



CO00036301

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-132

RELATING TO PROCEDURES FOR TYPE 3 LEGISLATIVE DECISIONS,
AND AMENDING SECTIONS IN CHAPTER 30.73 SCC

WHEREAS, chapter 30.73 of the Snohomish County Code ("SCC" or "the code") sets forth procedures for adoption or amendment of the comprehensive plan and development regulations pursuant to the Growth Management Act (GMA, chapter 36.70A RCW); and

WHEREAS, absent clear timelines for planning commission recommendations on proposals initiated by the county council, there is a risk that proposals could be delayed indefinitely by factors such as lack of adequate staff support or inability to generate majority support for or against a proposal; and

WHEREAS, certain types of legislation, including emergency legislation, have expiration dates or other considerations that limit the time available for consideration; and

WHEREAS, providing timelines for planning commission hearings and recommendations on legislative proposals initiated by the county council ensures that the public will have an opportunity to provide input to council in a timely manner and that council will be able to take final action in a timely manner.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council makes the following findings:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. Chapter 30.73 SCC establishes procedures for Type 3 legislative decisions.
- C. Providing timelines for planning commission hearings and recommendations on legislative proposals initiated by the county council ensures that the public will have an opportunity to provide input to council in a timely manner and that council will be able to take final action in a timely manner.
- D. The amendments to chapter 30.73 SCC adopted by this ordinance relate solely to governmental procedures and contain no substantive standards respecting use or modification of the environment, and are therefore exempt from compliance with the State Environmental Policy Act (SEPA, chapter 43.21C RCW) as provided in WAC 197-11-800(19).

1 E. The amendments to chapter 30.73 SCC adopted by this ordinance relate solely to
2 governmental procedures and do not require a planning commission hearing as
3 provided in SCC 30.73.040(2)(b).
4

5 **Section 2.** The county council makes the following conclusions:
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- 7 A. Providing timelines for planning commission hearings and recommendations on
8 legislative proposals initiated by the county council is in the public interest because
9 it ensures that the public will have an opportunity to provide input to council in a
10 timely manner and that council will be able to take final action in a timely manner.
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- 12 B. The proposed ordinance is exempt from compliance with SEPA.
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- 14 C. The proposed ordinance is exempt from requirements for a planning commission
15 hearing.
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- 17 D. The amendments to sections in chapter 30.73 SCC adopted by this ordinance
18 comply with the public participation requirements of the GMA.
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20 **Section 3.** The county council bases its findings and conclusions on the entire
21 record of the county council, including all testimony and exhibits. Any finding that
22 should be deemed a conclusion, and any conclusion that should be deemed a finding, is
23 hereby adopted as such.
24

25 **Section 4.** Snohomish County Code Section 30.73.040, adopted by Amended
26 Ordinance No. 02-064 on December 9, 2002, is amended to read:
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28 **30.73.040 Planning commission hearing on Type 3 proposal.**
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- 30 (1) The planning commission shall hold at least one public hearing to consider a Type 3
31 proposal, except as provided in this section.
32 (2) Planning commission review is not required for the following:
33 (a) Emergency legislation authorized by RCW 36.70A.130(2)(b) or SCC 30.73.090;
34 (b) Procedural legislation, including legislation affecting the planning commission;
35 (c) Legislation to implement any state legislation other than the Growth Management
36 Act;
37 (d) Legislation to adopt amendments or revisions to the comprehensive plan for the
38 purpose of resolving an appeal of the comprehensive plan filed with the growth
39 management hearings board or a court; ((and))
40 (e) Legislation enacted in response to a growth management hearings board decision
41 pursuant to RCW 36.70A.300 declaring all or part of the comprehensive plan or a
42 development regulation invalid; and
43 (f) Setting of the final docket pursuant to SCC 30.74.050.
44 (3) If a Type 3 proposal is referred to the planning commission by the county council,
45 the planning commission shall hold a public hearing within 90 days of the date council
46 refers the proposal to the planning commission, unless:

- 1 (a) The county council specifies a different schedule when it refers the proposal to the
2 planning commission;
3 (b) The proposal is subject to the environmental review procedures of chapter 43.21C
4 RCW and it is determined to have probable significant adverse environmental impacts,
5 in which case the planning commission shall hold a public hearing within 60 days of the
6 completion of the draft environmental impact statement or draft supplemental
7 environmental impact statement prepared under chapter 43.21C RCW; or
8 (c) The proposal would amend the comprehensive plan, in which case the planning
9 commission shall hold a public hearing within one year of the date council refers the
10 proposal to the planning commission or on the same date as the next planning
11 commission hearing to consider docketing proposals submitted pursuant to chapter
12 30.74 SCC, whichever comes first.
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14 **Section 5.** Snohomish County Code Section 30.73.060, adopted by Amended
15 Ordinance No. 02-064 on December 9, 2002, is amended to read:
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17 **30.73.060 Planning commission action on Type 3 proposal.**
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- 19 (1) At the conclusion of the public hearing, the planning commission shall make a
20 written recommendation and shall transmit the recommendation to the county council,
21 except as provided in SCC 30.73.060(4).
22 (2) The planning commission may recommend that the council adopt, amend and adopt,
23 or decline to adopt the Type 3 proposal.
24 (3) The planning commission recommendation shall be by the affirmative vote of not
25 less than a majority of the total members of the commission.
26 (4) A planning commission recommendation is not required for a Type 3 proposal
27 initiated and abandoned by the planning commission.
28 (5) If the planning commission does not adopt and transmit a recommendation to the
29 county council within 45 days following the deadline for a planning commission hearing
30 as specified in SCC 30.73.040(3), council may consider the proposal without a planning
31 commission recommendation as provided in SCC 30.73.070.
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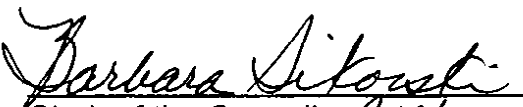
33 **Section 6. Severability and savings.** If any section, sentence, clause, or phrase
34 of this ordinance shall be held to be invalid or unconstitutional by the Growth
35 Management Hearings Board or a court of competent jurisdiction, such invalidity or
36 unconstitutionality shall not affect the validity or constitutionality of any other section,
37 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
38 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
39 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
40 the effective date of this ordinance shall be in full force and effect for that individual
41 section, sentence, clause or phrase as if this ordinance had never been adopted.
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1 PASSED this 22nd day of October, 2008.

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3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

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6 
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8 Chairperson

9 ATTEST:

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11 
12 Clerk of the Council, ASST.

- 13
14
15 () APPROVED
16 () VETOED
17 () EMERGENCY

18 DATE: _____

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22 _____
23 County Executive

24 ATTEST:

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27 _____
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29 Approved as to form only:

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31  9/22/08
32 Deputy Prosecuting Attorney
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