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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-094

AN ORDINANCE RESPONDING TO
THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED BY THE GROWTH
MANAGEMENT ACT (GMA), RCW 36.70A.130, RELATING TO THE GMA
PUBLIC PARTICIPATION PROGRAM; ADDING A NEW SECTION TO
CHAPTER 30.73 SCC; AMENDING THE TITLE OF CHAPTER 30.74 SCC; AND
ADDING A NEW SECTION TO CHAPTER 30.74 SCC

WHEREAS, RCW 36.70A.040 requires each jurisdiction planning under the GMA to adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, Snohomish County adopted its GMA Comprehensive Plan (GMACP) on June 28, 1995 with the enactment of Amended Ordinance 94-125; and

WHEREAS, RCW 36.70A.140 requires the adoption of a GMA public participation program providing for early and continuous public involvement in the development and amendment of GMA comprehensive plans and development regulations; and

WHEREAS, every seven years, jurisdictions planning under the GMA are required by RCW 36.70A.130 to review their comprehensive plans and development regulations and adopt any revisions necessary to achieve compliance with the GMA; and

WHEREAS, in 2002 the Legislature amended RCW 36.70A.130 to extend the deadline for the initial seven-year compliance review to December 1, 2004 for several jurisdictions, including Snohomish County; and

WHEREAS, in the spring of 2003 the County provided general notice of the seven-year review process, along with the separate 10-year update process, through its widely disseminated *Focus on Tomorrow Newsletter* and through updates to the county website; and

WHEREAS, public open houses concerning the seven-year compliance review, as well as the 10-year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

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WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-year update with the public; and

WHEREAS, in April 2004, the County updated the public on the seven-year compliance review and 10-year update process through its widely disseminated *Focus on the Future Newsletter* and placed on the county website and through updates to the county website; and

WHEREAS, the County held public hearings concerning the seven-year compliance review and 10-year update in Arlington on June 1, 2004 and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-year update with the public; and

WHEREAS, PDS staff hosted public workshops on the seven-year compliance review and 10-year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the County Council and Planning Commission hearing was held in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-year update to the Planning Commission and the County Council Planning Committee; and

WHEREAS, based on the information provided during the public process and on extensive internal review of the County's GMACP and GMA development regulations, PDS completed the list of tasks to be taken in response to the seven-year compliance review required by RCW 36.70A.130, and forwarded the same to the County Council for consideration on July 27, 2004; and

WHEREAS, on July 28, 2004, the County Council scheduled public hearing for August 11, 2004 to consider the scope of the seven-year compliance review based upon the recommended task list provided by PDS, which was advertised to the public; and

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WHEREAS, at the public hearing on August 11, 2004, the County Council heard public testimony on the scope of review for the seven-year compliance review recommended by PDS and responded to written comments from the public; and

WHEREAS, following public testimony at the hearing on August 11, 2004, the County Council passed Amended Motion 04-329, which adopted the task list recommended by PDS as Exhibit A, with minor corrections to improve the accuracy of information contained in PDS list and attached exhibits; and

WHEREAS, among the action items included in the list adopted by Amended Motion 04-329 was an update to the County's GMA Public Participation Program to ensure consistency with the review and evaluation schedules mandated by RCW 36.70A.130; and

WHEREAS, this ordinance amends chapters 30.73 and 30.74 SCC to improve consistency with the review and evaluation requirements of RCW 36.70A.130, as amended by the Legislature in 2002, and with other GMA goals and requirements relating to public participation; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the Planning Commission on August 24, 2004, to consider the code amendments adopted by this ordinance and recommendations provided by PDS; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the County Council on November 17, 2004 to consider the entire record and to hear public testimony concerning the code amendments adopted by this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Based on the entire record of testimony and exhibits, including all oral and written testimony before the County Council and Planning Commission, the Council incorporates the forgoing recitals as findings and adopts the following additional findings:

- A. Prior to the adoption of this ordinance, chapter 30.73 SCC did not set forth a schedule for the seven-year compliance review and 10-year update required by RCW 36.70A.130.

