

1 ADOPTED: 08/12/15
2 EFFECTIVE: 08/28/15

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 15-052

8
9 RELATING TO GROWTH MANAGEMENT; ADOPTING AN INTERIM OFFICIAL
10 CONTROL EXEMPTING SINGLE FAMILY DEVELOPMENT FROM TRANSFER OF
11 DEVELOPMENT RIGHTS REQUIREMENTS; AND ADDING A SECTION TO
12 CHAPTER 30.35A SCC
13

14 WHEREAS, the Snohomish County Council (“county council”) adopted Amended
15 Ordinance No. 12-046 on October 17, 2012, amending the Land Use Chapter of the
16 General Policy Plan (GPP) of the Snohomish County Growth Management Act
17 Comprehensive Plan (GMACP) to establish policies for a countywide transfer of
18 development rights (TDR) program; and

19
20 WHEREAS, the county council adopted Amended Ordinance No. 13-064 on
21 September 4, 2013, amending the development regulations in title 30 of the Snohomish
22 County Code (SCC) to implement the TDR policies in the GMACP; and

23
24 WHEREAS, the county council adopted Amended Ordinance No. 14-129 on June
25 10, 2015, amending the TDR policies in the GMACP to exempt single family residential
26 development and townhouse unit lot subdivisions from TDR requirements; and

27
28 WHEREAS, Amended Ordinance No. 14-129 redesignated certain properties on the
29 Snohomish County Future Land Use Map (FLUM), which resulted in the designation of
30 some properties as TDR receiving areas subject to TDR requirements under SCC
31 30.35A.080 and 30.35A.100; and

32
33 WHEREAS, the GMACP adopted through Amended Ordinance No. 14-129 had an
34 effective date of July 2, 2015; and

35
36 WHEREAS, the county council adopted Amended Ordinance No. 14-130 on June
37 10, 2015, amending the official zoning map for Snohomish County to be consistent with the
38 FLUM adopted in Amended Ordinance No. 14-129; and

39
40 WHEREAS, the official zoning map for Snohomish County adopted through
41 Amended Ordinance No. 14-130 rezoned certain properties, which resulted in the
42 designation of some properties as TDR receiving areas subject to TDR requirements under
43 SCC 30.35A.080 and 30.35A.100; and

44
45 WHEREAS, the official zoning map for Snohomish County adopted through
46 Amended Ordinance No. 14-130 had an effective date of July 2, 2015; and
47

1 WHEREAS, following the procedures required by the Growth Management Act
2 (chapter 36.70A RCW) will take several months to amend the development regulations to
3 be consistent with the amended TDR policies in the GMACP; and
4

5 WHEREAS, the county council desires to reduce the risk of confusion and
6 uncertainty that could come from the existing inconsistency between the TDR policies in the
7 GMACP and the current TDR regulations; and
8

9 WHEREAS, RCW 36.70A.390 provides that the county council may adopt a
10 moratorium, interim zoning map, interim zoning ordinance, or interim official control; and
11

12 WHEREAS, moratoria, interim zoning maps, interim zoning ordinances, and interim
13 official controls enacted under RCW 36.70A.390 are methods by which local governments
14 may manage development activity on a temporary or interim basis to allow adequate time
15 for appropriate analysis and planning to occur.
16

17 NOW, THEREFORE, BE IT ORDAINED:
18

19 **Section 1.** The county council adopts the following findings of fact and conclusions:

- 20 A. The county council adopts and incorporates the foregoing recitals as findings as if set
21 forth fully herein.
- 22 B. Amended Ordinance No. 14-129 changed GPP policies LU 14.A.7, 14.A.8, and 14.A.9
23 in the GMACP to exempt single family residential development and townhouse unit lot
24 subdivisions from TDR requirements.
- 25 C. The development regulations in chapter 30.35A SCC have not yet been amended for
26 consistency with the amended policies in the GMACP.
- 27 D. Continuing to implement requirements in the development regulations that conflict with
28 the amended policies in the GMACP does not serve any public purpose. On the
29 contrary, it would run the risk of creating confusion that could hinder development
30 consistent with the GMACP.
- 31 E. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish
32 County to adopt an interim official control to align the development regulations with the
33 amended TDR policies in the GMACP.
- 34 F. The interim official control was developed as a temporary measure to align the
35 development regulations with the amended TDR policies in the GMACP. It has not
36 undergone the process for adopting permanent development regulations under the
37 Growth Management Act and chapter 30.73 SCC. Any permanent regulations
38 adopted in the future may implement the amended GMACP policies in a different way.
- 39 G. A new section is added to chapter 30.35A SCC that exempts single family residential
40 development and townhouse unit lot subdivisions from TDR requirements. Single
41 family detached unit developments and cottage housing developments are included in
42 the exemption because they are forms of single family residential development.
43 Townhouses other than townhouse unit lot subdivisions are not included in the
44 exemption because the adopted policy is specific and narrow in its use of the term
45 townhouse unit lot subdivisions.

