that amendment of the Urban Centers Demonstration Program is appropriate to facilitate transit-oriented design within centers and promote economic development by encouraging the development of mixed-use projects within and adjacent to designated centers; and

WHEREAS, on November 18, 2002, Snohomish County adopted amendments to SCC 18.68;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council hereby adopts the foregoing recitals as findings of fact and conclusions.

Section 2. Snohomish County Code Section 18.68.010 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

Chapter 18.68

Urban Centers Demonstration Program

18.68.010 Purpose and applicability.

(1) ~~The purpose of the urban centers demonstration program is to allow for encourage innovative, well designed, well sited, mixed-use, higher density development to be located in residential, commercial, or industrial zones within or next to designated urban centers through a range of development approaches which allow for and to allow for flexibility and modification of the established County site requirements and development and infrastructure standards. The urban centers demonstration program is hereby created to:~~

~~(a) be consistent with the multi-county planning policies (Vision 2020) by encouraging more compact, higher density, mixed-use development of retail, office and residential uses within the same building or on the same site and within and near designated urban centers and on sites easily served by major transit corridors rather than auto-oriented, strip commercial development that is isolated from the surrounding land uses;~~

~~(4)(b) be consistent with the Countywide Planning Policies and the comprehensive plan by ensuring that proposed land uses and developments are compatible in use, character, and size with the county's stated goals and objectives for future urban centers;~~

~~(c) implement the General Policy Plan urban center goals, objectives, and policies of the comprehensive plan;~~

~~(d) to provide a compatible mix of residential, retail/service and office land uses within and next to urban center locations;~~

~~(1)(e) Encourage innovative site and building design to achieve above purposes by allowing flexibility within and modification from existing codes through flexibility but not limited to height limits, setbacks, road standards, lot coverage, shared parking and residential densities per acre and development techniques within and next to urban center locations;~~

~~(2) Implement the urban center goals, objectives, and policies of the county's GMA comprehensive plan;~~

~~(3) Be consistent with the multi-county planning policies by encouraging more compact, mixed-use development within and near designated urban centers and on sites easily served by major transit corridors rather than auto-oriented, strip commercial development that is isolated from the surrounding land uses;~~

~~(5) Foster broad community acceptance of higher density, mixed-use development by ensuring well-designed, well-sited and transit-accessible development;~~

~~(6)(f) Achieve encouraged development design, inclusion of public open spaces, and pedestrian circulation and facilities, street design and landscaping that are superior to that allowed by the current county zoning code;~~

~~(7)(g) Ensure that buildings and other site features are arranged, designed, and oriented to facilitate pedestrian access, achieve a sense of place, and limit conflicts between pedestrians and~~

vehicles; establish circulation systems for motorized and non-motorized travel that link development within the projects and with the surrounding neighborhoods, emphasizing and facilitating the use of public transit, walking and bicycling modes of travel;

~~(8)(h)~~ Allow some flexibility within the development standards of the current county zoning code by means of a demonstration program to allow higher density development in order to protect options for future, permanent center designations and zoning; and ensure provision of facilities necessary for a quality urban environment (i.e., utilities, public services, capital facilities, and public and private amenities);

(i) provide connections between activity generators, achieve a sense of place, and limit conflicts between pedestrians and vehicles; and

~~(9)(i)~~ Provide the opportunity to identify and evaluate the potential for permanent, substantive changes to the county's land use development codes and administrative procedures.

(2) This chapter applies to any project found eligible for inclusion in the program pursuant to SCC 18.68.020. An eligible project may be located in any zoning classification.

Section 3. Snohomish County Code Section 18.68.020 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.020 Eligibility for demonstration program.

