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2 Approved: June 8, 2011
3 Effective: June 24, 2011

SNOHOMISH COUNTY COUNCIL SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 11-015

RELATING TO THE GROWTH MANAGEMENT ACT, AMENDING THE HOUSING CHAPTER OF THE COUNTYWIDE PLANNING POLICIES (CPPS) OF SNOHOMISH COUNTY

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.210(2), requires the legislative authority of each county which is subject to the GMA's comprehensive planning requirements to adopt a countywide planning policy framework in cooperation with the cities and towns within that county, and from which the county's, cities' and towns' comprehensive plans are developed and adopted; and

WHEREAS, RCW 36.70A.210(3)(e) requires that countywide planning policies which govern interjurisdictional consistency of county and city planning efforts, address policies that consider the need for affordable housing for all economic segments of the population and parameters for its distribution; and

WHEREAS, the Snohomish County Tomorrow (SCT) process for updating the CPPs begins with review of the currently adopted CPPs by the Planning Advisory Committee (PAC) of SCT, followed by recommendations by the PAC to the SCT Executive Committee which makes a recommendation to the SCT Steering Committee to revise the CPPs; and

WHEREAS, the SCT Steering Committee determined that the Snohomish County Council should consider amending the housing CPPs in order to revise the policies concerning parameters for distribution of affordable housing (known as "Fair Share Housing Allocation"), and for other reasons related to consistency with GMA and the Multicounty Planning Policies (MPPs); and

WHEREAS, on October 8, 2009, the PAC formed a housing subcommittee to recommend proposals strictly for amending the housing CPPs that would be reported back to the PAC for approval by consensus; and

WHEREAS, the PAC housing subcommittee made its proposal (dated August 5, 2010, item # 7(a) in the record) to the PAC at the August 12, 2010, PAC meeting; and

WHEREAS, on October 14, 2010, the PAC recommended to the SCT Steering Committee policy recommendations and on January 13, 2011, adopted a staff report that summarizes the major themes, issues, stakeholder input, and reasons for amending the housing CPPs; and

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WHEREAS, on January 26, 2011, the SCT Steering Committee reviewed the PAC's recommended amendments to the housing CPPs, and thereafter approved its own recommendations to be forwarded to the Snohomish County Council; and

WHEREAS, the county council held a public meeting on June 1, 2011, continued to June 8, 2011 to consider the entire record, including the January 26, 2011, SCT recommendations on the proposed amendments to the housing chapter of the CPPs and to hear public testimony on this Ordinance No. 11-015.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish 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. The amendments to the housing chapter of the CPPs address the distribution of affordable housing among the county and cities and the geographic balance between jobs and housing, clarifies responsibilities among jurisdictions, removes redundant or outdated policies and adds description to the introductory section.

C. The amendments to the CPPs are consistent with the Puget Sound Regional Council's (PSRC) regional growth management strategy known as Vision 2040 and state law.

D. The county council considered the amendments to the housing chapter of the CPPs as recommended by the SCT Steering Committee on January 26, 2011.

E. Appropriate public participation has been provided through the SCT process and through a public hearing on this ordinance held after public notice on June 1, 2011 continued to June 8, 2011.

F. The county issued Addendum No. 2 of the Vision 2040 Final Environmental Impact Statement on April 29, 2011.

 G. The Washington State Attorney General issued an advisory memorandum in December of 2006 entitled Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property to help local governments avoid the unconstitutional taking of private property. The 2006 advisory memorandum was used by the County in objectively evaluating the amendments proposed by this ordinance. The amendments to the CPPs do not result in or direct the adoption of policies or regulations that would result in the unconstitutional taking of private property or violate substantive due process guarantees.

