

1 Adopted: October 12, 2016
2 Effective: November 10, 2016

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 AMENDED ORDINANCE NO. 16-064

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, AMENDING THE GENERAL
10 POLICY PLAN OF THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT
11 COMPREHENSIVE PLAN (GPP11 – INNOVATIVE WATER SUPPLY)

12
13 WHEREAS, RCW 36.70A.130 directs counties planning under the Growth
14 Management Act (GMA) to consider amendments and revisions to the GMA
15 Comprehensive Plan (GMACP) or development regulations on a regular basis; and

16
17 WHEREAS, the Snohomish County Council (“county council”) has determined
18 that the consideration of the proposed amendments and revisions to the GMACP would
19 promote a county purpose as established under RCW 36.70A.130; and

20
21 WHEREAS, on July 15, 2015, the county council approved, by Amended Motion
22 No. 15-226, a list of county-initiated comprehensive plan amendments for consideration
23 and final action in 2016, including the GPP11 – Innovative Water Supply proposal, and
24 authorized the Snohomish County Executive, through the Department of Planning and
25 Development Services (PDS), to process the GPP11 – Innovative Water Supply
26 proposal consistent with chapter 30.73 Snohomish County Code (SCC); and

27
28 WHEREAS, pursuant to chapter 30.73 SCC, PDS completed final review and
29 evaluation of the GPP11 – Innovative Water Supply proposal and forwarded a
30 recommendation to the Snohomish County Planning Commission (“planning
31 commission”); and

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33 WHEREAS, PDS briefed the planning commission on the GPP11 – Innovative
34 Water Supply proposal on April 26, 2016; and

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36 WHEREAS, the planning commission held a public hearing May 24, 2016, to
37 receive public testimony on the GPP11 – Innovative Water Supply proposal and
38 recommended adoption of the amendments contained in this ordinance, as shown in its
39 recommendation letter of June 17, 2016; and

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41 WHEREAS, on October 12, 2016, the county council held a public hearing, after
42 proper notice, to receive public testimony and consider the entire record related to the
43 GPP11 – Innovative Water Supply proposed amendments contained in this ordinance;
44 and

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46 WHEREAS, following the public hearing, the county council deliberated on the
47 proposed amendments contained in this ordinance;

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2 NOW, THEREFORE, BE IT ORDAINED:
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4 Section 1. The county council adopts the following findings in support of this ordinance:
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- 6 A. The foregoing recitals are adopted as findings as if set forth fully herein.
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- 8 B. The GPP11 – Innovative Water Supply proposal adds a new policy in the Natural
9 Environment chapter of the General Policy Plan (GPP), Policy NE 9.A.4, to provide
10 county policy support of efforts to develop rainwater catchment systems and other
11 innovative water supplies as a source of domestic drinking water.
- 12 C. Under RCW 19.27.097, each applicant for a building permit of a building
13 necessitating potable water shall provide evidence of an adequate water supply
14 for the intended use of the building.
15
- 16 D. The GPP11 – Innovative Water Supply proposal would provide county policy
17 support of efforts to consider the use of rainwater catchment as an approved
18 source of potable domestic drinking water for new residential development. This
19 innovative source of drinking water could be an option for land owners in rural
20 water basins that are closed to the installation of domestic wells for new
21 residential development.
22
- 23 E. The GPP11 – Innovative Water Supply proposal is consistent with the following
24 GMA requirements: RCW 36.70A.130(1)(d), which requires that amendments to
25 a comprehensive plan be consistent with the GMA; RCW 36.70A.130(2)(a),
26 which requires that proposed amendments to a comprehensive plan be
27 considered no more frequently than once every year; RCW 36.70A.070, which
28 requires internal consistency of a comprehensive plan; and RCW 36.70A.210,
29 which requires that a comprehensive plan be consistent with the Countywide
30 Planning Policies (CPP).
31
- 32 F. The GPP11 – Innovative Water Supply proposal is consistent with the Puget
33 Sound Regional Council Vision 2040 Multicounty Planning Policies (MPP)
34 including MPP PS-17 which encourages agencies to identify and develop
35 additional water supply sources to meet the region’s long-term water needs,
36 recognizing the potential impacts on water supply from climate change and
37 fisheries protection.
38
- 39 G. The GPP11 – Innovative Water Supply proposal is consistent with the
40 Countywide Planning Policies (CPP) including CPP PS-7 which encourages
41 jurisdictions to promote improved conservation and efficient use of water to
42 ensure long-term availability.
43
- 44 H. The GPP11 – Innovative Water Supply proposal is consistent with the GPP
45 including Objective UT 2.A which states that the county should ensure that all
46 new developments have a potable water supply meeting state water quality
47 standards with sufficient capacity to serve domestic requirements.