(1) Any applicant for a project permit as defined in SCC 32.50.030 may request inclusion in the program. The director shall ~~make a finding determining~~ determine eligibility based on the following criteria as demonstrated by the applicant:

(a) The project must be located in the ~~S~~ southwest Urban Growth Area or within the boundaries of other center designations (e.g., village center, urban center, village center/urban center) as described in the comprehensive plan or an adopted subarea plan;

(b) If the project is in the southwest urban growth area:

~~(b)(i)~~ (i) At least one acre of the project area must be within one of the circular urban center designations of the ~~GMA comprehensive plan~~ or within one-half mile of such a designation;

~~(e)(ii)~~ (ii) The project must front on or take access off a major transit corridor or be located within one-quarter mile of a transit agency's park-and-ride facility;

(c) If the project is in an urban designation of an adopted subarea plan, the project must meet the requirements of the plan;

(d) The developable area of a project shall consist of at least ~~10~~ five acres, unless any part of the project is located within 120 feet of a transit agency's park-and-ride facility in which case the developable area must be at least ~~five~~ three acres; and

(e) The property proposed for development must be in single ownership or under unified control ~~requirements for single or multiple parcels of SCC 18.60.020(3) are met.~~

(2) A finding of eligibility for inclusion in the program does not guarantee approval of any project permit under the provisions of this chapter.

Section 4. Snohomish County Code Section 18.68.030 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.030 Definitions.

As used in this chapter, the words hereinafter defined will have the meaning set forth in this section, unless the context clearly requires otherwise.

(1) "Applicant" means the legal owner of land, or their authorized representative, who holds entitlement for the use, improvement or construction on that land. The applicant may be an individual property owner, a partnership of individuals, a company, or a corporation.

(2) "Committee" means the centers review committee.

(3) "Department" means the Snohomish County department of planning and development services.

(4) "Developable area" means the area available for development outside identified critical areas and their buffers.

(5) "Director" means the director of the department of planning and development services.

(6) "DPW" means the department of public works.

(7) "EDDS" means the latest edition of the Engineering Design and Development Standards adopted by DPW pursuant to Chapter 13.05 SCC.

(8) "Major transit corridor" means an arterial street with existing bus stops and sidewalks served by more than one bi-directional bus route with high frequency local service of at least 25 trips per day and all-day regional bus service.

(9) "Net density" means the density of residential development excluding roads, critical areas and required buffers, drainage detention/retention areas, biofiltration swales, and areas required for public use.

(9)(10) "Program" means the urban centers demonstration program.

Section 5. Snohomish County Code Section 18.68.040 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.040 Submittal requirements.

(1) ~~A pre-application conference is required. The department shall establish and may revise written submittal requirements. The requirements shall be made available to the public in a checklist or other form that clearly explains the submittal materials required for an application to be determined complete.~~

(2) If the county has an executed interlocal agreement with an adjacent city for development review under the this program, the county will notify the city planning staff of the pre-application conference and meet all provisions of the executed agreement.

(3) The department shall establish submittal requirements for an application included in the program. The following shall be included on the submittal requirements checklist:

(2)(a) ~~At a minimum, a site plan shall be prepared pursuant to the regulations for preliminary site plans for planned community business and business park zones in SCC 18.60.040;~~

(3)(b) ~~Other submittal materials shall include~~ Textual and visual materials that address the decision criteria in SCC 18.68.090100; ~~and~~

(4)(c) ~~Submittal materials shall include, but not be limited to, b~~ Building elevations, perspective drawings, building setback lines for all lots, minimum and maximum building heights for buildings, and a landscaping plan that includes a tree survey and demonstrates how significant trees and other natural features will be retained or enhanced ~~complies with Chapter 18.43;~~

~~(5) The department may waive in writing a submittal requirement that is determined not to be applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed action and is not necessary to demonstrate compliance with applicable criteria or requirements.~~

~~(6) The department may require additional materials as it determines necessary for review of an application.~~

(d) Site-specific design guidelines by the applicant consistent with the applicable policies and provisions of any subarea plans and consistent with the purpose of the ordinance (SCC 18.68.010) and the special development standards (SCC 18.68.090) and the decision criteria (SCC 16.68.100); and

(e) A list of requested modifications to county code and standards consistent with SCC 18.68.120.

(4) A fee consistent with the Rezoning Fees (SCC 18.73.120) in effect on the date of submittal shall be paid to the department of planning and development services at the time of application submittal. All other applicable fees required by code (i.e., drainage, landscaping review, traffic concurrency, and subdivision or binding site plan, etc.) shall be paid upon submittal.

Section 6. Snohomish County Code Section 18.68.050 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.050 Centers review committee.

