



CO00037297

1 Approved:  
2 Effective:

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4  
5 SNOHOMISH COUNTY COUNCIL  
6 SNOHOMISH COUNTY, WASHINGTON

7  
8 AMENDED ORDINANCE NO. 09-048  
9

10 RELATING TO THE GROWTH MANAGEMENT ACT (GMA),  
11 AMENDING AND ADDING GENERAL POLICY PLAN (GPP) TEXT TO THE NATURAL  
12 ENVIRONMENT (NE) CHAPTER OF THE SNOHOMISH COUNTY  
13 GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP)-GPP  
14

15 WHEREAS, the Federal Clean Water Act (CWA) requires states and their local  
16 governments to take steps to implement the National Pollutant Discharge Elimination  
17 System (NPDES) permit program; and  
18

19 WHEREAS, the United States Environmental Protection Agency (EPA)  
20 developed rules to implement the CWA regulations in two phases called Phase I and  
21 Phase II; and  
22

23 WHEREAS, chapter 90.48 Revised Code of Washington (RCW), Washington  
24 State Water Pollution Control Law, authorizes the Washington State Department of  
25 Ecology (DOE) to implement the NPDES permit program at the state level; and  
26

27 WHEREAS, pursuant to chapter 173-226 of the Washington Administrative Code  
28 (WAC), the DOE originally issued Snohomish County a Phase I Municipal Stormwater  
29 Permit on July 5, 1995. Snohomish County was re-issued a Phase I Municipal  
30 Stormwater Permit by DOE on February 16, 2007; and  
31

32 WHEREAS, the stormwater management objective and policies as contained in  
33 the NE chapter of the GMACP-GPP were last updated on December 30, 2005, in  
34 Ordinance No. 05-069; and  
35

36 WHEREAS, to achieve consistency with the Phase I Municipal Stormwater  
37 Permit requirements and current stormwater management development regulations,  
38 Snohomish County must amend the stormwater management objective and policies as  
39 contained in the NE chapter of the GMACP-GPP; and  
40

41 WHEREAS, RCW 36.70A.130 and RCW 36.70A.470 direct Snohomish County to  
42 adopt procedures for interested persons to propose amendments and revisions to the  
43 GMACP or development regulations; and  
44

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OF THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT  
COMPREHENSIVE PLAN (GMACP)-GPP

1 WHEREAS, pursuant to RCW 36.70A.130, with certain exceptions, the  
2 Snohomish County Council may consider proposed revisions to the GMACP no more  
3 frequently than once a year; and  
4

5 WHEREAS, the Snohomish County Council adopted chapter 30.74 Snohomish  
6 County Code (SCC), "Growth Management Act Public Participation Program  
7 Docketing," to comply with the requirements of RCW 36.70A.130 and RCW 36.70A.470;  
8 and  
9

10 WHEREAS, the Snohomish County Council has determined that consideration of  
11 the proposed amendments and revisions to the GMACP-GPP and development  
12 regulations would promote a legitimate county purpose as established under RCW  
13 36.70A.130, RCW 36.70A.470 and chapter 30.74 SCC; and  
14

15 WHEREAS, the Snohomish County Department of Planning and Development  
16 Services (PDS) completed review and evaluation of the proposed GMACP-GPP  
17 amendments to the NE chapter regarding stormwater management and forwarded  
18 recommendations to the Snohomish County Planning Commission; and  
19

20 WHEREAS, the Snohomish County Planning Commission held a public hearing  
21 on the proposed GMACP-GPP amendments on January 27, 2009 and forwarded a  
22 recommendation to the Snohomish County Council to approve the amendments; and  
23

24 WHEREAS, the Snohomish County Council held a public hearing on July 8, 2009  
25 continued to August 12, 2009, to consider the entire record, including the planning  
26 commission recommendations on the proposed GMACP-GPP amendments and to  
27 hear public testimony on this ordinance.  
28

29 NOW, THEREFORE, BE IT ORDAINED:  
30

31 Section 1. The foregoing recitals are incorporated by this reference as though  
32 set forth in full.  
33

34 Section 2. The county council makes the following findings of fact:  
35

36 A. The proposed amendments are consistent with the Phase I Municipal  
37 Stormwater Permit issued on February 16, 2007.  
38

39 B. Pursuant to SCC 30.74.020(5), the proposed amendments maintain consistency  
40 with all requirements of the GMA and the following GMA planning goal:  
41

42 **(10) Environment.** Protect the environment and enhance the state's high  
43 quality of life, including air and water quality, and the availability of water.

