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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 04-127

AN ORDINANCE AMENDING THE CAPITAL FACILITIES CHAPTER OF THE GENERAL POLICY PLAN CONCERNING FIRE PROTECTION, ESTABLISHING FIRE FLOW AS THE LEVEL OF FIRE PROTECTION SERVICE NECESSARY FOR DEVELOPMENT; AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED BY THE GROWTH MANAGEMENT ACT (GMA)

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 compliance review to December 1, 2004 for several jurisdictions, including Snohomish County; and

WHEREAS, in the spring of 2003 the County provided general notice that it was undertaking, pursuant to RCW 36.70A.130, the seven-year review process (hereinafter referred to as 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

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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

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, Snohomish County Department of Planning and Development Services ("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 and comment gained during the public process and on extensive internal review of the County's GMACP and GMA development regulations, PDS prepared a 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

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WHEREAS, on July 28, 2004, the County Council scheduled a 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

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 General Policy Plan Capital Facilities Chapter to replace the existing Goal CF 10, which calls for the County to coordinate with fire districts to define a common level of fire protection service for development, with a new Goal CF 10 establishing fire flow as the fire protection level of service for development; and

WHEREAS, pursuant to chapter 30.73 SCC, a properly noticed public hearing was held before the Planning Commission on September 21, 2004, to consider the GMA Plan 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 GMA Plan 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 foregoing recitals as findings as is set forth in full herein and adopts the following additional findings:

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- A. Implementation of Snohomish County General Planning Policy Goal CF 10 has proven to be impractical due to the difficulty of achieving standard levels of service that rely on manpower, training, response time and equipment for the many fire protection agencies throughout the County and due to a lack of funding for the coordination effort.
- B. Adoption of this ordinance will establish an objective level of service for fire protection necessary for development.
- C. The County has adopted the fire codes and building codes that set forth levels of fire flow necessary for development that is an agreed to industry standard, relies on capital facilities, and is easily measured in terms of adequacy.
- D. Most water districts and cities in the County have adopted fire flow standards that are a primary basis of water system plans that include water system improvements to provide fire flow necessary to serve the uses shown on the County's GMA Future Land Use Map.
- E. 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.
- F. 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:

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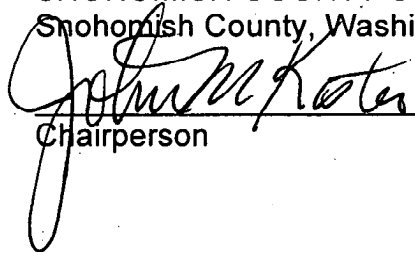
- A. The amendments to the Capital Facilities chapter of the Snohomish County GMA General Policy Plan (GPP) adopted by this ordinance comply with the goals and requirements of the GMA by establishing an agreed upon level of fire protection service necessary for development and are consistent with the County's development regulations.
- B. The amendments to the Capital Facilities Chapters of the Snohomish County GMA GPP adopted by this ordinance are consistent with the procedural and substantive requirements of the GMA.
- C. The amendments to the Capital Facilities Chapters of the Snohomish County GMA GPP adopted by this ordinance are consistent with the Snohomish County GMACP and CPP.
- D. The public process leading to the adoption of this ordinance satisfied the requirements of chapter 30.73 SCC and 30.74 SCC.
- E. 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 did not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- F. The State Environmental Policy Act requirements with respect to this proposed action have been satisfied by this addendum.

Section 3. Based upon the foregoing findings and conclusions, the Snohomish County Growth Management Act 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 Amended Ordinance No. 04-057 on May 24, 2004, is amended as indicated in the General Policy Plan (GPP) Amendment which is attached hereto as Exhibit A and incorporated by reference into this ordinance as if set forth in full.

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.