(1) The committee is hereby created and shall be comprised of nine persons appointed by the Snohomish County Council upon the recommendation of the Snohomish County Executive. The county executive may recommend alternates for the committee to serve for a particular demonstration project when an existing committee member is unable to serve, has a conflict of interest, or has schedule conflicts.

(2) The committee shall consist of one representative each from the department, ~~DPW~~the department of public works, the Snohomish County Economic Development Council, and a transit agency serving ~~S~~southwest Snohomish County; two representatives from the development industry; a representative of the nearest adjacent city; and two representatives of local citizen groups that have a presence within the ~~S~~southwest urban growth area. The council may appoint representatives from both transit agencies, Sound Transit and Community Transit, and both representatives may participate on the committee if the proposed project could affect their agency's transit facilities. The council may also appoint representatives from all five cities closest to the designated centers (Bothell, Everett, Lynnwood, Mill Creek, and Mukilteo), although only the city expected to annex the area including the demonstration project will serve on the committee during review of that project.

(3) The committee shall select no more than two members to participate in the site plan review meetings of the department.

(4) The committee shall select a committee chair and secretary.

(5) Duties and authority are as follows:-

(a) The committee is authorized to meet with eligible program applicants to discuss the proposed site plans and recommend modifications;

(b) The committee shall provide recommendations regarding the project including recommendations on the scale, density, design, building mass and proposed uses to the applicant following the initial meeting and to the director following the public open house, but prior to a final decision by the director;

(c) The committee shall evaluate and make recommendations to the director and the county engineer regarding modifications to the county zoning code and deviations from the EDDS, respectively; and

(d) The committee shall conduct program evaluations and make project reports to the county council in accordance with SCC 18.68.130140.

Section 7. Snohomish County Code Section 18.68.060 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.060 Public meeting and notice.

(1) Prior to application submittal, eligible project applicants shall meet with neighbors, project stakeholders, and the committee. The purpose of the meeting is to allow early comment and input on the proposal.

(2) The applicant shall give notice of the public meeting to the committee and to property owners within 500 feet of the boundaries of the proposed site.

(3) The department will publish notice of the public meeting in accordance with SCC 32.50.060.

~~(3)~~(4) The department shall establish timing and content requirements for the notice.

~~(4)~~(5) Within 14 calendar days of the meeting, the committee shall provide the applicant with written comments on the proposal.

(6) An adjacent city may provide comments to the applicant pursuant to 18.68.120 and the interlocal agreement.

Section 8. Snohomish County Code Section 18.68.070, adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.070 Public open house and notice.

(1) Following submittal of the application, the department shall schedule and conduct a public open house with attendance by the committee.

(2) At the public open house, the applicant shall present the complete application to the public and committee, describe how it responds to input provided at the public meeting, and respond to comments.

(3) ~~The department shall invite public open house shall be co-sponsored by the Snohomish County Economic Development Council to co-sponsor the public open house~~ with optional sponsorship by other groups.

(4) Notice of the public open house shall be provided by the department in accordance with SCC 32.50.060(4) through (8) and may be combined with the notice of application.

(5) Within 30 calendar days of the meeting, the committee shall provide the director with written comments on the proposal.

Section 9. Snohomish County Code Section 18.68.080, adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.080 Procedures – director’s decision.

(1) Following project review and consideration of the committee’s recommendation, the director shall either approve, approve with conditions or ~~disapprove~~deny the proposed project based on Section 18.68.100.

(a) The decision shall specify all conditions of approval, including but not limited to the site plan and specific design elements.

(b) If the application is not approved, the decision shall state the reasons for ~~disapproval~~denial.

(2) In the evaluation of and decision on a project, the director shall consider recommendations of the committee, and city recommendations if an applicable interlocal agreement has been executed, and may impose reasonable conditions and requirements recommended by the committee or the city.