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- B. Prior to the adoption of this ordinance, the title of chapter 30.74 SCC was not clearly identified as the "GMA Public Participation Program," although this chapter sets forth the basic requirements for proposing amendments to the County's GMACP and GMA development regulations.
- C. Published notices in the Everett Herald and local newspapers, as well as letters to interested parties, were used to notify the public of hearings held before the Planning Commission and County Council to consider the code amendments adopted by this ordinance.
- D. Addendum No. 40 to the Final Environmental Impact Statement (EIS) for the GMACP was issued on August 11, 2004. This addendum describes the amendments adopted by this ordinance and adds information and analysis of the significant impacts identified for the alternatives analyzed in the Draft EIS dated April 11, 1994 and Final EIS issued on June 21, 1995. The information and analysis in Addendum No. 40 expanded on previously identified alternatives but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's adopted environmental documents. No additional significant impacts beyond those identified in the original EIS are expected to occur.

Section 2. Based on the entire record of testimony and exhibits, including all oral and written testimony before the County Council and Planning Commission, the Council adopts the following conclusions:

- A. The amendments to chapters 30.73 SCC and 30.74 SCC adopted by this ordinance bring the County into compliance with the 2002 amendments to RCW 36.70A.130 by specifying a schedule for future review and evaluation of comprehensive plans and development regulations.
- B. The amendments to the title of chapter 30.74 SCC adopted by this ordinance achieve better compliance with the goals and requirements of the GMA related to public participation, particularly RCW 36.70A.020(11) and RCW 36.70A.140, by clearly denoting chapter 30.74 SCC as the County's GMA Public Participation Program.
- C. The amendments to chapters 30.73 SCC and 30.74 SCC adopted by this ordinance are consistent with the procedural and substantive requirements of the GMA.

- D. The amendments to chapters 30.73 SCC and 30.74 SCC adopted by this ordinance are consistent with the Snohomish County GMACP and CPPs.
- E. The public process leading to the adoption of this ordinance satisfied the requirements of chapter 30.73 SCC and 30.74 SCC.
- F. The amendments adopted by this ordinance are within the scope of analysis contained in the FEIS for the GMACP, June 21, 1995, and related environmental documents adopted by the County. Addendum No. 40, which was issued on August 11, 2004, performs the function of keeping the public apprised of the refinements adopted by this ordinance by adding new information, but it does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- G. The State Environmental Policy Act requirements with respect to this proposed action have been satisfied by this addendum.

Section 3. A new section is added to Chapter 30.73 of the Snohomish County Code, adopted by Amended Ordinance No. 02-064 on December 9, 2002, to read:

30.73.083 GMA Schedule for Review of Plans and Regulations

This section establishes a schedule for the county to review and revise comprehensive plans and development regulations with public participation pursuant to the Growth Management Act, chapter 36.70A RCW:

- (1) On or before December 1, 2004, and every seven years thereafter, the county will review and evaluate the GMA comprehensive plan and development regulations for compliance with GMA; and
- (2) At least every ten years from adoption of the original GMA Comprehensive Plan (June 21, 1995), the county will review its designated urban growth areas and the densities permitted within both the incorporated and unincorporated portions of each urban growth area for accommodation of growth projections to occur in the county for the succeeding twenty-year period; and
- (3) No more than once per year, updates, proposed amendments, or revisions to the comprehensive plan may be considered by the council as part of the yearly docket process established in chapter 30.74 SCC except for amendments authorized by SCC 30.73.085.

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Section 4. The title of Chapter 30.74 SCC, adopted by Amended Ordinance No. 02-064 on December 9, 2002 is amended to read:

Chapter 30.74
GROWTH MANAGEMENT ACT PUBLIC PARTICIPATION PROGRAM
DOCKETING

Section 5. A new section is added to Chapter 30.74 of the Snohomish County Code, adopted by Amended Ordinance No. 02-064 on December 9, 2002, to read:

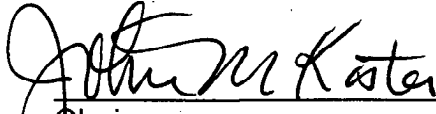
30.74.015 Annual Docket Process.

Amendments to the comprehensive plan may be proposed by the council no more than once per year as part of the annual docket process established in this chapter, except for amendments authorized by SCC 30.73.085.

Section 6. 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.

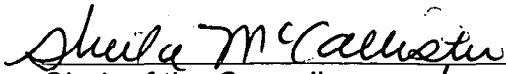
PASSED this 17th day of November, 2004

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Chairperson

ATTEST:



Clerk of the Council, *asst*

