



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY WASHINGTON

AMENDED ORDINANCE NO. 06-115

RELATING TO LOW IMPACT DEVELOPMENT, REQUIRING THE USE OF LOW IMPACT DEVELOPMENT TECHNIQUES AS A CONDITION OF DEVELOPMENT IN NEW SOUTHWEST URBAN GROWTH EXPANSION AREAS IN THE LITTLE BEAR CREEK WATERSHED AND ADOPTING A BOUNDARY MAP OF THE LITTLE BEAR CREEK WATERSHED; ADOPTING A NEW SECTION SCC 30.63C.025

WHEREAS, the County Council finds it is in the best interests of the public to protect the natural environment in the Little Bear Creek Watershed through the use of low impact development techniques for proposed development in new Southwest Urban Growth Area (UGA) expansion areas; and

WHEREAS, low impact development (LID) is a stormwater management and land development strategy that typically is applied to projects at the individual parcel or subdivision scale. This strategy emphasizes conservation and use of on-site natural features combined with engineered, small-scale hydrologic controls to closely mimic pre-development hydrology; and

WHEREAS, the goal of LID is to prevent measurable harm to streams, lakes, wetlands and other natural aquatic systems resulting from commercial, residential, or industrial development; and

WHEREAS, the Puget Sound Action Team (PSAT) and Washington State University Pierce County Extension have jointly developed a *Low Impact Development Technical Guidance Manual for Puget Sound ("LID Manual")* that contains detailed guidance on how best to design, construct and maintain LID practices; and

WHEREAS, the *LID Manual* provides professionals involved in stormwater management and land development with a common understanding of LID goals and objectives. It provides a framework for site assessment and project design and gives specifications for individual projects. The manual also explains how individuals can obtain credits to help them reduce the size of their stormwater facilities by using LID techniques. The manual presents findings from national and international research and monitoring to help professionals make informed decisions when using LID techniques; and

WHEREAS, the County Council finds that the *LID Manual* is an important tool in mitigating adverse environmental impacts identified in the County's Final Environmental

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Impact Statement (FEIS) for the 10-Year Comprehensive Plan Update ("10-Year Update"); and

WHEREAS, on June 28, 2006, the County Council adopted a new Snohomish County Code chapter, 30.63C-Low Impact Development, which adopted for voluntary use the *LID Manual*; and

WHEREAS, during the "10-Year Update" to the County Comprehensive Plan, the Council considered expansions to the Southwest UGA into the Little Bear Creek Watershed; and

WHEREAS, testimony was provided to the County Council during public hearings on the "10-Year Update" concerning impacts to Little Bear Creek due to further urbanization; and

WHEREAS, Little Bear Creek is classified as a salmon bearing stream by the Washington State Department of Fish and Wildlife; and

WHEREAS, the Draft Environmental Impact Statement for the "10-Year Update" showed impacts to groundwater, fish and wildlife and water quality from conversion of rural lands to urban lands within the Little Bear Creek Watershed; and

WHEREAS, the Final EIS for the "10-Year Update" recommended the use of low impact development stormwater management techniques as a mitigation measure for new development on properties that would have been added to the Southwest UGA in the Little Bear Creek Watershed; and

WHEREAS, the County Council did not amend the Southwest UGA boundary as part of the "10-Year Update;" and

WHEREAS, proposals in the 2006 Final Docket to expand the Southwest UGA into the Little Bear Creek drainage basin merit consideration, concurrent with policy and implementing regulations requiring the use of LID techniques in the drainage basin; and

WHEREAS, the precise location of a watershed divide can be difficult to determine, can change over time, and can be affected by roads, ditches, berms, pipes, buildings, and other landscape alterations; and

WHEREAS, modern mapping techniques including light detection and ranging (LiDAR) make it possible to create very precise topographic maps over large areas without the time and expense that would be required by an on-site survey; and

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WHEREAS, adopting a boundary map will provide clarity on the geographic extent of this regulation and eliminate the need for expensive and time-consuming delineation of the basin on a parcel-by-parcel basis, streamlining the implementation of this regulation; and

WHEREAS, the County Council requested that policy and code amendments to require the use of LID in Little Bear Creek be included in the final 2006 docket under a placeholder in Motion 06-080 adopted on April 19, 2006; and

WHEREAS, Snohomish County utilized Light Detection and Ranging (LiDaR) data to create the boundary of the Little Bear Creek Watershed; and