~~(3) A decision to approve shall supersede any preliminary site plans or final plans previously approved for a project on the same site. The requirements in Chapter 18.60 SCC for modifications or amendments to previously approved site plans shall not apply if the proposed project is approved pursuant to this chapter.~~

~~(4)~~(3) As a condition of approval by the director and prior to approval of any development activity or site disturbance, the applicant shall sign a concomitant agreement in a form approved by the county. The concomitant agreement shall reference the required conditions of approval, including the site plan, design elements and all other conditions of project approval. The concomitant agreement shall be recorded, run with the land, and shall be binding on the owners, heirs, assigns, or successors of the property.

~~(4)~~ Recording of the concomitant agreement shall invalidate any preliminary site plan or final site plan previously approved for a project on the same site. The requirements in chapter 18.60 SCC for modifications or amendments to previously approved site plans shall not apply if the proposed project is approved pursuant to this chapter.

(5) Subsequent development shall be consistent with the ~~approved site plan~~design guidelines approved pursuant to this chapter and comply with all other applicable requirements of the county code.

(6) Minor changes to a site plan or design elements ~~previously~~ approved under this chapter may be approved by the director. Changes that increase the floor area in one building by more than ten percent, change access points, ~~increase trip generation,~~ or substantially change the land use are major and shall be subject to the requirements of this chapter or must comply with plans or regulations as may be adopted in the future to implement the center goals, objectives, and policies of the comprehensive plan. Increases in trip generation shall be reviewed pursuant to SCC 26B.55.010(7).

(7) Applications that include public or nonprofit housing shall be given priority for expedited site plan review as authorized in Title 14 SCC.

Section 10. Snohomish County Code Section 18.68.090 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.090 ~~Decision criteria~~ Special development standards.

(1) All projects shall meet the following special development standards. If the County has executed an interlocal agreement with an adjacent city, the city will be involved in demonstration project review as specified in the interlocal agreement. To approve a proposed project pursuant to this chapter, the director must make the following findings:

(a) ~~The project meets all of the following land use criteria:~~

~~(i)(a)~~ The project shall provide for opportunities for two or more different, but compatible, land use categories such as residential, retail-commercial, public, or office uses that may be located in the same building or on the same site;

~~(ii)(b)~~ Residential use is a required component of all urban center demonstration projects.

~~(iii)(c)~~ The project shall include open space in the form of one or more plazas that are accessible to the public or in the form of natural open space that is integrated with adjacent open spaces and connected by pedestrian paths to the center;

~~(iii)(d)~~ The project shall provide residential units at a gross net density of ~~15~~12 to 50 units per acre, or more, with the approval of the review committee and department additional density subject to approval by the director. Housing that meets the definition of "Retirement apartments" or "Retirement housing" per the definitions contained in SCC 18.90.711 and 712, shall qualify towards meeting the minimum residential density requirement; and

~~(iv)(e)~~ When the residential net density is greater than 24 units per acre and the residential development is in a separate building or when the office or mixed-use height is greater than 50 feet, proposed at the upper end of the range prescribed in SCC 18.68.090(1)(a)(iii), one or more of the following features shall be provided:

~~(A)(i)~~ At least 50 percent of required parking shall be located under the building or in a parking structure; or

~~(B)(ii)~~ Buildings shall be constructed with pitched roofs or stepped-back upper floors; or

~~(C) mechanical equipment screened from view;~~

~~(f)~~ When a grocery store is larger than 40,000 square feet, at least 50 percent of required parking shall be located under the building or in a parking structure;

~~(g)~~ The project shall provide visual screening of mechanical equipment from adjacent street grades and adjacent buildings;

~~(h)~~ The project is designed in a compact form and incorporates design features that are consistent with the recommendations of the following design reports that are available at the department's office:

(i) Residential Development Handbook for Snohomish County Communities, March 1992, Site Planning and Building Design, pp. G-79 – G-124;

(ii) Transit Oriented Development Guidelines, July 1999; and

(iii) SW Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Site Design and Building Design, pp. 14-25;

(iv) Sound Transit Swamp Creek Station Area Plan: 164th Street & Ash Way, Snohomish County, Washington, April 2002, Section VI Design Guidelines; and

(v) Specific center design guidelines within an applicable subarea plan.