- H. The CPPs adopted by this ordinance are reasonably related to and necessary for the advancement of the GMA goals found in RCW 36.70A.020(4) to encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- The CPPs adopted by this ordinance comply with GMA requirements in RCW 36.70A.210 and RCW 36.70A.215.
- J. The CPPs adopted by this ordinance are consistent with and implement RCW 36.70A.210(3)(e) which requires that countywide planning policies include policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution.
- K. The county council adopts and incorporates the following additional specific findings of fact related to the amendments to the housing section of the CPPs:
 - 1. The amendments to the housing chapter of the CPPs delete or modify existing policies, combine existing policies, and add new policies as well as amend the title of the chapter and narrative text.
 - 2. Amended policy HO-1 modifies the current policy HO-1. Amended policy HO-1 reflects the fact that local governments in Washington State can support, but not enforce, fair housing laws.
 - 3. New policy HO-2 replaces the current policies HO-2 and HO-5. New policy HO-2 clarifies what jurisdictions must include in their comprehensive plans to ensure adequate provisions for existing and projected housing needs and that affordable housing opportunities expand in relation to the geographic needs of households.
 - 4. New polity HO-3 requires city and county comprehensive plans to include policies for accommodating housing goals and periodically evaluating success. This is intended to clarify the need for policies to accommodate regional housing goals.
 - 5. New policy HO-4 replaces the current policies HO-3 and HO-6. New policy HO-4 promotes inter-jurisdictional cooperation by encouraging the county and cities to participate in a multi-jurisdiction affordable housing program, or other cooperative effort to promote an adequate and diversified supply of housing.
 - 6. New policy HO-5 replaces the current policies HO-4 and HO-5. New policy HO-5 provides that the housing needs analysis and monitoring information, which had been presented in separate reports, be combined into a single report. HO-5 makes explicit that the report shall be easy to understand and used for planning and evaluation. It also substitutes for the Fair Share Housing Allocation a broader set of parameters for the distribution of affordable housing among jurisdictions, in accordance with GMA.

- 7. New policy HO-6 modifies and replaces current policy HO-8. Modifications are for clarification and to update references to housing types. The policy direction is unchanged.
- 8. New policy HO-7 modifies and replaces current policy HO-10. Modifications are for clarification and to update references to housing definitions. The policy direction is unchanged.
- 9. Existing policy HO-7 is deleted. It is unnecessary for CPPs to reference land use options that are provided in GMA. In addition, the deletion recognizes that rural cluster subdivisions have not reliably resulted in affordable housing and, therefore, are no longer encouraged for that purpose.
- 10. New policy HO-8 modifies and replaces current policy HO-11. Modifications are for clarification and consistency. The policy direction is unchanged.
- 11. New policy HO-9 replaces the current policy HO-13. Policy HO-9 emphasizes the interaction between land use and transportation, and supports new housing near existing and planned employment as well as new employment near existing housing.
- 12. New policy HO-10 modifies and replaces currently adopted policy HO-14. Modifications are for clarification and consistency. The policy direction is unchanged.
- 13. New policy HO-11 modifies and replaces current policy HO-15. Modifications are for clarification and consistency. The policy direction is unchanged.
- 14. New policy HO-12 modifies and replaces current policy HO-17. Modifications are for clarification and consistency. The policy direction is unchanged.
- 15. Existing policy HO-12 is deleted. The objectives of existing policy HO-12 are covered adequately in other policies of the Housing and Development Patterns sections of the CPPs.
- 16. New policy HO-13 modifies and replaces current policy HO-18. Modifications are for clarification and consistency. The policy direction is unchanged.
- 17. New policy HO-14 adds a policy to provide incentives for affordable housing. Such programs can assist in the production of affordable housing.
- 18. Existing policy HO-16 is deleted. The objectives of existing policy HO-16 are addressed in policy ED-15 of the CPPs.
- 19. Existing policy HO-19 is deleted. The county comprehensive plan and development regulations do not allow fully contained communities, and the county is not required to adopt such provisions.

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20. Existing policy HO-20 is deleted. The county comprehensive plan and development regulations do not allow master planned resort developments, and the county is not required to adopt such provisions.

21. Existing policy HO-21 is deleted. It is unnecessary for CPPs to direct readers to state law.

Section 2. The Snohomish County Council makes the following conclusions:

A. The amendments as set forth in Exhibit A would increase consistency between the CPPs and PSRC's Vision 2040 Regional Growth Strategy.

B. The amendments would increase consistency between the CPPs and the GMA.

C. SEPA requirements with respect to this non-project action have been satisfied through the issuance of Addendum No. 2 of the Vision 2040 Final Environmental Impact Statement on April, 2011.

D. The amendments satisfy the procedural and substantive requirements of RCW 36.70A.210 and are consistent with the GMA.

E. The amendments have been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice, and comply with state and local public participation requirements.

F. The amendments to the CPPs do not result in the unconstitutional taking of private property or violate substantive due process guarantees.

Section 3. The Snohomish County Council bases its findings and conclusions on the entire record before SCT and the county council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. Based on the foregoing findings and conclusions, the Housing chapter of the CPPs, including narrative text and policies, adopted by Amended Ordinance No. 11-011 on June 1, 2011, is amended as indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. The county council directs the Code Reviser to update SCC 30.10.050 pursuant to SCC 1.02.020(3).

