



CO00003157

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 03-104

ADOPTING AMENDMENTS TO THE GROWTH MANAGEMENT ACT
COMPREHENSIVE PLAN RELATED TO USE OF SEWER LINES BY RURAL
CHURCHES AND SCHOOLS, AMENDING AMENDED ORDINANCE NO. 94-125,
AMENDING SCC 7.44.030, SCC 30.29.110, AND SCC 30.29.120

WHEREAS, RCW 36.70A.130 and 36.70A.470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to comprehensive plan or development regulations; and

WHEREAS, the county council adopted chapter 30.74 SCC to comply with the requirements of RCW 36.70A.130 and .470 to allow interested persons to propose amendments to the GMA comprehensive plan and/or development regulations; and

WHEREAS, Snohomish County Department of Planning and Development Services (PDS) staff, pursuant to the SCC 30.74.030, reviewed all proposals on the docket and determined that twenty-one of the proposals could be reviewed and analysis could be completed within the time frame of the 2003 final docket review cycle; and

WHEREAS, the 2003 final docket – Phase 3 includes a proposal to amend policies in the General Policy Plan (GPP) and provisions of the Snohomish County Code related to use of sewer lines by rural churches and schools submitted by the Snohomish County Council (County Council Koster A proposal); and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation of the 2003 final docket – Phase 3, including the County Council Koster A proposal, and forwarded a recommendation to the planning commission; and

WHEREAS, the planning commission held public hearings on the 2003 final docket for the phase 3 proposals on June 10 and June 24, 2003 and forwarded a recommendation to the county council; and

WHEREAS, the county council held public hearings on August 13, and September 10, 2003 to consider the entire record and hear public testimony on Ordinance 03-104, adopting text amendments to the GMA comprehensive plan and county code.

NOW, THEREFORE BE IT ORDAINED:

Section 1. The county council makes the following findings of fact and conclusions regarding the proposal to amend the comprehensive plan on the 2003 final docket – Phase 3:

- A. The County Council Koster A proposal to amend the General Policy Plan (GPP) and the Snohomish County Code to allow churches and schools located within rural lands to connect to public sewers located on or directly adjacent to the church or school property is consistent with RCW 36.70A.110(4), which states:

In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

- B. The County Council Koster A proposal is consistent with the following final review and evaluation criteria of SCC 30.74.060(2):
1. The proposed amendments maintain consistency with other elements of the GMA comprehensive plan;
 2. All applicable elements of the GMA comprehensive plan support the proposed amendments;
 3. The proposed amendments more closely meet the goals, objectives and policies of the GMA comprehensive plan as discussed in the specific findings; and
 4. The proposed GMA comprehensive plan text amendments are consistent with the countywide planning policies (CPPs).
- C. The amendments maintain the GMA comprehensive plan's consistency with the multi-county policies adopted by the Puget Sound Regional Council.
- D. There has been early and continuous public participation in the review of the proposed amendments.
- E. Addendum No. 36 to the Final Environmental Impact Statement (EIS), issued on May 23, 2003, addresses the County Council Koster A proposal. This Addendum adds information and analysis of previously identified significant impacts and alternatives to the county's GMA Comprehensive Plan/General Policy Plan EIS dated April 11, 1994 (Draft EIS) and June 21, 1995 (Final EIS). The information in Addendum No. 36 expanded on previous identified

alternatives, but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's existing adopted environmental documents. No additional significant impacts beyond those identified in the original EIS were expected to occur

- F. The SEPA requirements with respect to this proposed action have been satisfied by these documents.
- G. The county council held a public hearing on August 13, and September 10, 2003, to consider the planning commission's recommendations.
- H. The public was notified of the public hearings held by the planning commission and the county council by means of published legal notices in The Everett Herald and local newspapers.
- I. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

Section 2. Based on the foregoing findings and conclusions, Land Use Policy 1.C.4 of the Snohomish County GMA comprehensive plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Ordinance No. 03-049 on June 4, 2003, is amended as indicated in Exhibit A, attached hereto and incorporated by this reference as if set forth in full.

Section 3. Based on the foregoing findings and conclusions, Utilities Policy 3.C.1 of the Snohomish County GMA comprehensive plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Ordinance No. 03-049 on June 4, 2003, is amended as indicated in Exhibit B, attached hereto and incorporated by this reference as if set forth in full.

