

1 Adopted: 06/24/15  
2 Effective: 06/27/15

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 EMERGENCY ORDINANCE NO. 15-042

8  
9 EXTENDING A MORATORIUM ENACTED BY AMENDED EMERGENCY  
10 ORDINANCE NO. 14-045, AND EXTENDED BY EMERGENCY ORDINANCE NO.  
11 14-105, FOR AN ADDITIONAL SIX-MONTH PERIOD; ADOPTING A  
12 MORATORIUM ON APPLICATIONS FOR NEW DEVELOPMENT WITHIN THE SR  
13 530 LANDSLIDE IMPACT AREA; AMENDING CHAPTER 30.62B SCC; AND  
14 DECLARING AN EMERGENCY  
15

16  
17 WHEREAS, RCW 36.70A.390 provides that the Snohomish County Council (“county  
18 council”) may adopt a moratorium, interim zoning ordinance, interim zoning map, and/or interim  
19 official control; and

20  
21 WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted  
22 under RCW 36.70A.390 are methods by which local governments may preserve the status quo  
23 so that new plans and regulations will not be rendered moot by intervening development; and  
24

25 WHEREAS, RCW 36.70A.390 provides that a moratorium or interim zoning control may  
26 be effective for not longer than six months, but may be renewed for one or more six-month  
27 periods if a subsequent public hearing is held and findings of fact are made prior to each  
28 renewal; and

29  
30 WHEREAS, on June 25, 2014, after a public hearing, the county council adopted  
31 Amended Emergency Ordinance No. 14-045, enacting a moratorium on applications for new  
32 development within the SR 530 Landslide Impact Area, as depicted in Exhibit A to Amended  
33 Emergency Ordinance No. 14-045, pursuant to RCW 36.70A.390. The SR 530 Landslide  
34 Impact Area also is depicted in Exhibit A to this ordinance; and  
35

36 WHEREAS, in Section 5 of Amended Emergency Ordinance No. 14-045, the county  
37 council requested the County Executive (“county executive”) engage stakeholders and  
38 communities in the review of regulatory maps and regulations for development within the SR  
39 530 Landslide Impact Area; propose any policies and regulations deemed appropriate to serve  
40 the public health, safety, and welfare in Snohomish County; and submit a work plan within 90  
41 days of the effective date of the ordinance outlining the scope, process, and schedule for  
42 completing the review; and  
43

44 WHEREAS, the county executive’s office has held five meetings since May 2014 in the  
45 communities of Darrington and Oso and the City of Arlington, such meetings focusing on topics  
46 such as debris removal, land use, property buyouts, transportation and channel migration and  
47 flooding; and

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1  
2 WHEREAS, at the October 10, 2014, county council Committee of a Whole meeting,  
3 Planning and Development Services (PDS) briefed the county council on the status of the  
4 county executive's outreach efforts and work plan that was requested in Section 5 of Amended  
5 Emergency Ordinance No. 14-045. PDS received direction from the county council to include  
6 review and update of the county's geological hazardous regulations as part of the ongoing  
7 Growth Management Act (GMA) compliance update to the county's Critical Areas Regulations  
8 (CAR); and  
9

10 WHEREAS, the work plan items and schedule for the update to the county's CAR  
11 include: best available science related to geological hazardous areas, including setbacks;  
12 requirements for geotechnical reports; options to increase notification to property owners,  
13 including title notices and /or indemnification certificates; and a review of any state law changes  
14 that have occurred since the last update to the CAR as required under state law; and  
15

16 WHEREAS, on December 17, 2014, after a public hearing, the county council adopted  
17 Emergency Ordinance No. 14-105 that extended by a period of six-months, Amended  
18 Emergency Ordinance No. 14-045; and  
19

20 WHEREAS, on February 23 and 24, 2015, the Snohomish County Planning Commission  
21 ("planning commission") held a public hearing on the proposed amendments to update the  
22 county's CAR, and PDS transmitted the planning commission's recommendation on the  
23 proposed amendments to the county council; and  
24

25 WHEREAS, on May 5, 2015, PDS briefed the county council on the proposed  
26 amendments to update the county's CAR; and  
27

28 WHEREAS, the provisions of Emergency Ordinance No. 14-045 will expire on June 27,  
29 2015, before the county council can consider adoption of amendments to the county's CAR that  
30 include updates to the county's geological hazardous regulations; and  
31

32 NOW, THEREFORE, BE IT ORDAINED:  
33

34 Section 1. The county council adopts the following findings of fact and conclusions:  
35

36 A. The county council adopts and incorporates the foregoing recitals as findings and  
37 conclusions as if set forth fully herein.  
38

39 B. Additional time is necessary for the county council to consider proposed amendments  
40 to the county's CAR, as it is anticipated that adoption of proposed amendments to the county's  
41 CAR will extend beyond the expiration of this ordinance.  
42

43 C. The emergency that existed at the time of adoption of Amended Emergency  
44 Ordinance No. 14-045, and as documented in Amended Emergency Ordinance No. 14-045  
45 continues to exist within the county, and a renewal of the moratorium on applications for new  
46 development within the SR 530 Landslide Impact Area is necessary for the continued

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1 preservation of public peace, health, and safety and for the support of county government and  
2 its existing institutions.

3  
4 D. The findings and conclusions in Section 1 of Amended Emergency Ordinance No.  
5 14-045 remain applicable to this ordinance and are incorporated herein by reference.

6  
7 E. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish  
8 County to continue to suspend, temporarily, the acceptance of applications for development  
9 within the SR 530 Landslide Impact Area.

