

1 Adopted: 06/25/14
2 Effective: 07/07/14

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

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7 AMENDED EMERGENCY ORDINANCE NO. 14-045

8
9 RELATING TO GROWTH MANAGEMENT; ADOPTING A MORATORIUM ON
10 APPLICATIONS FOR NEW DEVELOPMENT WITHIN THE SR 530 LANDSLIDE
11 IMPACT AREA; ADDING A NEW SECTION TO CHAPTER 30.62B SCC; AND
12 DECLARING AN EMERGENCY
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15 WHEREAS, Snohomish County Executive John Lovick issued a local proclamation of
16 emergency on March 22, 2014, following a landslide between Oso and Darrington along State
17 Route (SR) 530 (the "SR 530 Landslide") that resulted in a devastating loss of life and property;
18 and
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20 WHEREAS, the SR 530 Landslide deposited earth and debris over an area of
21 unincorporated Snohomish County ("County") measuring approximately one square mile in size
22 (the "SR 530 Landslide Impact Area"); and
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24 WHEREAS, the earth and debris deposited by the SR 530 Landslide currently renders
25 the land within the SR 530 Landslide Impact Area unstable and potentially hazardous; and
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27 WHEREAS, the earth and debris deposited by the SR 530 Landslide blocked the flow of
28 the North Fork of the Stillaguamish River and created localized flooding in and near the SR 530
29 Landslide Impact Area; and
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31 WHEREAS, the course of the river through the SR 530 Landslide Impact Area continues
32 to evolve and Snohomish County, Washington State and Federal authorities cannot predict with
33 certainty at this time where the ultimate river course will run, rendering current regulatory maps
34 and regulations inadequate to govern future proposed development within the SR 530 Landslide
35 Impact Area; and
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37 WHEREAS, the slope that failed may be unstable and may contribute to the potential for
38 future landslides affecting the SR 530 Landslide Impact Area; and
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40 WHEREAS, scientists and other professionals continue to research the potential causes
41 of the SR 530 Landslide and evaluate the current stability of the failed slope; and
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43 WHEREAS, this research may lead to the conclusion that the slope that failed could
44 again fail, affecting some or all of the SR 530 Landslide Impact Area;
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46 WHEREAS, infrastructure that served development within the SR 530 Landslide Impact
47 Area, as well as monuments used to determine real property boundaries, were destroyed as a
48 result of the SR 530 Landslide; and
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50 WHEREAS, a significant amount of additional study and public involvement may be
51 required before new regulatory maps can be developed and before determining if permanent

1 changes in regulations may be appropriate to balance the potential hazards of future landslides
2 with the rights of property owners to use and develop their land, and if so, what those changes
3 should be; and
4

5 WHEREAS, the Snohomish County Council desires to reduce the potential that future
6 development will increase the number of people and dwellings that could be affected by the
7 risks associated with potential future landslides or flooding during the time that may be required
8 for study and development of new regulatory maps and potential new permanent regulations;
9 and
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11 WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council may adopt a
12 moratorium, interim zoning ordinance, interim zoning map, and/or interim official control; and
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14 WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted
15 under RCW 36.70A.390 are methods by which local governments may preserve the status quo
16 so that new plans and regulations will not be rendered moot by intervening development;
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18 NOW, THEREFORE, BE IT ORDAINED:
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20 **Section 1.** The Snohomish County Council adopts the following findings of fact and
21 conclusions:

- 22 A. The Snohomish County Council adopts and incorporates the foregoing recitals as findings
23 as if set forth fully herein.
- 24 B. Allowing new development applications to become vested under the current regulations
25 within the SR 530 Landslide Impact Area before soils are stabilized and before additional
26 study and analysis of potential landslide and flood hazards for the SR 530 Landslide
27 Impact Area are completed could increase the number of people and dwellings that could
28 be affected by future landslides or flooding in the SR 530 Landslide Impact Area.
- 29 C. A map depicting the SR 530 Landslide Impact Area is attached to this ordinance as Exhibit
30 A.
- 31 D. It is necessary and desirable to conduct further study, analysis, and public involvement on
32 the topic of soil stability and landslide and flood hazards within the SR 530 Landslide
33 Impact Area to determine whether new regulatory maps or regulations are necessary for
34 the protection of public safety, health and welfare within the SR 530 Landslide Impact
35 Area.
- 36 E. If the County were to follow its regular, non-emergency public participation procedures to
37 adopt new regulatory maps or regulations related to landslide and flood hazards without
38 first adopting a moratorium, permit applications could be submitted during the period that
39 potential new regulatory maps or regulations were being developed, which would frustrate
40 the purpose of any such potential new regulatory maps or regulations by increasing the
41 number of people and dwellings that could be affected by unstable soils and potential
42 future landslides and/or flooding.
- 43 F. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish
44 County to suspend, temporarily, the acceptance of applications for development within the
45 SR 530 Landslide Impact Area.
- 46 G. This ordinance is exempt from the public participation requirements of chapter 30.73 SCC,
47 subject to the requirements of RCW 36.70A.390.