1 C. Pursuant to RCW 36.70A.130, RCW 30.70A.110, RCW 36.70A.020(11), and  
2 RCW 36.70A.035, the proposed amendments satisfy the procedural and substantive  
3 requirements of the GMA.  
4

5 D. Pursuant to RCW 36.70A.210, the proposed amendments maintain  
6 consistency with the Multicounty Planning Policies (MPPs) adopted by the Puget  
7 Sound Regional Council (PSRC) in *Vision 2040* related to stormwater management,  
8 including:  
9

- 10 1. **MPP-EN-3** Maintain and, where possible, improve air and water quality, soils,  
11 and natural systems to ensure the health and wellbeing of people, animals,  
12 and plants. Reduce the impacts of transportation on air quality and climate  
13 change.
- 14 2. **MPP-EN-4** Ensure that all residents of the region, regardless of social or  
15 economic status, live in a healthy environment, with minimum exposure to  
16 pollution.
- 17 3. **MPP-EN-5** Locate development in a manner that minimizes impacts to natural  
18 features. Promote the use of innovative environmentally sensitive  
19 development practices, including design, materials, construction, and on-  
20 going maintenance.
- 21 4. **MPP-EN-6** Use the best information available at all levels of planning,  
22 especially scientific information, when establishing and implementing  
23 environmental standards established by any level of government.
- 24 5. **MPP-EN-12** Preserve and restore native vegetation to protect habitat,  
25 especially where vegetation contributes to the overall ecological function and  
26 where invasive species are a significant threat to native ecosystems.
- 27 6. **MPP-EN-13** Maintain natural hydrological functions within the region's  
28 ecosystems and watersheds and where feasible, restore them to a more  
29 natural state.
- 30 7. **MPP-DP-30** Establish best management practices that protect the long-term  
31 integrity of the natural environment, adjacent land uses, and, the long-term  
32 productivity of resource lands.
- 33 8. **MPP-PS-8** Promote improved conservation and more efficient use of water,  
34 as well as the increased use of reclaimed water, to reduce wastewater  
35 generation and ensure water availability.
- 36 9. **MPP-PS-20** Protect the source of the water supply to meet the needs for both  
37 human consumption and for environmental balance.  
38

39 E. Pursuant to RCW 36.70A.210, the proposed amendments maintain consistency  
40 with the Countywide Planning Policies for Snohomish County (CPPs) related to  
41 stormwater management adopted by the Snohomish County Council following  
42 the Snohomish County Tomorrow (SCT) process, including:  
43

- 1           1. **CPP UG-16** Minimize the adverse impacts on resource lands from storm  
2           water drainage, light and glare, and pedestrian and automobile traffic in  
3           designing new developments within towns and cities.
- 4           2. **CPP RU-3** Establish rural infrastructure standards that are consistent with  
5           appropriate rural development patterns and densities. In general, such  
6           standards will preclude the development of public wastewater collection and  
7           public storm water collection systems in rural areas, reflecting lower densities  
8           and land coverages in these areas....

9  
10       F. Pursuant to SCC 30.74.020(5), the proposed amendments maintain consistency  
11       with the goals, objectives, and policies in other chapters of the GMACP–GPP  
12       and the following goal related to stormwater management:

13           **Goal NE 3.** Comply with the requirements of state, federal and local laws for  
14       protecting and managing critical areas, shorelines, and water.

15  
16  
17       G. Objective NE 3.H is related to compliance with the Phase I Municipal Stormwater  
18       Permit issued by DOE. The title of the permit described in this objective is listed  
19       incorrectly as the “NPDES permit.” The proposed policy amendment results in  
20       deletion of the incorrect reference and replaces it with “Phase I Municipal  
21       Stormwater Permit,” the correct title of the permit.

22  
23       H. NE Policy 3.H.1 currently requires the preparation and implementation of a  
24       Stormwater Pollution Prevention Plan (SWPPP) according to the terms of the  
25       NPDES permit. On March 9, 2005, Snohomish County adopted Rule 3044 which  
26       establishes guidelines and procedural standards for SWPPPs. The proposed  
27       policy amendment deletes outdated policy language requiring the preparation  
28       and implementation of a SWPPP and introduces new policies relating to  
29       eliminating illicit discharges and sediment transport and regulating stormwater  
30       and land disturbing activity. The proposed policy amendments are necessary to  
31       encourage protection of properties and waters from adverse impacts and reduce  
32       the discharges of pollutants and impacts to receiving waters. The proposed  
33       policy amendment also results in deletion of the incorrect reference to the  
34       “NPDES permit” and replaces it with the correct title of the permit as noted in  
35       Finding G above.

36  
37       I. NE Policy 3.H.2 states that adoption of the Puget Sound Action Team’s  
38       Technical Guidance Manual for Low Impact Development (LID Guidance  
39       Manual) should be considered. On June 28, 2006, in Ordinance No. 06-044,  
40       Snohomish County adopted the LID Guidance Manual for development  
41       within Snohomish County. The proposed policy amendment results in  
42       deletion of the language encouraging the use of the LID Guidance Manual  
43       and updates NE Policy 3.H.2 to address the enforcement and inspection  
44       process required by the Phase I Municipal Stormwater Permit.