WHEREAS, the Planning Commission held a public hearing for the development code amendment on September 26, 2006; and

WHEREAS, the County Council held a public hearing on December 11, 2006 continued to December 13 and 20, 2006, to consider the entire record and hear public testimony on Ordinance No. 06-115 adopting amendments to development regulations.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council adopts the following findings of fact and conclusions:

- A. The above recitals are incorporated herein as findings and conclusions as if set forth in full.
- B. Adoption of the proposal will require the use of feasible and appropriate LID stormwater management strategies contained in the Low Impact Development Technical Guidance Manual for Puget Sound ("LID Guidance Manual") for new development in any expansion of the Southwest UGA approved on or after December 20, 2006 that is located within the Little Bear Creek Watershed.
- C. The LID Guidance Manual provides alternative stormwater management options that can help Snohomish County protect water quality in Little Bear Creek.
- D. Adoption of the ordinance responds to testimony provided to the County Council during public hearings on the "10-Year Update" to the Comprehensive Plan concerning impacts to Little Bear Creek.
- E. The Final EIS for the "10-Year Update" recommends the use of LID as a mitigation measure for new development on properties that would have been added to the Southwest UGA.
- F. The ordinance is consistent with the Snohomish County Comprehensive Plan and the Growth Management Act (GMA).

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G. The proposal is consistent with the Snohomish County General Policy Plan Policy LU 5.B.13, which calls for the use of Low Impact Development techniques, when site conditions allow, for development within new Southwest UGA expansions areas in the Little Bear Creek Watershed.

H. The proposal is consistent with the Snohomish County General Policy Plan Policies NE 3.H.2 and 3.H.3 noted below which directly address low impact development regulations:

NE Policy 3.H.2 The county should consider adoption of the Puget Sound Action Team's Technical Guidance Manual for Low Impact Development and encourage its use in the design and construction of new development and redevelopment projects.

NE Policy 3.H.3 The county shall adopt policies, programs and development regulations that encourage or create incentives for the use of low impact development techniques.

I. The boundary map of the Little Bear Creek Watershed was created by analyzing topographic data obtained through light detection and ranging and the clarity provided by having an adopted boundary will streamline the implementation of this regulation by eliminating the need for costly and time-consuming delineation of the basin on a parcel-by-parcel basis.

J. Addendum No. 3 to the GMACP 10-Year Update Final EIS was issued on September 8, 2006, for this non-project action and satisfies the requirements of the State Environmental Policy Act.

K. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

L. The planning commission was briefed on August 29, 2006, and a public hearing was held September 26, 2006.

M. A public hearing was held before the county council on December 11, 2006 which meets state and local public participation requirements for the adoption of an ordinance under the GMA.

N. The county council considered the entire hearing record, including the planning commission's recommendation, written testimony during the public comment period, and oral testimony given during public hearings before the planning commission and county council.

Section 2. A new section is added to Chapter 30.63C of the Snohomish County Code to read:

30.63C.025 Use of LID in Little Bear Creek Watershed - Required.

(1) New development, excluding single-family residential building permits, proposed within any portion of a Southwest UGA expansion area approved on or after December 20, 2006, that is located in the Little Bear Creek Watershed shall, when site conditions allow, use low impact development techniques to meet stormwater management standards instead of conventional methods identified in chapter 30.63A SCC. When site conditions prevent exclusive use of approved LID techniques, conventional stormwater management techniques contained within chapter 30.63A SCC may be used in conjunction with feasible LID techniques. LID techniques submitted for approval under this section shall be consistent with the Puget Sound Action Team's Low Impact Development Technical Guidance Manual for Puget Sound.

(2) Applications submitted pursuant to this section shall be processed in accordance with the provisions of this chapter.

(3) The Department shall maintain copies of the Little Bear Creek Watershed map adopted by the County Council for use in determining whether an application is subject to the requirements of this section.

Section 3. Based upon the foregoing findings and conclusions, and the development regulations contained in Section 2 above, the county council hereby adopts the map delineating the Little Bear Creek Watershed, which is attached hereto as Exhibit A to this ordinance.

