



CO00045026

1 Approved: September 28, 2011

2 Effective: Oct 16, 2011

3 SNOHOMISH COUNTY COUNCIL
4 SNOHOMISH COUNTY, WASHINGTON

5
6 AMENDED ORDINANCE NO. 11-050
7

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, AMENDING
10 SNOHOMISH COUNTY CODE (SCC) CHAPTERS 2.01, 30.29 AND 30.74 TO
11 ENSURE CONSISTENCY WITH THE COUNTYWIDE PLANNING POLICIES (CPP)
12 AND GENERAL POLICY PLAN (GPP) OF THE SNOHOMISH COUNTY GROWTH
13 MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP)
14

15 WHEREAS, the Snohomish County Council ("county council") has determined
16 that the consideration of the proposed amendments and revisions to the development
17 regulations would promote a county purpose as established under RCW 36.70A.130,
18 RCW 36.70A.470 and chapter 30.73 SCC; and
19

20 WHEREAS, a provision of the Growth Management Act ("GMA"), RCW
21 36.70A.210(2), requires the legislative authority of each county which is subject to the
22 GMA's comprehensive planning requirements to adopt a countywide policy framework
23 in cooperation with the cities and towns within that county, and from which the county's,
24 cities' and towns' comprehensive plans are developed and adopted; and
25

26 WHEREAS, on July 14, 2010, the county council approved, by Amended Motion
27 No. 10-186, a list of county-initiated comprehensive plan amendments for inclusion in
28 the list of proposed 2011 GMACP Amendments including the GPP 3 (Consistency
29 Between GPP & CPP) proposal to amend text and policies of the GPP of the GMACP
30 and development regulations, and authorized the County Executive, through the
31 Department of Planning and Development Services ("PDS"), to process the GPP 3
32 proposal consistent with chapter 30.73 SCC; and
33

34 WHEREAS, a provision of the GMA, RCW 36.70A.100, requires that
35 comprehensive plans shall be coordinated and consistent with those of other counties
36 or cities with which the county has a common border or related regional issue; and
37

38 WHEREAS, a provision of the GMA, RCW 36.70A.040(3)(d) requires that a
39 county shall adopt development regulations that are consistent with and implement the
40 comprehensive plan; and
41

1 WHEREAS, amendments to the development regulations are necessary to
2 increase consistency with the CPPs and the GPP; and

3
4 WHEREAS, on June 1, 2011, the county council held a public hearing, and
5 through Amended Ordinance No. 11-011 approved revisions to the CPPs; and

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7 WHEREAS, on June 8, 2011, the county council held a public hearing, and
8 through Amended Ordinance No. 11-015 approved revisions to the CPPs; and

9
10 WHEREAS, on June 1, 2011, the county council held a public hearing, and
11 through Amended Ordinance No. 11-021 approved revisions to the CPPs; and

12
13 WHEREAS, pursuant to chapter 30.73 SCC, PDS completed final review and
14 evaluation of the GPP 3 proposal, and forwarded recommendations to the Snohomish
15 County Planning Commission ("planning commission"); and

16
17 WHEREAS, the planning commission recommended adoption of the proposal;
18 and

19
20 WHEREAS, the county council held a public hearing on September 28, 2011, to
21 consider the entire record, including the planning commission's recommendations on
22 amendments to the development regulations to increase consistency with the GPP and
23 the CPPs and to hear public testimony on this Ordinance No. 11-050.

24
25 NOW, THEREFORE, BE IT ORDAINED:

26
27 Section 1. The Snohomish County Council makes the following findings of fact:

- 28
29 A. The county council adopts and incorporates the foregoing recitals as findings as if
30 set forth fully herein.
31
32 B. The proposed amendments are necessary in order to be more consistent with recent
33 revisions to the CPPs and the GPP.
34
35 C. The proposed amendments are consistent with and implement the GPP and the
36 CPPs, the Puget Sound Regional Council's ("PSRC") regional growth management
37 strategy known as Vision 2040 and state law.
38
39 D. No inconsistencies between the proposed amendments and the GPP and the CPPs
40 have been identified.
41