- 1 H. Under county code, certain legislative rezones create TDR receiving areas, while the
2 same rezones, if approved under chapter 30.42A SCC, do not. Complete applications
3 for single family residential development and townhouse unit lot subdivisions
4 accompanied by applications for site-specific rezones under chapter 30.42A SCC as
5 of the effective date of Amended Ordinance Nos. 14-129 and 14-130 would be
6 affected by those ordinances if located in areas rezoned by legislative action. That
7 outcome is contrary to the intent of the policy changes regarding TDR receiving areas
8 enacted in Amended Ordinance No. 14-129. It is therefore appropriate to also exempt
9 those applications from the provisions of chapter 30.35A SCC.
- 10 I. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
11 respect to this non-project action have been satisfied through the completion of an
12 environmental checklist and the issuance of a determination of non-significance on
13 July 21, 2015.
- 14 J. The county council held a public hearing on August 12, 2015, to consider the entire
15 record and to hear public testimony on this ordinance.
16

17 **Section 2.** The county council hereby adopts the following interim official control:
18

19 A. A new section is added to chapter 30.35A of the Snohomish County Code to
20 read:
21

22 **30.35A.015 Interim official control for single family development**
23

24 (1) The following types of development are exempt from the provisions of this chapter,
25 even if located in a TDR receiving area:

- 26 (a) Single family subdivisions submitted under chapter 30.41A;
27 (b) Single family short subdivisions submitted under chapter 30.41B SCC;
28 (c) Single family detached units submitted under chapter 30.41F SCC;
29 (d) Cottage housing submitted under chapter 30.41G SCC;
30 (e) Townhouse unit lot subdivisions subject to SCC 30.41A.205; and
31 (f) Townhouse unit lot short subdivisions subject to SCC 30.41B.205.
32

33 (2) In addition to the exemptions in subsection (1) of this section, the provisions of chapter
34 30.35A SCC shall not apply to residential development applications listed under subsection
35 (1) of this section determined to be complete prior to [insert effective date of this ordinance]
36 that were accompanied by a rezone application submitted under chapter 30.42A SCC on
37 property either:

- 38 (a) Redesignated under Amended Ordinance No. 14-129; or
39 (b) Rezoned under Amended Ordinance No. 14-130.
40

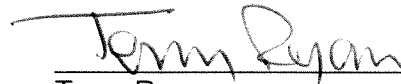
41 (3) This section shall be repealed automatically six months after [the effective date of this
42 ordinance] unless renewed.
43

44 B. This interim official control shall be effective for six months. It may be renewed
45 for one or more six-month periods if a subsequent public hearing is held and findings of fact
46 are made prior to each renewal.
47

1 **Section 3. Severability and savings.** If any section, sentence, clause, or phrase of
2 this ordinance shall be ruled to be invalid or unconstitutional by the Growth Management
3 Hearings Board or a court of competent jurisdiction, such ruling shall not affect the validity
4 or constitutionality of any other section, sentence, clause, or phrase of this ordinance, and
5 the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance
6 shall be in full force and effect for that individual section, sentence, clause, or phrase as if
7 this ordinance had never been adopted.

8
9 PASSED this 12th day of August, 2015.

10
11
12 SNOHOMISH COUNTY COUNCIL
13 Snohomish County, Washington

14
15 
16 _____
17 Terry Ryan
18 Council Vice-Chair

19 ATTEST:

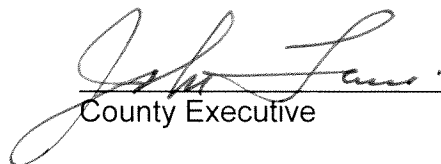
20 
21 _____
22
23 Debbie Eco
24 Clerk of the Council

25
26 APPROVED

27
28 EMERGENCY

29
30 VETOED

31 DATE: 8/18/15

32
33 
34 _____
35 County Executive

36
37 ATTEST:

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39 _____

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41
42 Approved as to form only:

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45 _____
46 Deputy Prosecuting Attorney

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48 D-8