- H. The adoption of a new section in chapter 30.62B SCC by this ordinance bears a substantial relationship to the public health, safety and welfare.
- I. Pursuant to WAC 197-11-880 and SCC 30.61.020, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA) because it is an action to avoid an imminent threat to public health or safety or to prevent an imminent danger to public or private property.
- J. The Snohomish County Council discussed possible interim regulations at public meetings on April 23, April 28, May 5, May 6, May 19, and June 2, 2014, and held a public hearing on June 25, 2014, to consider the entire record and to hear public testimony on this Emergency Ordinance No. 14-045.

Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the Snohomish County Council finds as a fact and concludes that adopting an emergency ordinance and a moratorium on development within the SR 530 Landslide Impact Area is necessary for the immediate preservation of the public peace, health or safety. Non-emergency options may not provide adequate protection to people and property that may be affected by the unstable soils and risks associated with potential future landslides and/or flooding within the SR 530 Landslide Impact Area. Based on the foregoing, the Snohomish County Council declares that an emergency exists and this ordinance shall take effect immediately.

Section 3. The Snohomish County Council hereby adopts the following moratorium:

A. The County shall not accept any applications for any development activity or actions requiring a project permit within the SR 530 Landslide Impact Area. This moratorium does not apply to any project permits or approvals that would be required for a public agency project, including but not limited to, infrastructure repairs and reconstruction, river bank stabilization and channelization, environmental clean-up or restoration and activities related to and necessary for such public agency projects as determined by the Director of Department of Planning and Development Services.

B. This moratorium shall be effective for six months. It may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. A new section is added to chapter 30.62B of the Snohomish County Code to read:

30.62B.005 Moratorium on development in the SR 530 Landslide Impact Area.

Pursuant to Amended Emergency Ordinance No. 14-045, a moratorium has been adopted to allow time for the potential development of new regulatory maps and regulations regarding development activities in the SR 530 Landslide Impact Area. The SR 530 Landslide Impact Area is identified on a map adopted in Exhibit A to Amended Emergency Ordinance No. 14-045, and such map shall be available for public review at the Department of Planning and Development Services during business hours and on the County website. During the duration of the moratorium, the County will not accept any application for any development activity or action requiring a project permit within the SR 530 Landslide Impact Area. This moratorium does not apply to any project permits or approvals that would be required for a public agency project, including but not limited to, infrastructure repairs and reconstruction, river bank

1 stabilization and channelization, environmental clean-up or restoration, and activities related to
2 and necessary for such public agency projects as determined by the Director. This section shall
3 be repealed automatically six months after the effective date of Amended Emergency Ordinance
4 No. 14-045 unless renewed.

5
6 **Section 5. Request for review.** The Snohomish County Council requests that the
7 County Executive engage affected stakeholders and communities in the review of regulatory
8 maps and regulations for development within the SR 530 Landslide Impact Area and propose
9 any policies and regulations deemed appropriate to serve the public health, safety, and welfare
10 in Snohomish County. The Snohomish County Council requests that the County Executive
11 submit a work plan to the County Council within 90 days from the effective date of this
12 ordinance outlining the scope, process, and schedule for completing this review.


13
14 **Section 6. Severability and savings.** If any section, sentence, clause, or phrase of this
15 ordinance shall be ruled to be invalid or unconstitutional by the Growth Management Hearings
16 Board or a court of competent jurisdiction, such ruling shall not affect the validity or
17 constitutionality of any other section, sentence, clause, or phrase of this ordinance, and the
18 section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be
19 in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance
20 had never been adopted.

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22 PASSED by a vote of five to zero this 25th day of June, 2014.

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24 SNOHOMISH COUNTY COUNCIL
25 Snohomish County, Washington

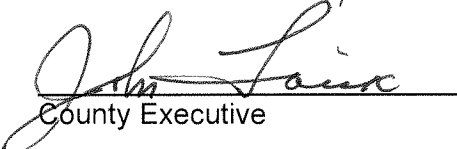
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30 _____
31 Chairperson

32 ATTEST:


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35 _____
36 Asst. Clerk of the Council

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38 APPROVED
39 EMERGENCY
40 VETOED

41 DATE: 6/27/14

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44 _____
45 County Executive

46 ATTEST:

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49 _____
50 Approved as to form only:
51 _____
Deputy Prosecuting Attorney

D-8

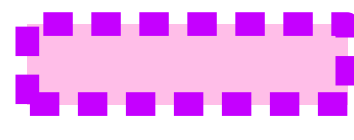


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Exhibit A
Amended Emergency Ordinance No. 14-045
SR 530 Landslide Impact Area Map

SR 530 Landslide Impact Area

06/11/2014

Post Landslide Aerial Image 05-2014

-  Landslide Impact Area
-  Flood Impact Area
-  Assessor Parcel Line

Landslide Impact Area was delineated by Snohomish County Staff and incorporated LiDAR data, aerial photography, and ground photography/review collected April and May 2014.

Flood Impact Area boundaries are based on a simulation of 100-year flow through a hydraulic river model (HEC-RAS) produced by FEMA with support from USACE that reflects the river conditions as of May 15, 2014.

Map extent depicts areas that represent significant deviation from the current Flood Insurance Rate Map Index 53061 CINDOA, Sept. 16, 2005. The SR 530 Flood Impact Area only includes those areas shown within the map extent.

This map may be updated as new information and data become available.



All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Township 32 Range 7-8 Section 1, 7, 12