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2 I. Procedural requirements.
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- 4 1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
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6 2. The environmental impacts of this proposal are within the range of impacts
7 analyzed by the draft environmental impact statement (DEIS) and final
8 environmental impact statement (FEIS) during the Update to the GMACP in
9 2015. No new probable significant adverse environmental impacts from this
10 proposal have been identified. Therefore, State Environmental Policy Act
11 (SEPA) requirements with respect to this non-project action have been met
12 through the issuance on May 20, 2016, of Addendum No. 5 to the FEIS for
13 the 2015 Update to the GMACP.
14
15 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
16 was transmitted to the Washington State Department of Commerce for
17 distribution to state agencies on February 25, 2016.
18
19 4. The public participation process used in the adoption of this ordinance has
20 complied with all applicable requirements of the GMA and the SCC.
21
22 5. The Washington State Attorney General last issued an advisory
23 memorandum, as required by RCW 36.70A.370, in December of 2015 entitled
24 "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
25 Property" to help local governments avoid the unconstitutional taking of
26 private property. The process outlined in the State Attorney General's 2015
27 advisory memorandum was used by Snohomish County in objectively
28 evaluating the regulatory changes proposed by this ordinance.
29

30 J. The ordinance is consistent with the record as set forth in the PDS staff reports
31 dated April 12, 2016, and May 10, 2016.
32

33 Section 2. The county council makes the following conclusions:
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- 35 A. The proposal complies with all requirements of Washington State law and county
36 code.
37
38 B. The proposal is consistent with the MPP.
39
40 C. The proposal is consistent with the CPP.
41
42 D. The proposal is consistent with the goals, objectives and policies of the GPP.
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44 E. All SEPA requirements with respect to this non-project action have been satisfied.
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46 F. This proposal does not result in an unconstitutional taking of private property for a
47 public purpose and does not violate substantive due process guarantees.

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Section 3. The county council bases its findings and conclusions on the entire record of the planning commission 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. The Natural Environment chapter of the GPP, last amended by Amended Ordinance No.14-129 on June 10, 2015, is amended as indicated in Exhibit A, which is attached hereto and incorporated by reference into this ordinance.

Section 5. The county council directs the code reviser to update SCC 30.10.060 pursuant to SCC 1.02.020(3).

Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 12th day of October, 2016

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

ATTEST:


Clerk of the Council

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- APPROVED
- EMERGENCY
- VETOED

DATE: 10/31/16



Snohomish County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-14

Exhibit A
Amended Ordinance No. 16-064
GPP11 – Innovative Water Supply
Amendments to the Natural Environment Chapter of the GPP

GOAL NE 9 **Promote energy conservation and recycling to reduce detrimental effects on the natural environmental and human health and safety.**

Objective NE 9.A **Recycle and reuse water.**

- NE Policies**
- 9.A.1 The county shall develop plans and programs for the reuse, recycling, and treatment of water.
 - 9.A.2 County facilities shall be designed, operated and maintained to ensure recycling of water occurs to the maximum extent possible.
 - 9.A.3 The county should promote the use of low impact development designs to encourage the reuse of water.
 - 9.A.4 The county should encourage the development of innovative water supplies such as rainwater catchment systems as a source of domestic drinking water.

Objective NE 9.B **Conserve nonrenewable energy resources while promoting the development and utilization of new and renewable energy resources.**

- NE Policies**
- 9.B.1 The county should adopt plans and regulations that require site planning and building design to promote energy conservation and reduce demand.
 - 9.B.2 The county shall encourage transportation alternatives such as, the expansion of transit service, carpools and vanpools to reduce consumption of fossil fuels.
 - 9.B.3 The county shall adopt and enforce the Washington State Energy Code for new construction.

Objective NE 9.C **Provide safe, efficient and cost effective disposal of solid waste while encouraging waste prevention, reduction, and recycling.**

- NE Policies**
- 9.C.1 The county shall develop plans and programs for the management of solid waste generated within Snohomish County.
 - 9.C.2 The county shall be responsible for the disposal of solid waste generated within Snohomish County.
 - 9.C.3 County facilities shall be designed, operated and maintained to ensure recycling is available and occurs when technically and economically feasible.

Exhibit A
Amended Ordinance No. 16-064
GPP11 – Innovative Water Supply
Amendments to the Natural Environment Chapter of the GPP

- 9.C.4 County offices and facilities shall set an example in waste prevention, reduction and recycling.
- 9.C.5 The county shall encourage waste prevention, reduction, and recycling of solid waste when technically and economically feasible.
- 9.C.6 The county shall design, maintain or retrofit solid waste facilities to prevent contaminated storm water run-off from the facility for the purpose of preventing water pollution.
- 9.C.7 The county shall site new solid waste handling facilities in a manner which will minimize impacts on the natural environment while providing essential solid waste disposal services.