~~(e)(i)~~ The vehicular and pedestrian circulation system is designed to be consistent with the purpose of this chapter, with Title 26B SCC, with the EDDS, with policies of the department of public works, this title and with the recommendations provisions of the following design reports that are available at the department's office:

(i) Residential Development Handbook for Snohomish County Communities, March 1992, Streetscape, pp. G-63 – G-78; and

(ii) SW Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Street Design, pp. 9-13;

(iii) Sound Transit Swamp Creek Station Area Plan: 164th Street & Ash Way, Snohomish County, Washington, April 2002, Section VI Design Guidelines; and

(iv) Specific center design guidelines within an applicable subarea plan.

~~(d)(j)~~ Surface off-street parking is located primarily to the rear or the side of principal buildings and ~~meets the following~~ is composed of pervious materials where feasible; and

~~(i)~~ where feasible, pervious materials will be used; and

~~(k)~~ p~~arking stalls will be provided according to the following minimum and maximum standards:~~ will be provided as per Chapter 18.45 with a site plan showing parking that can be converted in the future to a parking structure or underground parking to allow for additional building density.

~~(A)~~ 1 to 1.5 stalls per dwelling unit;

~~(B)~~ 2.5 to 3 stalls per 1,000 square feet of office space; or

~~(C)~~ 3.5 to 4 stalls per 1,000 square feet of retail space

~~(e)~~ The project is in compliance with applicable requirements of the Snohomish County Code and any modifications to the code permitted under this chapter;

~~(f)~~ The project is consistent with the purpose of this chapter;

and

~~(g)~~ The project bears a substantial relationship to the public, health, safety, and welfare.

~~(l)~~ Reduction of required spaces for mixed-use and/or joint uses shall be determined per SCC 18.45.055 through .080.

~~(2)~~ The director may approve a request for modification of~~modify~~ the requirements of SCC 18.68.080(1)(d)(iii), (1)(e)(iv), and (1)(j)(ii), and (1)(k) when if:

~~(a)~~ The proposed plan represents an equal or better result than would be achieved by strictly following the requirements of the code; and

~~(b)~~ The proposed plan meets the design requirements of an executed interlocal agreement with an adjacent city; and

~~(b)(c)~~ The proposed plan fulfills the purpose of this chapter.

Section 11. A new section is added to Snohomish County Code Chapter 18.68:

18.68.100 Decision criteria.

The director may approve or approve with conditions the proposed project when all the following are met:

(1) The project complies with the special development standards of SCC 18.68.090(1), applicable requirements of other applicable county codes, and any modifications approved pursuant to SCC 18.68.090(2);

(2) The project demonstrates high quality design by incorporating elements such as

(a) innovative architecture;

(b) building massing or orientation that responds to site conditions;

(c) use of structural articulation to reduce bulk and scale impacts of the project;

(d) use of complementary colors and materials; and

(e) use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;

(3) The project features a high intensity mix of residential and office or commercial mixed-use development; and

(4) Buildings and site features are arranged, designed, and oriented to facilitate pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit linkages.

Section 12. Snohomish County Code Section 18.68.100, adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.100110 Permitted and prohibited uses.

The following uses shall apply to projects approved under this chapter regardless of the zoning of the proposed site:

(1) The uses listed as permitted uses in SCC 18.32.040 in the planned community business (PCB) and business park (BP) zones shall be permitted.

(2) The conditional uses listed in SCC 18.32.040 for the PCB and BP zones shall be prohibited.

(3) The uses prohibited in the PCB and BP zones by SCC 18.32.040 shall be prohibited.

(4) In addition to the uses prohibited by SCC 18.68.100110(2) and (3), the following uses shall be prohibited:

- (a) Agriculture;
- (b) Airport;
- (c) Auto repair;
- (d) Cemetery, columbarium, crematorium, mausoleum, mortuary;
- (e) Commercial vehicle storage facility;
- (f) Dwelling, single family detached;
- (g) Golf courses and driving ranges;
- (h) Greenhouse, lathhouse, nurseries;
- (i) Grocery store larger than ~~40,000~~60,000 square feet;
- (j) Hazardous waste storage and treatment facilities;
- (k) Mini self-storage;
- (l) Kennel;
- (m) Lumber yard;
- (n) Race track;
- (o) Retail store larger than 40,000 square feet;
- (p) Sawmill;
- (q) Service station;
- (r) Small animal husbandry;
- (s) Stables;
- (t) Storage structure;
- (u) Tire store;
- (v) Ultralight airpark;
- (w) Utility facilities: Freestanding electromagnetic transmission and receiving

facilities; and

(x) Wholesale establishment; and

~~(y) All other uses not otherwise mentioned in the BP zone.~~

(5) Uses not otherwise addressed in the PCB and BP zones may be permitted at the discretion of the director upon a finding of consistency with the purpose of this chapter and (SCC 18.68.100).