Section 4. Snohomish County Code section 7.44.030, adopted by Resolution on July 20, 1970, is hereby amended as follows:

7.44.030 General regulations.

Every person, firm or corporation shall discharge all sewage in the following manner in Snohomish county:

(1) When water is or becomes available under pressure, every dwelling, unit, mobile home and every other establishment or premises required to provide toilet facilities are each required to construct a sanitary drainage system, and every plumbing fixture and every sanitary drainage system not connected to a public sewer or not required by law to be connected to a public sewer, shall be connected to a private sewage disposal system. When a public sewer is at all accessible, connections must be made to the public sewage system, including churches or schools located within rural lands, when sewer lines are located on or directly adjacent to the church or school property.

- (2) Pit privies are permitted:
 - (a) When water is not available under pressure; or
 - (b) During period of construction; or
 - (c) Any other condition of a temporary nature that is approved by the health authority having jurisdiction, provided that when water under pressure becomes available, all pit privies shall be concurrently replaced by a private sewage disposal system or public sewer.
- (3) Except where multiple systems are permitted by the health authority having jurisdiction, all sewage disposal systems shall be located upon the same lot as the buildings they are designed to serve unless an easement therefor upon abutting property is recorded and such location is approved by the health authority.

Section 5. Snohomish County Code section 30.29.110, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is hereby amended as follows:

30.29.110 Public sewer connection prohibited outside UGA—exceptions.

Outside of a UGA, connection to public sewer is prohibited except as follows:

- (1) When required by the Snohomish Health District or a state agency;
- (2) To provide public sewer to public facility, if the applicant demonstrates that it is not feasible to locate the public facility within a UGA; or
- (3) Where the county has contractually committed to permit public sewer connection; or
- (4) When a church or school is located within rural lands and existing sewer lines are located on or directly adjacent to the church or school property.

Section 6. Snohomish County Code section 30.29.120, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is hereby amended as follows:

30.29.120 Public sewer construction prohibited outside UGA—exceptions.

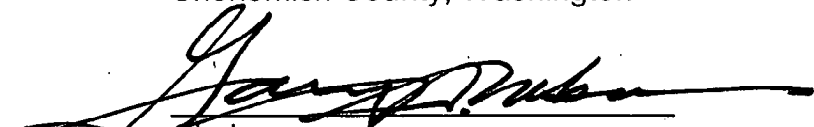
Construction of public sewer outside of a UGA is prohibited except as follows:

- (1) When required by the Snohomish Health District;
- (2) In accordance with an adopted a-public sewer comprehensive plan which has been reviewed and approved by the county council; or
- (3) When system improvements designed solely to serve urban development within the UGA must be located outside of a UGA due to engineering design requirements or limitations on site availability; or
- (4) When a church or school located within rural lands is connecting to an existing sewer line located on or directly adjacent to the church or school property.

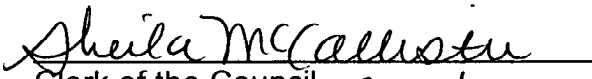
Section 7. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

PASSED this 10th day of September, 2003

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst*

- APPROVED
- EMERGENCY
- VETOED

DATE: 9/26/03

Snohomish County Executive

ATTEST: Laura Nelson

Approved as to form only:

Deputy Prosecuting Attorney

D-14

EXHIBIT A

GPP TEXT AMENDMENT (County Council Koster A)

Land Use Policy 1.C.4 at GPP page LU-6 is amended as follows:

- 1.C.4 Annexations and planned urban densities shall be prohibited outside of the UGA boundary, and the provision on sanitary sewers to development outside the UGA shall be allowed only for: (a) public health emergencies; (b) and for necessary public facilities that are required to be served by sanitary sewers and cannot be feasibly located within the UGA; and (c) for churches or schools located within rural lands with sewer lines located on or directly adjacent to the church or school property. Urban capital facilities, including sanitary sewer facilities, may be located outside a UGA only when there are compelling reasons for such locations related to engineering design requirements or significant limitations on site availability and when they are intended and designed solely to serve urban development with the UGA.

EXHIBIT B

GPP TEXT AMENDMENT (County Council Koster A)

Utilities Policy 3.C.1 at GPP page UT-7 is amended as follows:

- 3.C.1 The county shall prohibit new municipal sanitary sewer systems within the rural and resource lands unless sewers are necessitated by serious public health considerations or by necessary public facilities, or there are compelling reasons for such locations related to engineering design requirements or significant limitations on site availability, and when they are intended and designed solely to serve urban development within the UGA, with the exception that churches or schools located within the rural lands may hook up to sewer lines located on or directly adjacent to the church or school property.