



CO00001265

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-069

RELATING TO EXTENDING THE DEADLINE FOR THE REPROMULGATION OF POLICIES, PROCEDURES, AND RULES RELATED TO CRITICAL AREA REGULATIONS THAT MAKES AN ALLOWANCE FOR THE DECEMBER 1, 2004 STATE GROWTH MANAGEMENT ACT UPDATE DEADLINE, AMENDING SECTION 30.82.070 SNOHOMISH COUNTY CODE

WHEREAS, the State requires the County to review and update the Comprehensive Plan by December 1, 2004, under the Growth Management Act (GMA), RCW 36.70A.130(A) referred to as the 7-Year compliance review; and

WHEREAS, the County is required to review critical areas regulations as part of the 7-Year compliance review of the Comprehensive Plan; and

WHEREAS, the County is reviewing the critical areas regulations to meet the GMA 7-Year Comprehensive Plan compliancy requirement pursuant to RCW 36.70A.130(1)(a); and

WHEREAS, Snohomish County Code Section 30.82.070 requires the repromulgation of all pre-existing policies, procedures, and rules no later than December 31, 2004; and

WHEREAS, the provision of Snohomish County Code Section 30.82.070 is an ongoing effort to align development regulations and rules with newly adopted and revised regulations, rules, and/or changing conditions; and

WHEREAS, the county council recognizes that since critical area regulations related policies, procedures, and rules adopted in accordance with Snohomish County Code Section 30.82.070 will most likely require amendments to reflect any modifications to critical area regulations adopted as part of the GMA compliance review; and

WHEREAS, the required repromulgation of existing policies, procedures and rules related to critical area regulations would be accomplished more efficiently after any amendments to the critical area regulations as part of the GMA review compliance deadline of December 1, 2004, and subsequent to the County promulgation deadline of December 31, 2004;

THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish county council adopts the following findings of facts and conclusions:

- A. The foregoing recitals are incorporated by reference.
- B. The existing policies, procedures, and rules related to critical area regulations are consistent with current regulations.
- C. The current critical area regulations are being reviewed as part of the GMA mandated 7-Year compliance review of the Comprehensive Plan.
- D. The proposed amendment extending the deadline for repromulgation will reduce redundancy in time and effort by allowing repromulgation of critical area regulations related policies, procedures, and rules subsequent to adoption of amended critical areas regulations.
- E. The County has conducted public participation in the process of adopting this ordinance. Public participation includes public hearings before the Snohomish County Council and opportunity for written comments.
- F. This action is exempt from review under the State Environmental Policy Act (chapter 43.21C RCW) and chapter 30.61 SCC because it is a procedural action. WAC 197-11-800(19).
- G. The proposed amendments are in the best interest of the county and will promote the general public health, safety and welfare.

Section 2. Snohomish County Code Section 30.82.070, last amended by Ordinance 02-064, on December 9, 2002, is amended to read:

30.82.070 Pre-existing policies, procedures, and rules.

The applicable director shall review existing policies, procedures, and rules and determine which constitute rules pursuant to this chapter. All policies, procedures, and rules in effect on the effective date of this title which the director within 60 days thereafter files with the clerk of the county council and posts on the departmental website shall remain in effect until amended or repealed; provided that all such policies, procedures, and rules shall no later than December 31, 2004, be repromulgated through the rulemaking procedures of this title except policies, procedures, and rules related to critical area regulations.

The pre-existing policies, procedures, and rules related to critical area regulations shall be repromulgated within six (6) months after any critical area regulations amended in accordance with the Growth Management Act mandated 7-Year compliance review of the Comprehensive Plan or within six (6) months following the date that any subsequent related appeals are settled, whichever is later.

Section 3. Effective date. The effective date of this ordinance shall be

August 22, 2004.

Section 4. 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 28th day of July, 2004.

ATTEST:

Sheila McAllister
Clerk of the Council, *asst.*

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John M. Koster
Chairperson

- APPROVED
 EMERGENCY
 VETOED

DATE: 8/12/04

ATTEST:

Conni Merrin

Clara G. Ruhl
County Executive

Approved as to form only:

Deputy Prosecuting Attorney