10  
11 F. State Environmental Policy Act (SEPA) requirements with respect to this non-project  
12 action have been satisfied through the completion of an environmental checklist and a  
13 determination of non-significance that was issued on November 18, 2014.

14  
15 G. The county council held a public hearing on June 24, 2015 prior to adopting this  
16 ordinance, in accordance with RCW 36.70A.390.

17  
18 Section 2. Pursuant to section 2.120 of the Snohomish County Charter, the county council  
19 finds as a fact and concludes that adopting an emergency ordinance and a moratorium on  
20 development within the SR 530 Landslide Impact Area is necessary for the immediate  
21 preservation of the public peace, health or safety. Non-emergency options may not provide  
22 adequate protection to people and property that may be affected by the unstable soils and risks  
23 associated with potential future landslides and/or flooding within the SR 530 Landslide Impact  
24 Area. Based on the foregoing, the county council declares that an emergency exists and this  
25 ordinance shall take effect June 27, 2015.

26  
27 Section 3. The county council hereby adopts the following moratorium:

28  
29 A. The county shall not accept any applications for any development activity or actions  
30 requiring a project permit within the SR 530 Landslide Impact Area. This moratorium does not  
31 apply to any project permits or approvals that would be required for a public agency project,  
32 including but not limited to, infrastructure repairs and reconstruction, river bank stabilization and  
33 channelization, environmental clean-up or restoration and activities related to and necessary for  
34 such public agency projects as determined by the Director of PDS.

35  
36 B. This moratorium shall be effective for six months from the effective date of this  
37 ordinance. It may be renewed for more six-month periods if a subsequent public hearing is held  
38 and findings of fact are made prior to each renewal.

39  
40 Section 4. Snohomish County Code Section 30.62B.005, last amended by Emergency  
41 Ordinance No. 14-105 on December 17, 2014, is amended to read:

42  
43 **30.62B.005 Moratorium on development in the SR 530 landslide impact area.**

44  
45 Pursuant to Amended Emergency Ordinance No. 14-045 and Emergency Ordinance No. ((14-  
46 105)) 15-042, a moratorium has been adopted to allow time for the potential development of  
47 new regulatory maps and regulations regarding development activities in the SR 530 landslide

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1 impact area. The SR 530 landslide impact area is identified on a map adopted in Exhibit A to  
2 Emergency Ordinance No. ((14-105)) 15-042, and such map shall be available for public review  
3 at the department of planning and development services during business hours and on the  
4 county website. During the duration of the moratorium, the county will not accept any application  
5 for any development activity or action requiring a project permit within the SR 530 landslide  
6 impact area. This moratorium does not apply to any project permits or approvals that would be  
7 required for a public agency project, including but not limited to, infrastructure repairs and  
8 reconstruction, river bank stabilization and channelization, environmental clean-up or  
9 restoration, and activities related to and necessary for such public agency projects as  
10 determined by the director. This section shall be repealed automatically six months after the  
11 effective date of Emergency Ordinance No. ((14-105)) 15-042 unless renewed.  
12

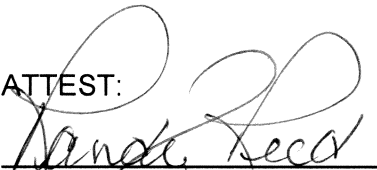
13 Section 5. Effective date. This ordinance shall take effect on June 27, 2015.  
14

15 Section 6. Severability and savings. If any section, sentence, clause, or phrase of this  
16 ordinance shall be ruled to be invalid or unconstitutional by the Growth Management Hearings  
17 Board or a court of competent jurisdiction, such ruling shall not affect the validity or  
18 constitutionality of any other section, sentence, clause, or phrase of this ordinance, and the  
19 section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be  
20 in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance  
21 had never been adopted.  
22

23 PASSED this 24<sup>th</sup> day of June, 2015.  
24

25 SNOHOMISH COUNTY COUNCIL  
26 Snohomish County, Washington

27   
28 \_\_\_\_\_  
29 Chairperson

30  
31  
32 ATTEST:  
33   
34 \_\_\_\_\_  
35 Clerk of the Council, ASST  
36

- 37 ( ) APPROVED
- 38 ( ) EMERGENCY
- 39 ( ) VETOED

40 DATE: \_\_\_\_\_  
41

42 \_\_\_\_\_  
43 County Executive  
44

45 ATTEST:  
46 \_\_\_\_\_  
47

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Approved as to form only: 6/10/15

  
Deputy Prosecuting Attorney

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Exhibit A

Emergency Ordinance No. 15-042




SR 530 Landslide Impact Area Map

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# North Snohomish County SR 530 Landslide Impact Area

06/11/2014

Post Landslide Aerial Image 05-2014

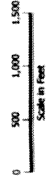
-  Landslide Impact Area
-  Flood Impact Area
-  Assessor Parcel Line

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 map data used was obtained from Washington State Department of Ecology, Snohomish County Planning and Development Department, and the City of Everett. This map is not a warranty of accuracy and is intended for informational purposes only. The City of Everett and Snohomish County Planning and Development Department are not responsible for any errors or omissions. The City of Everett and Snohomish County Planning and Development Department are not responsible for any damages or losses resulting from the use of this map. The City of Everett and Snohomish County Planning and Development Department are not responsible for any actions taken based on the use of this map. The City of Everett and Snohomish County Planning and Development Department are not responsible for any consequences of any actions taken based on the use of this map. The City of Everett and Snohomish County Planning and Development Department are not responsible for any results of any data containing false or misleading information.

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

Map created using:  AAA

