

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00022409

AMENDED ORDINANCE NO. 96-032

AMENDING SCC TITLE 32, ADDING A NEW CHAPTER 32.07 RELATING TO
PROCEDURES FOR PROPOSING AMENDMENTS OR REVISIONS TO THE GMA
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

WHEREAS, Snohomish County adopted a comprehensive plan to meet the requirements of the Growth Management Act (GMA) on June 28, 1995 and has adopted various development regulations to implement the GMA comprehensive plan; and

WHEREAS, RCW 36.70A.130 AND 36.70A.470 direct counties planning under the GMA to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations implementing the comprehensive plan, subject to certain restrictions; and

WHEREAS, adoption of this ordinance is an exempt action under the State Environmental Policy Act pursuant to WAC 197-11-800(20);

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter is added to Title 32 of the Snohomish County Code to read:

Chapter 32.07

PROCEDURES FOR PROPOSAL OF AMENDMENTS OR REVISIONS TO THE GMA
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

32.07.010 Purpose.

The purpose of this chapter is to establish procedures for persons to propose amendments and revisions to the county's comprehensive plan and implementing development regulations adopted under the Growth Management Act (GMA). The procedures contained in this chapter are not a substitute for county permitting procedures.

32.07.020 Scope of chapter.

(1) Any person may propose amendments or revisions to the county's comprehensive plan and implementing development regulations adopted under GMA. Proposed amendments or revisions may be acted upon by the legislative authority of the county and may include, but are not limited to:

- (a) the goals, objectives, policies and implementation measures of the GMA comprehensive plan;
- (b) the future land use map of the General Policy Plan (GPP);
- (c) the urban growth area boundaries;
- (d) the Transportation Element;
- (e) the 1995-2000 Capital Plan for Snohomish County;
- (f) the County-wide Comprehensive Park and Recreation Plan;

(g) the Shoreline Management Master Program, if necessary to maintain consistency between the master program and docketed amendment requests;

(h) any part of the Snohomish County Code adopted to meet the requirements of the GMA;

(i) changes to the zoning map if concurrent with a requested future land use map amendment; and

(j) technical corrections to any part of the GMA comprehensive plan or development regulations.

(2) This chapter is intended to supplement, and not to limit or replace, existing county authority and procedures for adopting legislation, including, but not limited to, chapter 32.05 SCC. Nothing in this chapter shall be construed to limit the legislative authority of the county to consider and adopt amendments and revisions to the GMA comprehensive plan and development regulations.

(3) In this chapter, "department" shall mean the department of planning and development services.

32.07.030 Submittal requirements.

Any person proposing amendments or revisions of the GMA comprehensive plan or development regulations under this chapter must submit the following to the department:

(1) a description of the proposed amendment including proposed map or text changes;

(2) the location of the proposed amendment on an assessor map dated and signed by the applicant, if the proposal is for a future land use map amendment;

(3) a legal description and a notarized signature of one or more owners, if a rezone is requested by owners concurrent with a requested future land use map amendment;

(4) an explanation of why the amendment is being proposed;

(5) an explanation of how the proposed amendment is consistent with GMA, the county-wide planning policies, and the goals and objectives of the GMA comprehensive plan;

(6) if applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted; and,

(7) at the option of the applicant, a SEPA checklist.

32.07.040 Initial review and evaluation of proposed amendments and revisions.

(1) The department shall conduct an initial review and evaluation of proposed amendments and revisions, and assess the extent of review that would be required under the State Environmental Policy Act (SEPA) prior to county council action. The initial review and evaluation shall include any review by other county departments deemed necessary by the department, shall be made in writing, and except as provided in SCC 32.07.050, shall be based on the following criteria:

(a) Is the proposed amendment or revision inconsistent with the county-wide planning policies, the GMA, other state or federal law, or the Washington Administrative Code?

(b) Would the proposed amendment or revision likely cause probable adverse environmental impacts which have not previously been considered and, is the time required to analyze probable adverse environmental impacts not available within the time frame for this annual docketing process?

(c) Would the proposed amendment or revision require additional analysis to determine the need for additional capital improvements and revenues to maintain level-of-service and, is the time required for this analysis not available within the time frame for this annual docketing process?

(d) Is a proposed change in the designation of agricultural and forest lands inconsistent with the designation criteria of the GMA comprehensive plan?

(e) Would the proposed amendment or revision make a change in an area that is included for subarea planning in the department's annual work program and if so, is the subarea plan scheduled for completion and final action by the council prior to the next annual amendment submittal deadline established pursuant to this chapter?

(f) Does any goal, objective or policy of the GMA Comprehensive Plan require that the proposed amendment or revision be considered at a future time?

(g) Does the proposed amendment or revision require other amendments or revisions not anticipated by the proponents and is the time required for processing those amendments or revisions not available within the time frame of this annual docketing process?

(h) Has the proposed amendment or revision been reviewed by the planning commission or county council as part of a previous proposal and, if so, have circumstances related to the proposed amendment or revision not significantly changed to support a plan or regulation change at this time?

(2) If the department determines that the answer to any of the above questions is affirmative, it shall recommend to the county council that the proposed amendment or revision not be further processed in the current amendment review cycle. The department shall inform all applicants of its initial evaluation in writing. If appropriate, the department will make recommendations to applicants whose proposed amendments or revisions which do not meet the initial evaluation regarding: (a) impact analysis needed; (b) modifications to the request to meet criteria; and (c) likelihood of inclusion of the proposal in the department's work program. Applicants may resubmit proposals to the department at any time, subject to the timelines contained in this chapter.

