

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



ORDINANCE NO. 98-050

AMENDING SCC TITLES 18, 19 AND 20, RELATING TO SEWERAGE
REGULATION

WHEREAS, the county council adopted a GMA Comprehensive Plan on June 28, 1995(GMACP); and

WHEREAS, the GMA requires the county to adopt development regulations that are consistent with the GMACP; and

WHEREAS, the GMACP, through Implementation Measure UT 3c directs planning staff to study interim development techniques for parcels within UGAs that will not have access to public sewers for several years, such as "shadow platting" with septic, which will not inhibit later development at urban densities when sewers become available; and

WHEREAS, the planning commission held a hearing on September 23, 1997 on draft code amendments to fulfill the directive contained in Implementation Measure UT 3c and implement Utility Policy UT 3.B.2 of the GMACP ; and

WHEREAS, the county council held a public hearing on -July 8, 1998 to consider and hear public testimony on Ordinance No. 98-050 amending Snohomish County Code Titles 18, 19 and 20, relating to sewerage regulations; and

WHEREAS, the county council considered the entire hearing record including the planning commission's recommendation, and written and oral testimony submitted during the council hearing.

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The county council makes the following findings of fact and conclusions:

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1. The county conducted a balanced public/private sector stakeholders' input process, including participation by member cities of Snohomish County Tomorrow and various special districts, to develop a proposed sewerage regulation ordinance.
2. This ordinance implements the GMACP, the Countywide Planning Policies, and the GMA by promoting urban growth within the urban growth areas, allowing timely and coordinated extension of urban services and utilities for new development,

and encouraging the orderly transition of unincorporated areas within UGAs into urban areas, while providing opportunity for development within urban growth areas prior to provision of sewer service and in areas in which sewer cannot feasibly be provided.

3. The planning commission held a public work session on August 26, 1997, for the purposes of receiving an initial informational briefing on the proposed sewerage regulation ordinance (which incorporates key aspects of the shadow platting ordinance considered by the commission last year), and its relationship to implementation of the GMACP. It held a public hearing on September 23, 1997, to obtain public input on the hearing version draft of a proposed sewerage regulation ordinance along with related ordinances to maintain consistency with the GMACP and development regulations, and thereafter made a recommendation to the county council on the proposed ordinances.
4. The county has studied the issue of sewerage regulation for more than a year and conducted extensive public outreach. In studying this issue, the planning commission and county council have determined that additional policy direction is necessary in the GMACP to appropriately implement the county's desired policy with respect to sewerage regulation. The proposed development regulations and other amendments to Snohomish County Code carry out the intent of Utility Policy UT 3.B.2 and related Implementation Measure UT 3c. These proposed amendments maintain consistency between the GPP and development regulations.
5. Amending Snohomish County's codes to establish and clarify the conditions, requirements and exceptions for connection to a public sewer system by new development, is necessary and appropriate at this time to permit implementation of the GMACP, maintain consistency with the Countywide Planning Policies and comply with the GMA.
6. The county has conducted its public participation process for amending its codes and comprehensive plan in accordance with the requirements of state law and county code.
7. Notices of public hearings were given in accordance with state law, county code, and the bylaws of the planning commission.

Section 2. Snohomish County Code Section 18.42.085 adopted by Ordinance No. 96-076, § 310 on November 27, 1996 is amended to read:

18.42.085 Minimum net density for residential development in UGAs.

(1) A minimum density of 4 dwelling units per net acre shall be required in all UGAs, with the exception of the UGAs of Darrington, Gold Bar and Index for:

(a) New subdivisions, short subdivisions, PRDs, and mobile home parks;
and

(b) New residential development in the LDMR, MR and Townhouse zones.

(2) Minimum net density is the density of development excluding roads, critical areas and required buffers, drainage detention/retention areas, biofiltration swales, and areas required for public use.

(3) For purposes of calculating the minimum unit or lot yield, the number of dwelling units for lots shall be determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

(4) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone may be reduced as necessary to allow a lot yield that meets the minimum density requirement: Provided that no lot shall be smaller than 6,000 square feet, except as otherwise allowed by this Title.

Except that, where the lot yield necessary to meet the minimum net density requirements of this section is greater than the lot yield as determined by ~~((the))~~ SCC 18.46.030(2) or SCC 32.08.120 for any subdivision or short subdivision, the lesser lot yield of SCC 18.46.030(2) or SCC 32.08.120 and resulting density shall be used and deemed to satisfy the minimum net density provisions of this section.

Section 3. Snohomish County Code Section 19.24.030 adopted by Ordinance No. 80-116, on December 30, 1980 is amended to read:

19.24.030 Health district.

Except as limited by the requirements of SCC 18.42.085 or Chapter 32.08 SCC. ~~((as a condition of preliminary plat approval,))~~ the health district may require as a condition of preliminary plat approval lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.