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((POLICIES FOR)) Housing

((The goal is to provide a variety of decent, safe, and affordable housing opportunities to all-segments of the county's population.))

((The countywide housing-goals-and planning-policies-that follow-are intended to provide a framework for local jurisdictions to meet the county's housing needs in a consistent and coordinated way. The housing policies strive towards meeting the county's housing needs by a variety of means, including new and redeveloped mixed-use projects in urban-activity centers that are complemented by an infrastructure of schools, parks, shopping areas, and work places. These urban activity centers should be interconnected by a network of walkways, bikeways, and readily accessible transit-stops.))

State Context

Washington's Growth Management Act (GMA) establishes a goal pertaining to housing, to encourage a full range of housing types to meet the needs of all segments of the population, and to encourage the preservation of the existing housing stock.¹

Pursuant to the GMA, the Countywide Planning Policies (CPPs) must specifically address how local comprehensive plans will consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution among counties and cities. In turn, each county and city is obligated to plan for affordable housing consistent with the regional context determined by CPPs. Counties and cities planning under GMA must ensure that, taken collectively, their comprehensive plans provide sufficient land capacity for projected housing growth, consistent with the county's 20-year population growth allocation.

CPPs may not, however, alter the land-use powers of cities.⁵

The regional plan, Vision 2040, contains an "overarching goal" for housing that calls for the region to:

"preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices for every resident. The region will continue to promote fair and equal access

Vision 2040's Multi-county Planning Policies also require jurisdictions to establish local housing targets based on population projections, and local housing and employment targets for each designated regional growth center. 6 In

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to housing for all people."

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¹ RCW 36.70A.020(4).

² RCW 36.70A.210(3)(e) and WAC 365-196-410(2)(e)(ii).

³ WAC 365-196-410(2)(e)(ii).

⁴ RCW 36.70A.115.

⁵ RCW 36.70A.210(1).

⁶ MPP-D-3.

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addition, the housing policies of Vision	2040 place significant	emphasis on the	location of housing	g in proximity to
growth and employment centers and to	transportation and trans	sit corridors.		

Snohomish County Housing

Snohomish County continues to face the following housing challenges:

- 1. Adequate supply of affordable housing for all economic segments in each community.
- 2. Adequate supply of quality housing options in proximity or satisfactory access to places of employment.
- 3. Infill housing development and community concerns about density and design.
- 4. Adequate resources for, and equitable distribution of low-income and special needs housing across the county.
- 5. Housing types suitable for changing household demographics and an aging population.
- Maintenance of existing affordable housing stock, including mobile home and manufactured housing.

It is important to remember that housing is created, priced, and demolished as the result of complicated interactions of market forces and government policies that reach across regions and even nations. Snohomish County is part of a regional market where housing is a commodity largely produced by the private sector, with a small but significant portion provided by government housing authorities and non-profit agencies. Sufficient housing, concurrent with employment and population growth and adequate transportation access, is a regional challenge that needs attention at all levels of government.

It is beyond the financial capacity of local governments and nonprofits to satisfy unmet housing needs through their own expenditures. Historically, the federal government has taken the lead in the financial strategies, but federal funding does not meet the need. The housing affordability issue will get worse if federal funding trends continue.

Snohomish County jurisdictions recognize that their actions alone will not eliminate unmet housing needs. Financial constraints, however, are not a valid reason for jurisdictions not to address countywide unmet housing needs in their comprehensive plans' land use and housing strategies.

Despite the limited control that local governments have over housing markets, Snohomish County jurisdictions have made progress in meeting these housing challenges. Snohomish County Tomorrow regularly monitors and analyzes these housing challenges to better understand them and to suggest steps toward their diminishment. The 2007 Housing Evaluation Report illustrates that, alone and in cooperation, the county and cities have adopted policies, strategies and regulations that help preserve affordable housing or remove barriers or reduce the costs of producing new housing units.⁷

The CPPs on housing are required and intended to support both GMA and Vision 2040. Generally speaking, they follow the organization of the Vision 2040 Multi-county Planning Housing Policies.