PASSED this 17th day of November, 2004

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 11/30/04


Snohomish County Executive

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney

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EXHIBIT A

General Policy Plan (GPP) Amendments

Establishing Fire Flow as the Level of Fire Protection Service Necessary for Development

The portion of the Capital Facilities chapter entitled Fire Protection, including Goal CF10, Objectives CF 10.A and CF 10.B, and CF Policy 10.B.1, found at pages CF 18-19 of the Snohomish County GMA Comprehensive Plan – General Policy Plan dated March 2003, is amended as follows:

Fire Protection

~~((Fire protection is a public service provided to citizens and properties in unincorporated areas by separate fire districts created and operated under statutory authorization and guidelines. Within Snohomish County there are currently twenty-three fire districts serving both urban and rural areas of the county. A recent survey indicates that most of these districts do not regularly prepare long range facility plans, and several have no formalized standards for response time or other service indicators. Most of these districts do not have equipment that would permit effective fire fighting above a height of thirty feet which is generally adequate in rural areas but may not be adequate for some urban developments.~~

~~A key issue raised by the GMA is the future role of fire districts in urban areas. Since the Act asserts that cities are the appropriate providers of urban governmental services, which may be understood to include fire protection at urban levels of service, fire district jurisdiction can be expected to continue to shrink as cities continue to annex land within UGAs.~~

Fire protection and emergency services are provided by either fire districts or

~~Since district operating revenue is raised through property taxes, a fiscal as well as operational crisis may be looming for many districts now serving significant urban areas.~~

~~A related issue for both the districts and the county is defining an appropriate rural level of service for fire protection. Since fire protection capability depends heavily on available water, and since many rural developments do not have and cannot economically support a public water system, it is reasonable to expect a lower level of fire fighting capability in rural areas. This is generally consistent with the reduced fire risk factor associated with low density development characteristic of rural areas. It should be noted that the primary goal of fire fighting is saving lives and containing, not preventing, property damage.))~~

city fire departments. Some cities, not large enough to support their own fire departments, contract for service with

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surrounding fire districts. There are currently 25 fire districts providing service in Snohomish County. Most do not prepare long range plans but respond to growth demands after the fact. Construction of new district fire stations is often funded by bonds approved by district residents, who thereby determine their acceptable level of service. Identifying a level of service for fire protection is difficult as services vary based upon the resources of the agency providing the services.

Service level standards can be expressed in terms of response times, equipment capacity, personnel training and fire flow. Response time is determined by geographic distribution of stations and access. Equipment capacity may limit ability to respond, for example some departments do not have equipment that can be effective above three stories. Some districts provide 24 hour trained fire fighter coverage and emergency medical staff. Areas with lower levels

of development depend on response from volunteer fire fighters.

One level of fire protection service which is consistent regardless of which agency provides protection is water system fire flow. The levels of fire flow and sprinkler requirements are established in the building and fire codes adopted by the County. While fire flow is not provided for large lot residential development, it is required for urban levels of development, thereby making the level of service commensurate with the intensity of development.

Moreover, the requirement for installation of sprinklers and fire resistant construction in new structures is shifting the proportion of calls from fire response to emergency service calls for other kinds of injury and life threatening incidents or other emergency situations where aid is required.

GOAL CF 10 ~~((Assist fire districts in defining and achieving appropriate levels of service for fire protection service and facilities within the unincorporated areas of the county.))~~

Water supply systems shall provide sufficient fire flow, as established by county development regulations, in order to provide protection at a level of service

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commensurate with the planned intensity of future development adopted in the comprehensive plan.

Objective CF 10.A

~~((Work with cities and surrounding fire districts to identify appropriate levels of service for fire protection within each UGA that reflect existing and desired capabilities and the fiscal circumstances of the providers.))~~

Match water system plans for providing fire flow with the future needs required by development as anticipated in the future land use plan.

~~((Objective CF 10.B~~

~~Work with rural fire districts and water districts, to define levels of service for rural areas which reflect existing and projected development patterns and densities.))~~

~~((CF Policy~~

~~10.B.1 The county shall periodically review and update for use in all rural areas the level of service standard for fire flow in rural areas that was developed as part of the North Snohomish County Coordinated Water System Plan.))~~

CF Policy 10.A.1

Fire flow standards shall be based on the building and fire codes adopted by the county.

CF Policy 10.A.2

The county shall work with water system owners and fire protection agencies to identify the fire flow capacity and water system improvements needed to provide the level of protection required for planned urban growth.

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CF Policy 10.A.3

The county shall work with rural water system owners and fire protection agencies to define fire flow and water system improvements needed for rural areas based on desired level of service protection and financial capability.

CF Policy 10.A.4

The county shall periodically review and update for consideration in all rural areas the level of service standard developed in the North Snohomish County Coordinated Water System Plan.

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