- 1 E. Snohomish County complied with RCW 36.70A.106(1) by providing advance
2 notification to the Washington State Department of Commerce.
3
- 4 F. The proposed amendments comply with all requirements of the GMA.
5
- 6 G. The Washington State Attorney General issued an advisory memorandum in
7 December of 2006 entitled Advisory Memorandum: Avoiding Unconstitutional
8 Takings of Private Property to help local governments avoid the unconstitutional
9 taking of private property. The 2006 advisory memorandum was used by the county
10 in objectively evaluating the amendments proposed by this ordinance.
11
- 12 H. Appropriate public participation has been provided through public hearings on this
13 ordinance held after public notice on June 28, 2011, and September 28, 2011.
14
- 15 I. The environmental impacts of the proposal are within the range of impacts analyzed
16 by the draft environmental impact statement ("DEIS") and final environmental impact
17 statement ("FEIS") during the Ten-Year Update to the GMACP in 2005. No new
18 impacts have been identified for this proposal, and State Environmental Policy Act
19 ("SEPA") requirements for this nonproject action have been met through issuance of
20 Addendum No. 30 to the FEIS for the Ten-Year Update to the GMACP in 2005.
21
- 22 J. The county council adopts and incorporates the following additional specific findings
23 and facts related to the amendments to the SCC:
24
- 25 1. The amendment to SCC 2.01.035 to replace the reference to former CPP UG-14
26 to current CPP GF-7 is necessary to increase consistency with the CPPs and to
27 reflect the reformatting and renumbering of the CPPs. A portion of former CPP
28 UG-14 was replaced by current CPP GF-7 which addresses the "Buildable
29 Lands" review and evaluation program requirements.
30
 - 31 2. The amendment to SCC 2.01.035 to delete reference to the five year buildable
32 land review is necessary to be consistent with RCW 36.70A.215(2)(b).
33
 - 34 3. The deletion of current SCC 30.29.110(2) is necessary to increase consistency
35 with state law, CPP DP-6 and GPP Policy UT 3.B.1. Providing sewer to a public
36 facility only for the reason that the applicant demonstrates that it is not feasible to
37 locate the public facility within a UGA is not permitted under state law, CPP DP-6
38 and GPP Policy UT 3.B.1.
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1 4. The deletion of current SCC 30.29.110(3) is necessary to increase consistency
2 with state law, CPP DP-6 and GPP Policy UT 3.B.1. Providing sewer only for
3 contractual commitments is not permitted under state law, CPP DP-6 and GPP
4 Policy UT 3.B.1.

5
6 5. The amendment to SCC 30.74.020(2) is necessary to increase consistency with
7 CPP DP-3 and new GPP Policy LU 1.A.14. SCC 30.74.020(2) addresses UGA
8 expansions and contractions that result in no increase in residential land
9 capacity. CPP DP-3 and new GPP Policy LU 1.A.14 address UGA expansions
10 and contractions that result in no net increase in residential or employment land
11 capacity.

12
13 Section 2. The county council makes the following conclusions:

14
15 A. The proposed amendments increase consistency with and implement the CPPs
16 and the GPP.

17
18 B. The proposed amendments are consistent with Vision 2040 and state law.

19
20 C. The proposed amendments are consistent with the GMA requirement that the
21 comprehensive plan of a county or city be an internally consistent document (RCW
22 36.70A.070).

23
24 D. The proposed amendments are consistent with and comply with the procedural and
25 substantive requirements of the GMA.

26
27 E. All SEPA requirements with respect to this non-project action have been satisfied,
28 through the issuance of Addendum No. 30 to the FEIS for the Ten-Year Update to
29 the GMACP in 2005.

30
31 F. The proposed amendments do not result in the unconstitutional taking of private
32 property or violate substantive due process guarantees.

33
34 G. The county complied with state and local public participation requirements under the
35 GMA and chapter 30.73 SCC.

36
37 Section 3. The county council bases its findings and conclusions on the entire record of
38 the county council, including all testimony and exhibits. Any finding, which should be
39 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
40 adopted as such.