- 1  
2 J. NE Policy 3.H.3 requires adoption of programs and development regulations  
3 that encourage LID incentives. The proposed policy amendment results in  
4 deletion of the optional provision and replaces it with strengthened policy  
5 language that allows or requires the use of LID techniques consistent with  
6 the Phase I Municipal Stormwater Permit.  
7  
8 K. NE Policy 3.H.4 promotes water quality. The proposed policy amendment  
9 results in deletion of the reference to water quality and renumbers it to NE  
10 Policy 3.H.6. NE Policy 3.H.4 is replaced with language that encourages  
11 timely review of projects that incorporate LID techniques.  
12  
13 L. The proposed addition of NE Policy 3.H.5 related to site planning is necessary to  
14 provide current policy direction to minimize impacts of stormwater runoff  
15 consistent with the terms of the Phase I Municipal Stormwater Permit.  
16  
17 M. NE Policy 3.H.4 currently promotes water quality and is proposed to be  
18 amended and renumbered to NE Policy 3.H.6. The proposed policy  
19 amendment clarifies the types of water quality being referred to and specifies  
20 the standards to achieve.  
21  
22 N. The proposed policy amendments are consistent with a recent Pollution  
23 Control Hearings Board decision issued August 7, 2008, in *Puget*  
24 *Soundkeeper Alliance v. State of Washington, Department of Ecology,*  
25 *PCHB Nos. 07-021, 026, 027, 028, 029, 030 and 037.*  
26  
27 O. A State Environmental Policy Act (SEPA) addendum to the final  
28 environmental impact statement for the GMACP 10-Year Update issued on  
29 December 13, 2005, was issued on January 14, 2009, for the proposed  
30 amendments. This addendum does not significantly change the analysis  
31 contained in the environmental impact statement prepared in 2005 for the  
32 GMACP, nor does it identify new or significantly different impacts.  
33

34 Section 3. The county council makes the following conclusions regarding the  
35 amendments adopted by this ordinance:  
36

- 37 A. The proposed policy amendments and additions comply with the GMA  
38 requirement that the comprehensive plan of a county or city be an internally  
39 consistent document (RCW 36.70A.070).  
40  
41 B. The proposed policy amendments and additions are necessary to address  
42 updates in stormwater management techniques and satisfy the procedural and  
43 substantive requirements of the GMA.  
44

- 1 C. The proposed policy amendments and additions are consistent with the MPPs for  
 2 Snohomish County adopted by the PSRC, the CPPs adopted by the Snohomish  
 3 County Council following the SCT process, and the policies in the GMACP–GPP.  
 4
- 5 D. The proposed policy amendments and additions are in the best interest of  
 6 Snohomish County citizens and will promote the health, safety and welfare of the  
 7 citizens of Snohomish County.  
 8
- 9 E. The proposed policy amendments and additions are consistent with the following  
 10 final review and evaluation criteria pertaining to revisions to the comprehensive  
 11 plan and implementing development regulations in SCC 30.74.060:  
 12
- 13 (a) The proposed amendment and any related proposals on the current final  
 14 docket maintain consistency with other plan elements or development  
 15 regulations;
  - 16 (b) All applicable elements of the comprehensive plan, including but not  
 17 limited to the capital plan and the transportation element, support the  
 18 proposed amendment;
  - 19 (c) The proposed amendment more closely meets the goals, objectives and  
 20 policies of the comprehensive plan than the relevant existing plan or code  
 21 provision;
  - 22 (d) The proposed amendment is consistent with the countywide planning  
 23 policies;
  - 24 (e) The proposed amendment complies with the GMA; and
  - 25 (f) New information is available that was not considered at the time the  
 26 relevant comprehensive plan or development regulation was adopted that  
 27 changes underlying assumptions and supports the proposed amendment.  
 28
- 29 F. All SEPA requirements with respect to this non-project action have been  
 30 satisfied.  
 31
- 32 G. The proposed policy amendments and additions have been broadly disseminated  
 33 and opportunities have been provided for written comments and public hearing  
 34 after effective notice.  
 35
- 36 H. The county complied with state and local public participation requirements for the  
 37 adoption of a comprehensive plan amendment under the GMA and chapter 30.73  
 38 SCC.  
 39

40 Section 4. The county council bases its findings and conclusions on the entire  
 41 record of the planning commission and the county council, including all testimony and  
 42 exhibits. Any finding, which should be deemed a conclusion, and any conclusion which  
 43 should be deemed a finding, is hereby adopted as such.  
 44

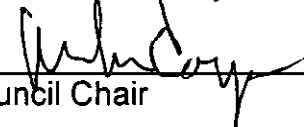
1 Section 5. Based on the foregoing findings and conclusions, the Natural  
2 Environment chapter of the Snohomish County GMACP-GPP, last amended by  
3 Amended Ordinance No. 05-069 on December 21, 2005, is amended as indicated in  
4 Exhibit A to this ordinance which is attached hereto and incorporated by reference into  
5 this ordinance as if set forth in full.

