

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00025115

EMERGENCY ORDINANCE NO. 91-082

AMENDING AMENDED ORDINANCE NO. 90-186 AND TITLE 26B SNOHOMISH COUNTY
CODE IN ORDER TO CLARIFY LEGISLATIVE INTENT ON APPLICABILITY OF THE
AMENDED TITLE 26B TO DEVELOPMENT APPLICATIONS

WHEREAS, a question has arisen as to the Council's intent in the applicability of Amended Ordinance No. 90-186 adopted November 14, 1990,

WHEREAS, this ordinance is not intended to change existing law but to eliminate questions regarding the legislative intent of the applicability provisions of the 1990 amendments to Title 26B SCC,

NOW, THEREFORE,

Section 1. Section 30 of Amended Ordinance No. 90-186, adopted on November 14, 1990, is amended to read:

This ordinance applies to all developments for which complete applications are filed on or after its effective date. All development applications ((for development filed)) deemed complete by the Planning Division or Community Development Division as appropriate, prior to the effective date of this ordinance shall be ((controlled by the prior)) reviewed for all purposes allowed under state law, including environmental review pursuant to Title 23 SCC, under the provisions of Title 26B SCC as codified prior to the effective date of this ordinance, unless the developer, where allowed by State law, consents in writing to the application of the provisions of this ordinance thereto.

Section 2. NEW SECTION. A new section 26B.58.900 is added to chapter 26B.58 of the Snohomish County Code:

26B.58.900 Application of 1990 Title 26B SCC Amendments. All development applications deemed complete by the Planning Division or Community Development Division, as appropriate, prior to February 9, 1991, shall be reviewed for all purposes allowed under state law, including environmental review pursuant to the Snohomish County Environmental Policy Ordinance (SCEPO), Title 23 SCC, under the provisions of Title 26B SCC as codified prior to February 9, 1991, unless the developer, where allowed by state law, consents in writing to the application of the provisions of Amended Ordinance No. 90-186 thereto. The traffic impact mitigation policies of Title 26B SCC utilized for SEPA review pursuant to Title 23 SCC, will be determined with reference to the date on which a complete application was filed and not the date upon which the par-


ticular land development application vested for purposes of SEPA, unless, where allowed by state law, the developer who presented a complete application prior to February 9, 1991, consents in writing to the application of the provisions of Title 26B SCC as amended by Amended Ordinance No. 90-186 thereto.

Section 3. Emergency. The County Council finds as a fact that questions have arisen concerning the legislative intent for the applicability of the 1990 amendments to Title 26B SCC, and concerning procedures and administration of the Title 26B amendments, and the public has formed expectations in reliance on administrative interpretation and that this curative ordinance is necessary for the support of county government and its existing public institutions to eliminate questions regarding the legislative intent of the applicability provisions of the 1990 amendments to Title 26B SCC, to clarify procedural and administrative issues, and to secure expectations of the public formed in reliance thereon. Based on the foregoing, the County Council declares that an emergency exists and this ordinance shall take effect immediately.

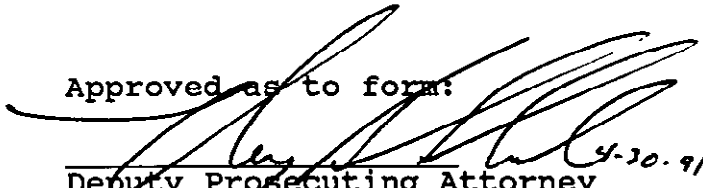
Section 4. Retroactive Application. This ordinance shall apply retroactively to February 9, 1991.

PASSED this 22nd day of May, 1991.

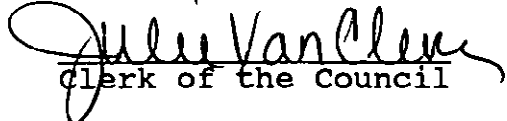
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

Approved as to form:


Deputy Prosecuting Attorney 4-30-91

ATTEST:


Clerk of the Council

- (X) APPROVED
() VETOED
() EMERGENCY

DATE: 5/22/91


County Executive

PUBLISHED _____ and _____

EMERGENCY ORDINANCE NO. 91- 082 PAGE 2
ADOPTED MAY 22, 1991; EFFECTIVE MAY , 1991

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