Section 13. Snohomish County Code Section 18.68.110 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.1240 Modifications to the Snohomish County Code and standards.

(1) ~~To accomplish the purpose of the program, An~~ applicant may request modifications to the following provisions of the county code to the extent that they are consistent with this chapter:

- (a) Chapter 18.42 SCC General Development Standards - Bulk Regulations;
- (b) Chapter 18.43 SCC General Development Standards - Landscaping;
- ~~(d)(c)~~ Chapter 18.45 SCC General Development Standards Off Street Parking; and
- ~~(e)(d)~~ Chapter 18.44 SCC General Development Standards - Signs; and
- (e) Chapter 18.60 SCC Business Park (BP), Planned Community Business (PCB) and Industrial Park (IP) Zones Procedures and Standards.

(2) The director may approve modifications to the ~~chapters provisions~~ listed in SCC 18.68.1420(1) and the county engineer may approve deviations from the EDDS after considering the committee's recommendations, and city recommendations if an applicable interlocal agreement has been executed, and findings in writing that the modifications are consistent with the purpose and requirements of this chapter and do not threaten the public health, safety, or welfare.

~~(3) The county engineer may approve deviations from the EDDS consistent with the provisions for deviations in the EDDS after considering the committee's recommendations and finding that the deviations are consistent with the purpose and requirements of this chapter and will not be detrimental to the public health, safety and welfare.~~

Section 14. Snohomish County Code Section 18.68.120 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.1230 Appeals.

~~The decision of the director to approve with conditions or deny an application may be appealed to the Snohomish County hearing examiner pursuant to the provisions of Chapter 2.02 . The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by filing a land use petition in Snohomish County superior court as provided in chapter 2.02 SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC, and 23.40 SCC.~~

Section 15. Snohomish County Code Section 18.68.130 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended to read:

18.68.1340 Program evaluation

(1) The committee and the department shall document project process, innovations, modifications from the Snohomish County Code and deviations from the EDDS and evaluate to what degree they achieve the purpose of this chapter.

(2) The committee shall review the process of design and development review conducted by the county and document real and perceived successes and problems.

(3) An annual report shall be published and submitted to the county executive and county council documenting, describing and evaluating the results of each project and, if appropriate, making recommendations regarding substantive changes to the Snohomish County Code that can be supported by evidence gathered from the program experience.

(4) Relevant materials gathered in the course of project selection, permit review and development shall be collated and made available by the department for the use of the professional development community as well as the general public.

Section 16. Snohomish County Code Section 18.68.140 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is deleted:

~~18.68.140 Rulemaking authority.~~

~~(1) The director may adopt rules for the purpose of implementing, administering, and enforcing the provisions of this chapter related to modifications to the requirements of the zoning code.~~

~~(2) The director of DPW may adopt rules for the purpose of implementing, administering, and enforcing the provisions of this chapter related to deviations from the EDDS.~~

Section 17. Snohomish County Code Section 18.68.150 adopted by Amended Ordinance No. 01-052 on August 23, 2001, is amended with a modified title:

18.68.150 Sunset Clause.

This chapter shall expire upon adoption of master plans for all centers designated on the Future Land Use map of the county's GMA comprehensive plan or after four years of the effective date of this ordinance, whichever occurs earlier.

Section 18. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (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 18th day of November, 2002.

ATTEST

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shula McAllister
Clerk of the Council, Asst.

[Signature]
Chair

- APPROVED
- EMERGENCY
- VETOED

DATE: [Signature]

[Signature]
Robert J. Drewel
County Executive

ATTEST: [Signature]

Approved as to form only:

[Signature]
Deputy Prosecuting Attorney

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