6 Section 6. The county council directs the Snohomish County Code Reviser to  
7 update SCC 30.10.060 pursuant to SCC 1.02.020(3).

8 Section 7. Severability. If any section, sentence, clause or phrase of this  
9 ordinance shall be held to be invalid or unconstitutional by the Growth Management  
10 Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality  
11 shall not affect the validity or constitutionality of any other section, sentence, clause or  
12 phrase of this ordinance. Provided, however, that if any section, sentence, clause or  
13 phrase of this ordinance is held to be invalid by the Board or court of competent  
14 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective  
15 date of this ordinance shall be in full force and effect for that individual section,  
16 sentence, clause or phrase as if this ordinance had never been adopted.

17  
18 PASSED this 12<sup>th</sup> day of August, 2009.

19  
20 SNOHOMISH COUNTY COUNCIL  
21 Snohomish County, Washington


22  
23   
24 Council Chair

25 ATTEST:

26   
27 Asst. Clerk of the Council

28  
29  APPROVED  
30  EMERGENCY  
31  VETOED

32 DATE: Aug. 31, 2009

33  
34   
35 Snohomish County Executive  
36 **AARON REARDON**  
37 County Executive

38 ATTEST:

39 

40 Approved as to form only:

41  
42  
43 \_\_\_\_\_  
44 Deputy Prosecuting Attorney

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1 Exhibit A  
2 Amended Ordinance No. 09-048  
3 Final Docket XIII Amending Policies to the GMACP  
4

5 **Objective NE 3.H** **Comply with ~~((the requirements of))~~ the county's**  
6 **Phase I Municipal Stormwater Permit ((National**  
7 **Pollutant Discharge Elimination System**  
8 **(NPDES) permit)) issued ((to the county)) by the**  
9 **Washington State Department of Ecology**  
10 **pursuant to the Clean Water Act and the**  
11 **National Pollutant Discharge Elimination System**  
12 **(NPDES).**

13  
14 **NE Policies 3.H.1** ~~((The county shall prepare and implement a Stormwater~~  
15 ~~Pollution Prevention Plan (SWPPP) according to the terms~~  
16 ~~of its NPDES permit that reduces the discharge of pollutants,~~  
17 ~~reduces impacts to receiving waters, eliminates illicit~~  
18 ~~discharges, and makes progress toward compliance with~~  
19 ~~surface water, groundwater, and sediment standards.)) The~~  
20 ~~county shall protect properties and waters from adverse~~  
21 ~~impacts by eliminating illicit discharges and sediment~~  
22 ~~transport, and regulating stormwater and land disturbing~~  
23 ~~activity to reduce the discharges of pollutants and impacts to~~  
24 ~~receiving waters.~~

25  
26 **3.H.2** ~~((The county should consider adoption of the Puget Sound~~  
27 ~~Action Team's Technical Guidance Manual for Low Impact~~  
28 ~~Development and encourage its use in the design and~~  
29 ~~construction of new development and redevelopment~~  
30 ~~projects.)) The county shall develop inspection and~~  
31 ~~enforcement procedures to prevent water quality~~  
32 ~~degradation.~~

33  
34 **3.H.3** ~~((The county shall adopt policies, programs and~~  
35 ~~development regulations that encourage or create incentives~~  
36 ~~for the use of low impact development techniques.)) The~~  
37 ~~county shall adopt programs, development regulations and~~  
38 ~~standards regulating drainage and land disturbing activity~~  
39 ~~that allow or require the use of low impact development~~  
40 ~~techniques and are consistent with the Phase I Municipal~~  
41 ~~Stormwater Permit.~~



- 1                    3.H.4            ~~((Water quality should meet or exceed state guidelines.))~~  
2    The county shall improve stormwater management  
3    permitting procedures to ensure timely review of projects  
4    that incorporate low impact development techniques.  
5  
6                    3.H.5            The county shall adopt comprehensive site planning  
7    requirements that minimize land disturbing activity and  
8    promote on-site stormwater management on new  
9    development and redevelopment project sites.  
10  
11                   3.H.6            The county shall adopt water pollution control requirements  
12    intended to ensure that receiving waters, groundwater, and  
13    stormwater in Snohomish County meet or exceed state  
14    water quality standards.