1 Section 4. Snohomish County Code Section 2.01.035, last amended by Amended
2 Ordinance No. 02-033, on July 24, 2002, is amended to read:

3
4 **SCC 2.01.035 Buildable lands program.**

5 The department shall work with cities to develop buildable lands analysis procedures
6 reports and ~~((five-year))~~ buildable lands review and evaluation reports in accordance
7 with RCW 36.70A.215 and county-wide planning policy ~~((UG-14))~~ GF-7, subject to their
8 review and adoption on behalf of the county by the county council. Council review of
9 ~~((five-year))~~ review and evaluation reports shall be consistent with the methodology of
10 the applicable buildable lands analysis procedures report and include at least one public
11 hearing. Council action of a report under this section shall not limit the county
12 executive's ability to comment on the report for dispute resolution or other purposes.
13

14 Section 5. Snohomish County Code Section 30.29.110, last amended by Ordinance
15 No. 03-104 on September 10, 2003, is amended to read:

16
17 **SCC 30.29.110 Public sewer connection prohibited outside UGA - exceptions.**

18 Outside of a UGA, connection to public sewer is prohibited except ~~((as follows:~~
19 ~~(1) W))~~ when required by the Snohomish Health District or a state agency ~~((; or~~
20 ~~(2) To provide public sewer to a public facility, if the applicant demonstrates that it is not~~
21 ~~feasible to locate the public facility within a UGA; or))~~
22 ~~((3) Where the county has contractually committed to permit public sewer connection)).~~
23

24 Section 6. Snohomish County Code Section 30.74.020, last amended by Amended
25 Ordinance No. 10-022, on September 8, 2010, is amended to read:

26
27 **SCC 30.74.020 Submittal requirements.**

- 28 (1) Any person proposing amendments to the comprehensive plan or development
29 regulations under this chapter must submit the following to the department:
- 30 (a) A description of the proposed amendment including proposed map or text
31 changes;
 - 32 (b) The location of the property that is the subject of amendment on an assessor
33 map dated and signed by the applicant, if the proposal is for a future land use
34 map amendment;
 - 35 (c) A legal description and a notarized signature of one or more owners, if a
36 rezone is requested by owners concurrent with a requested future land use map
37 amendment;
 - 38 (d) An explanation of why the amendment is being proposed;
 - 39 (e) An explanation of how the proposed amendment is consistent with the GMA,
40 the countywide planning policies, and the goals and objectives of the
41 comprehensive plan;

1 (f) If applicable, an explanation of why existing comprehensive plan language
2 should be added, modified, or deleted; and
3 (g) A SEPA checklist.
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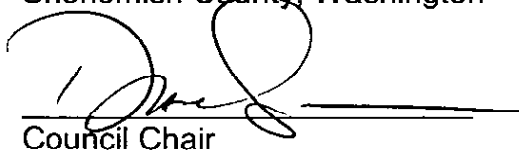
5 (2) If a proposal includes an expansion of an Urban Growth Area that would result in a
6 net increase in residential or employment land capacity and the most recent Buildable
7 Lands Report indicates that no additional land capacity of that type is needed in that
8 Urban Growth Area, the proposal must also include removal of land from that Urban
9 Growth Area so that the land capacity is not increased. The properties proposed for
10 removal from the Urban Growth Area must be contiguous with the Urban Growth Area
11 boundary and be rural in character with rural densities.
12

13 Section 7. The county council directs the Code Reviser to update SCC 30.10.060
14 pursuant to SCC 1.02.020(3).
15

16 Section 8. Severability. If any section, sentence, clause or phrase of this ordinance
17 shall be held to be invalid or unconstitutional by the Growth Management Hearings
18 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not
19 affect the validity or constitutionality of any other section, sentence, clause or phrase of
20 this ordinance. Provided, however, that if any section, sentence, clause or phrase of
21 this ordinance is held to be invalid by the Board or court of competent jurisdiction, then
22 the section, sentence, clause or phrase in effect prior to the effective date of this
23 ordinance shall be in full force and effect for that individual section, sentence, clause or
24 phrase as if this ordinance had never been adopted.
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26
27 PASSED this 28th day of September, 2011.
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29 SNOHOMISH COUNTY COUNCIL
30 Snohomish County, Washington

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Council Chair

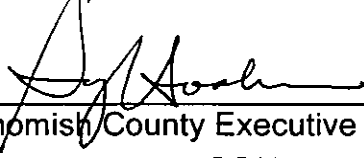
34 ATTEST:

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37 Asst. Clerk of the Council
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- APPROVED
- EMERGENCY
- VETOED

DATE: 10/6/11, 2011

for: 
 Snohomish County Executive
GARY HAAKENSON
 Deputy County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-20