Section 4. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or invalid or unconstitutional by 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 20th day of December, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kimble Stevens
Council Chair

ATTEST:

Sheila McCallister
Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: January 9, 2007

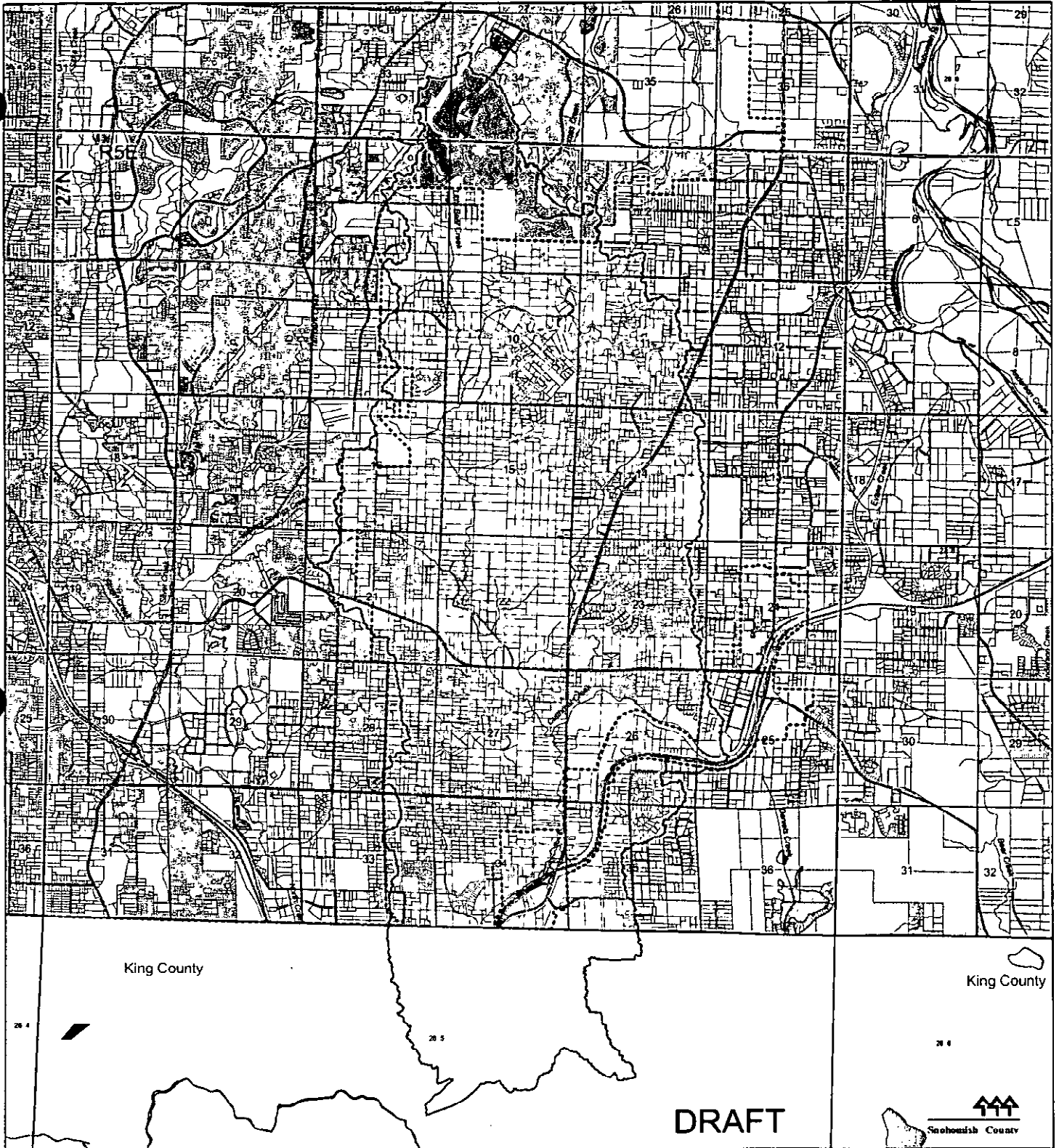
MARK SOINE
~~Deputy Executive~~
County Executive

ATTEST:

Lindy Began 01-09-07
Approved as to form only:

Deputy Prosecuting Attorney

D-13



Little Bear Creek Watershed - Southwest Snohomish County

September 2006

 Urban Growth Area Boundary

 Little Bear Creek Watershed Derived from Brightwater Project LIDAR

 Township Lines

 Section Lines

 ILR Parcel Lines



Scale in Miles

Snohomish County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either expressed or implied. No representation or warranty made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this map.