

1 ADOPTED: 10/11/17
2 EFFECTIVE: 10/27/17

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 17-063

8
9 RELATING TO THE AUTHORITY OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
10 SERVICES TO ACCEPT DEDICATIONS; AMENDING SECTION 2.01.040 OF THE
11 SNOHOMISH COUNTY CODE

12
13 WHEREAS, Chapter 2.01 of the Snohomish County Code (“SCC”) establishes the
14 authority of the Snohomish County Department of Planning and Development Services (“PDS”);
15 and

16
17 WHEREAS, the Snohomish County Council (the “County Council”) elected to authorize
18 PDS as the decision-maker to approve or disapprove a proposed final subdivision with the
19 adoption of Amended Ordinance No. 17-045 on July 26, 2017; and

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21 WHEREAS, the code amendments to Chapter 2.01 SCC in this ordinance are necessary
22 to maintain consistency with the Code revisions adopted by the County Council through
23 Amended Ordinance No. 17-045; and

24
25 WHEREAS, the County Council has the authority to amend provisions of the Snohomish
26 County Code related to powers of the PDS Director to accept certain deeds, conveyances, and
27 covenants of real property; and

28
29 WHEREAS, on October 11, 2017, the County Council held a public hearing after public
30 notice and considered public comments and the entire record related to the code amendments
31 contained in this ordinance; and

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33 WHEREAS, following the public hearing, the County Council deliberated on the code
34 amendments contained in this ordinance;

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36 NOW, THEREFORE, BE IT ORDAINED:

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38 **Section 1.** The County Council adopts the following findings in support of this ordinance:

- 39
40 A. The foregoing recitals are adopted as findings as if set forth in full herein.
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43 B. This ordinance will amend SCC 2.01.040 to repeal an exception to the PDS Director’s
44 authority to accept dedications in a final subdivision and make housekeeping changes.
45
46 C. This action is considered procedural and is exempt from the State Environmental Policy
47 Act (SEPA), Chapter 43.21C RCW, review pursuant to WAC 197-11-800(19)(b).
48
49

1 D. The code amendments are consistent with the record as set forth in the PDS Staff Report
2 dated August 18, 2017.

3
4 **Section 2.** The County Council makes the following conclusions:

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6 A. The code amendments are consistent with Washington State law and Snohomish County
7 Code.

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9 B. The County has complied with all SEPA requirements in respect to this non-project action.

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11 C. The code amendments provide for consistency between Chapter 2.01 and Chapter 30.41A
12 of the Snohomish County Code.

13
14 **Section 3.** The County Council bases its findings and conclusions on the entire record of
15 the County Council, including all testimony and exhibits. Any finding, which should be deemed a
16 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

17
18 **Section 4.** Snohomish County Code Section 2.01.040, last amended by Amended
19 Ordinance No. 16-029 on May 11, 2016, is amended to read:

20
21 **2.01.040 Director.**

22 (1) The director shall organize, manage and administer the activities of the department. He or
23 she shall advise the executive and the council with regard to programs managed by or affecting
24 the activities of the department.

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26 (2) The director may, upon approval by the executive, issue rules as may be necessary to
27 carry out the purposes of this chapter, and upon approval by the executive and/or council, enter
28 into contracts on behalf of the county to carry out the purposes of this chapter.

29
30 (3) The director shall prepare and submit to the executive annual budget estimates for the
31 department as provided in SCC 4.26.030.

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33 (4) The director shall appoint all officers and employees of the department in accordance with
34 the rules of the county personnel system and exempt personnel system and shall implement
35 service improvements and cost reductions where possible.

36
37 (5) The director shall have the power to accept on behalf of the county, deeds, and other
38 conveyances or covenants of real property when such conveyances or covenants are tendered
39 in compliance with conditions of a land use or development permit, and consistent with adopted
40 land use, development, or engineering standards and regulations((-)), except that:

41
42 (a) Right-of-Way (ROW) conveyances shall be approved and accepted by the director of the
43 department of public works or county engineer((-)); and

44
45 (b) Road establishments are accepted under separate authority and procedures in
46 accordance with chapter 36.81 RCW and chapter 13.90 SCC.

47
48 ~~((c) Dedications of real property within the boundaries of a final subdivision are accepted
49 under separate procedure in accordance with the provisions of SGC 30.41A.650.))~~

(6) The director may delegate functions, powers, and duties to other officers and employees of the department as deemed expedient to further the purposes of this chapter.

Section 5. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid 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 a 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 11th day of October, 2017.

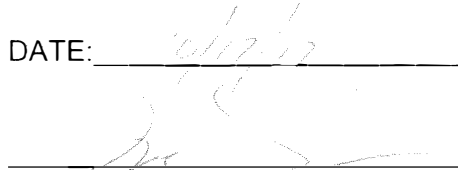
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair


ATTEST:


Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 10/12/17


County Executive

ATTEST:


1 Approved as to form only:

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 2/24/17

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Deputy Prosecuting Attorney