Section 4. Snohomish County Code Section 20.20.080 last amended by Amended Ord. 96-003, § 67 on February 21, 1996, is amended to read:

20.20.080 Department action.

(1) The department shall consider and review the preliminary short plat and short subdivision with regard to:

(a) Its consistency with applicable development regulations and comprehensive plan or subarea plan elements in accordance with the consistency determination provisions of SCC 32.50.100, and its conformance with other applicable county and state regulations;

(b) Whether appropriate provisions are made in the short subdivision for: open space, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, and school and school grounds.

(c) The physical characteristics of the short subdivision site and may disapprove because of flood, inundation, or swamp conditions. It may require construction of protective improvements as a condition of approval;

(d) All other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and whether the public use and interest will be served by approval of the short subdivision and, if applicable, dedication.

(2) The department may:

(a) Approve the preliminary short subdivision and short plat with or without conditions; or

(b) Deny the preliminary short subdivision and short plat without prejudice in accordance with SCC 20.20.030; or

(c) Deny the preliminary short subdivision and short plat; or

(d) Submit the preliminary short subdivision and short plat to the hearing examiner for his consideration together with the department's recommendation only where right-of-way dedication is proposed for a new public roadway. The examiner shall hear the application in accordance with the procedures of chapter 2.02 SCC and with such notice as is required for hearings on preliminary plat applications; the examiner's decision shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the council pursuant to chapter 2.02 SCC.

(3) The preliminary short subdivision shall be approved only if the department or the hearing examiner makes written findings that, if developed in accordance with the conditions imposed by the department or hearing examiner, the short subdivision makes appropriate provision for the public health, safety, and general welfare and for open spaces, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and that the public use and interest will be served by the approval of the short subdivision and, if applicable, dedication. In determining whether appropriate provision has been made:

(a) For open space, the department shall refer to the applicable policies of the Snohomish County comprehensive plan, provisions of chapter 18.46 SCC pertaining to development on steep slopes, provisions of Title 24 SCC pertaining to drainage and other utility easements, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(b) For drainage ways, the department shall refer to the applicable policies of the Snohomish County comprehensive plan, provisions of Title 24 SCC pertaining to drainage, provisions of Title 27 SCC pertaining to development in flood hazard areas, provision of Title 25 SCC pertaining to surface water management, provisions of Title 21 SCC pertaining to development in areas subject to shoreline management jurisdiction, and/or other applicable provisions of this title;

(c) For streets, roads, alleys and other public ways, the department shall refer to the provisions of Title 26B SCC, the county road ordinance, provisions of Title 16 SCC, the Uniform Fire Code, provisions of Title 24 SCC pertaining to drainage, provisions of Title 13 SCC pertaining to roadway construction and design standards, the standards specified in the Washington State Department of Transportation Design Manual, the standards specified in the American Association of State Highway and Transportation Officials Urban and Rural Highway Design Manuals, and/or other applicable provisions of this title;

(d) For transit stops, the department shall refer to the standards specified in the Snohomish County transportation authority land use and public

transportation manual, and/or other location and construction standards of community transit of Snohomish county and METRO for such facilities;

(e) For potable water, the department shall require documentation of compliance with Snohomish health district regulations and procedures pertaining to potable water, in accordance with any applicable interlocal agreement between Snohomish County and the Snohomish health district;

(f) For sanitary wastes, the department shall require documentation of compliance with Snohomish health district regulations pertaining to on-site sewage disposal, ~~((and shall also refer to))~~ the applicable provisions of this title; and the provisions of SCC 18.42.085 and Chapter 32.08 SCC;

(g) For parks, recreation and playgrounds, the department shall refer to the applicable policies of the Snohomish County comprehensive plan, including the Snohomish county parks and recreation plan, applicable environmental policies of Title 23 SCC, and/or other applicable provisions of this title;

(h) For schools, school grounds, and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, the department shall refer to the applicable policies of the Snohomish county comprehensive plan, Title 13 SCC pertaining to roadway construction and design standards, and adequate documentation pursuant to Title 23 SCC on a case by case basis that unsafe walking conditions exist.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. Effective date. This ordinance shall take effect August 31, 1998.

PASSED this 8th day of July, 1998.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirk Severn
Chair

Barbara Sitoniti
Clerk of the Council, *Asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE 7/10/98

Gary Weikel
Robert J. Drewel
County Executive

ATTEST: Laura Nelson

GARY WEIKEL
Executive Director

Approved as to form only:

Barbara Dykes 3/24/98
Deputy Prosecuting Attorney

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