⁷ The report can be found online at www1.co.snohomish.wa.us/Departments/PDS/Divisions/LR_Planning/Information/Plans/SCT+Reports/HER07.htm
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Snahamir	sh County and its cities will promote an affordable lifestyle where residents have access to safe, affordable,
	se housing options near their jobs and transportation options.
НО-1	((Ensure))The county and cities shall support the principle that fair and equal access to housing is available to all persons regardless of race, color, religion, gender, sexual orientation, age, national origin, familial status, source of income, or disability.
НО-2	 ((Make adequate provisions for existing and projected housing needs of all economic segments of the eounty.)) The county and cities shall make provisions in their comprehensive plans to accommodate existing and projected housing needs, including a specific assessment of housing needs by economic segment within the community as indicated in the housing report prescribed in CPP HO-5. Those provisions should consider the following factors: a. Avoiding further concentrations of low-income and special needs housing. b. Increasing opportunities and capacity for affordable housing in urban centers. c. Increasing opportunities and capacity for affordable housing close to employment, education, shopping, public services, and public transit. d. Increasing opportunities and capacity for affordable and special needs housing in areas where affordable housing is currently lacking. e. Supporting affordable housing opportunities in other Snohomish County jurisdictions, as described below in CPP HO-4.
<u>HO-3</u>	County and city comprehensive plans shall include policies for accommodating affordable housing goals throughout the County consistent with Vision 2040. The land use and housing elements should demonstrate they can accommodate needed housing availability and facilitate the regional fair share of affordable housing. Housing elements of comprehensive plans shall be periodically evaluated for success in facilitating needed housing.
НО-4	((Strengthen interjurisdictional cooperative efforts to ensure an adequate supply of housing is available to all economic segments of the county.)) The county and cities should participate in a multijurisdictional affordable housing program or other cooperative effort to promote and contribute to an adequate and diversified supply of housing countywide.
HO-5	((Adopt and implement a fair share distribution of low income and special needs housing so as to prevent further concentration of such housing into only a few areas. The county and cities will collaborate in formulating a methodology to assess existing and projected housing needs of the county's population and a fair share housing allocation methodology.))The cities and the county shall collaborate to report housing characteristics and needs in a timely manner for jurisdictions to conduct major comprehensive plan updates and to assess progress toward achieving CPPs on housing. The report shall be sufficiently easy to understand and use for planning and evaluation. To the extent made possible by the availability of valid data, this report shall, for the entire county and each jurisdiction: a. Describe the measures that jurisdictions have taken (individually or collectively) to implement or
	support CPPs on housing, especially measures taken to support housing affordability. b. Quantify and map existing characteristics that are relevant to the results prescribed in the CPPs on housing including (but not limited to):

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1 2 3 4 5 6 7 8		 i. The supply of housing units, including subsidized housing, by type, tenure, affordability, and special needs populations served. ii. The availability and general location of existing affordable housing units and the distribution and location of vouchers and similar assistance methods. iii. The supply of undeveloped, partially used and re-developable residential land. c. Identify the number of housing units necessary to meet the various housing needs of the projected population, by income ranges, and special needs populations. The number of units identified for each jurisdiction will be utilized for planning purposes and to acknowledge the responsibility of
9 10		all jurisdictions to plan for affordable housing within the regional context.
11 12 13	((HO-5	Each jurisdiction's comprehensive plan housing element will include strategies to attain the jurisdiction's fair share housing objectives. Jurisdictions will consider as appropriate the strategies for achieving affordable housing as described in OD 13.))
15 16 17	((HO 6	Production of an adequate supply of low and moderate income housing will be encouraged by exploring the establishment of interjurisdictional private/public financing programs which involve local lenders and foster cooperative efforts with non-profit housing developers.))
19 20 21 22	((HO-7	Encourage the availability of adequate affordable housing in designated urban growth areas by implementing land-use and-density-incentives as provided in RCW 36.70A.090 and in rural areas by means of cluster housing that minimizes infrastructure costs.))
23 24 25 26 27 28	HO-((8)) <u>6</u>	((Implement))The county and cities should implement policies and programs that encourage the upgrading of neighborhoods and the rehabilitation and preservation of ((the supply of)) existing((5)))legally established,)) affordable housing, including but not limited to mobile((home park))/manufactured housing((5)) and single room occupancy (SRO) housing((5, and manufactured housing)).
29 30 31 32 33 34 35 36 37	((HO 9	Implement a coordinated monitoring program to evaluate progress towards achieving housing goals and objectives on a countywide and jurisdictional level. Such a monitoring program shall entail the preparation of a housing monitoring report every five years or more frequently if housing conditions and data availability warrant. The housing report will include an assessment of the adequacy of the jurisdictions' supply of undeveloped, partially used and redevelopable residential land and applications/permits for residential development, the jurisdictions' supply of land for non-residential land uses, the location of urban-growth boundaries, and an assessment of the jurisdictions' strategies for achieving their housing objectives. The preparation of the housing report may be combined with the review and evaluation program required by UG-14.))
39 10 11 12 13 14 15 16	HO-((10)) <u>7</u>	((Ensure consistent application of county wide housing planning policies by adopting definitions of affordable housing, extremely low-income housing, very low-income housing, low-and moderate-income housing, and middle income housing as established in the Snohomish County Tomorrow growth monitoring system. These definitions))Jurisdictions shall use housing definitions consistent with those of the Snohomish County Tomorrow growth monitoring report. Definitions may be periodically revised based on consideration of local demographic data and the definitions used by the Department of Housing and Urban Development. ((The generally accepted definition of housing affordability is for a household to pay no more than 30-percent of its annual income on housing (HUD). The following definition of special needs housing shall be adopted:))