32.07.050 Initial criteria for rezone requests.

The department shall forward rezone requests to the planning commission and county council for review and action only if all of the questions listed below can be affirmatively answered. Rezone requests that do not meet those criteria will not be further processed, but may be resubmitted by the applicant, subject to the timelines contained in this chapter, or submitted to the department as a rezone application pursuant to chapter 18.73 SCC.

(1) Is the rezone necessary because an amendment to the future land use map of the GPP has also been proposed that meets the initial evaluation criteria listed in SCC 32.07.040?

(2) Are all public facilities and services necessary for development of the site available or programmed to be provided consistent with the GMA comprehensive plan or development regulations as determined by applicable service providers, including the department of public works for transportation?

(3) Is there an absence of special site conditions, or applicable GPP or subarea policies, such that no site plan approval would be required concurrent with the rezone?

32.07.060 Council approval of final docket.

The department shall compile a list giving the status of all proposed amendments and revisions, except as provided for in 32.07.050, and forward the list to the county council. The county council will review the list and determine in a public hearing which of the proposed amendments and revisions should be further processed. The list approved by the council shall be known as the final docket.

32.07.070 Processing of final docket.

The department will process the final docket of proposed amendments and revisions approved by the county council pursuant to SCC 32.07.060 in a manner consistent with chapter 32.05 SCC.

32.07.080 Final review and evaluation by the department.

(1) The department shall distribute the final docket of proposed amendments and revisions to any state or local agency which is required by law to review and evaluate proposed amendments and revisions to the GMA comprehensive plan and implementing development regulations. The department shall also conduct any review required by SEPA of the proposed amendments and revisions listed on the final docket.

(2) The department shall prepare a report including any recommendations on each proposed amendment and revision on the final docket and forward the report to the planning commission. At a minimum, the report shall evaluate the merits of each proposed amendment and revision based upon the following criteria:

(a) Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency on the current final docket that will be considered by the planning commission and the county council?

(b) Do all applicable elements of the GMA comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment or revision?

(c) Does the proposed amendment or revision more closely meet the goals, objectives and policies of the GMA comprehensive plan?

(d) Is the proposed amendment or revision consistent with the county-wide planning policies?

(e) Does the proposed amendment or revision comply with the requirements of the GMA?

(f) Are the assumptions underlying the applicable portions of the GMA comprehensive plan or development regulations no longer valid because new information is available which was not considered at the time the plan or regulation was adopted?

32.07.090 Timing of submittal of proposals and for consideration of GMA comprehensive plan amendments.

(1) The department will accept proposals for GMA comprehensive plan amendments and revisions at any time; however, proposals received after July 31 of each year will be processed in the next annual amendment review cycle.

(2) The department will forward the final docket of proposed GMA comprehensive plan amendments and revisions to the planning commission. The department may establish timelines and procedures as it deems necessary to administer this chapter.

(3) Except as provided in subsection (4), the county council will consider concurrently any amendments and revisions to the GMA comprehensive plan forwarded to the council for consideration, in order to ascertain the cumulative effect of the various proposals.

(4) The county council will consider proposed amendments and revisions to the GMA comprehensive plan forwarded to the council for consideration once per year, except when amendments are adopted as part of:

(a) the adoption of a subarea plan;

(b) the adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW, unless consistency with docketed amendment requests needs to be maintained;

(c) an emergency amendment necessary for the immediate preservation of the public peace, health, or safety or support of the county government and its existing institutions, or for the correction of inconsistencies between plan elements or between plan elements and development regulations, or technical or mapping errors;

(d) amendments necessitated by changes in state or federal laws; or

(e) the resolution of an appeal filed with the Central Puget Sound Growth Management Hearings Board or with a court.

32.07.100 Timing for submittal of proposals and for consideration of final docket of amendments and revisions to GMA development regulations.

(1) The department will accept proposals for amendments and revisions to GMA development regulations at any time; however, proposals received after December 15 of each year will be processed in the next amendment review cycle.

(2) The department will forward the final docket of proposed amendments and revisions to GMA development regulations to the planning commission. The department may establish timelines and procedures as it deems necessary to administer this chapter.

(3) The county council will consider the final docket of proposed amendments and revisions to GMA development regulations at least once every year.

32.07.110 Timing of review and evaluation.

Unless otherwise directed by the county council, any county department that conducts review and evaluation of the proposed amendments and revisions pursuant to SCC 32.07.080, including any necessary environmental review pursuant to the SEPA and Title 23 SCC, shall complete its evaluation prior to action by the planning commission on the

proposed amendments and revisions, except that a final or final supplemental environmental impact statement must be completed no later than seven days prior to final action by the county council.

32.07.120 Cost of environmental studies.

Applicants shall pay the cost of environmental review and studies under SEPA for proposed amendments or revisions with probable significant adverse environmental impacts that have not been previously analyzed, as required under Title 23 SCC. Applicants may contribute to the cost of other studies required by existing plan policies or development regulations in order to facilitate the preparation of these studies in a timely manner. Applicants may at their own expense and to the extent determined appropriate by the responsible official provide additional studies or other information.

32.07.130 Violation not grounds for invalidation.

Violation of this chapter shall not constitute grounds for invalidation of any GMA comprehensive plan amendment, implementing development regulation, or other legislation.

Passed this 10th day of June, 1996.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

RC Johnson
Chair

ATTEST:

Patricia J. Bratcher
Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

Date: 6/14/96
Robert J. Drewel
County Executive

ROBERT J. DREWEL
County Executive

ATTEST:

Linda McCre

Approved as to form only:

Deputy Prosecuting Attorney

Date: _____

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