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1 2 3 4 5		((Affordable housing for persons that require special assistance or supportive care to subsist or achieve independent living, including but not limited to persons that are frail, elderly, developmentally disabled, chronically mentally ill, physically handicapped, homeless, persons participating in substance abuse programs, persons with AIDS, and youth at risk.))
6 7 8 9 10	HO-((11)) <u>8</u>	((Adopt a local-planning-process that reconciles)) Each jurisdiction's comprehensive plan should reconcile the need to encourage and respect the vitality of established residential neighborhoods with the need to identify and site essential public residential facilities for special needs populations, including those mandated under RCW 36.70A.200.
12 13 14	((HO-12	Encourage a variety of housing types and densities that allow for infill using innovative urban design techniques to foster broad community acceptance.))
15 16 17 18 19 20 21 22 23	HO-((13)) <u>9</u>	((Provide adequate, affordable housing choices for all segments of the County's work force within close proximity or adequate access to the respective places of work.)) In order to improve the jobs-to-housing balance in Snohomish County, jurisdictions shall adopt comprehensive plans that provide for the development of: a. A variety of housing choices, including affordable housing, so that workers at all income levels may choose to live in proximity to existing and planned employment concentrations and transit service; and b. Provide for employment opportunities in proximity to existing residential communities.
24 25 26 27	HO-((14)) <u>10</u>	((Encourage)) Jurisdictions should encourage the use of environmentally sensitive housing development practices in order to minimize the impacts of growth on the county's natural resource systems.
28 29 30 31	HO-((15)) <u>11</u>	((Consider)) The county and cities should consider the economic implications of proposed building and land use regulations so that the broader public benefit they serve is achieved with the least additional cost to housing.
32 33 34 35 36 37 38	((HO-16	Ensure the expeditious and efficient processing of development applications by endeavoring to process complete development applications consistent with the timelines established in state law and local ordinances. The jurisdictions shall maintain clear and specific submittal standards and the most current available information on wetlands, geologic hazardous areas, and fish and wildlife habitat conservation areas. The expeditious processing of development applications shall not result in the lowering of environmental and land use standards.))
39 40 41 42	HO-((17)) <u>12</u>	((Minimize)) The county and cities should minimize housing production costs by considering the use of a variety of infrastructure funding methods, ((including but not limited to)) such as existing revenue sources, impact fees, local improvement districts, and general obligation bonds.
43 44 45 46 47	HO-((18)) <u>13</u>	((Ensure)) Jurisdictions should ensure that((each jurisdiction's)) their impact fee ((program adds))programs add no more to the cost of each housing unit produced than a fairly-derived proportionate share of the cost of new public facilities ((needed)) necessary to accommodate the housing unit as determined by the impact fee provisions of the Growth Management Act cited in ((RCW))chapter 82.02 RCW.
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1 2 3	HO-14	The county and cities should provide incentives for affordable housing such as height or density bonuses, property tax incentives and parking requirement reductions. The incentives should apply where feasible to encourage affordable housing.
5 6 7 8	((H O-19	Require that adequate quantities of affordable housing for a broad-range of income levels are provided in fully contained communities concurrent with the development of jobs, services, and other publicly-approved project improvements. (This would be applicable only if the County has made provision for new fully contained communities.)))
10 11 12 13	((HO-20	Require that adequate quantities of affordable housing for support staff are provided in new master planned resort developments concurrent with the development of other publicly approved project improvements. (This would be applicable only if the County has made provision for new master planned resort developments.)))
15 16	((HO-21	Encourage local jurisdictions to implement housing relocation programs as provided under chapter 59.18 RCW.))