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

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  

AMENDED ORDINANCE NO. 15-052

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

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

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

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

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

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

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

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

WHEREAS, the official zoning map for Snohomish County adopted through Amended Ordinance No. 14-130 had an effective date of July 2, 2015; and
WHEREAS, following the procedures required by the Growth Management Act (chapter 36.70A RCW) will take several months to amend the development regulations to be consistent with the amended TDR policies in the GMACP; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED:

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

A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

B. Amended Ordinance No. 14-129 changed GPP policies LU 14.A.7, 14.A.8, and 14.A.9 in the GMACP to exempt single family residential development and townhouse unit lot subdivisions from TDR requirements.

C. The development regulations in chapter 30.35A SCC have not yet been amended for consistency with the amended policies in the GMACP.

D. Continuing to implement requirements in the development regulations that conflict with the amended policies in the GMACP does not serve any public purpose. On the contrary, it would run the risk of creating confusion that could hinder development consistent with the GMACP.

E. It is in the best interest of the health, safety, and welfare of the citizens of Snohomish County to adopt an interim official control to align the development regulations with the amended TDR policies in the GMACP.

F. The interim official control was developed as a temporary measure to align the development regulations with the amended TDR policies in the GMACP. It has not undergone the process for adopting permanent development regulations under the Growth Management Act and chapter 30.73 SCC. Any permanent regulations adopted in the future may implement the amended GMACP policies in a different way.

G. A new section is added to chapter 30.35A SCC that exempts single family residential development and townhouse unit lot subdivisions from TDR requirements. Single family detached unit developments and cottage housing developments are included in the exemption because they are forms of single family residential development. Townhouses other than townhouse unit lot subdivisions are not included in the exemption because the adopted policy is specific and narrow in its use of the term townhouse unit lot subdivisions.
H. Under county code, certain legislative rezones create TDR receiving areas, while the
same rezones, if approved under chapter 30.42A SCC, do not. Complete applications
for single family residential development and townhouse unit lot subdivisions
accompanied by applications for site-specific rezones under chapter 30.42A SCC as
of the effective date of Amended Ordinance Nos. 14-129 and 14-130 would be
affected by those ordinances if located in areas rezoned by legislative action. That
outcome is contrary to the intent of the policy changes regarding TDR receiving areas
enacted in Amended Ordinance No. 14-129. It is therefore appropriate to also exempt
those applications from the provisions of chapter 30.35A SCC.

I. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
respect to this non-project action have been satisfied through the completion of an
environmental checklist and the issuance of a determination of non-significance on
July 21, 2015.

J. The county council held a public hearing on August 12, 2015, to consider the entire
record and to hear public testimony on this ordinance.

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

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

30.35A.015 Interim official control for single family development

(1) The following types of development are exempt from the provisions of this chapter,
even if located in a TDR receiving area:
   (a) Single family subdivisions submitted under chapter 30.41A;
   (b) Single family short subdivisions submitted under chapter 30.41B SCC;
   (c) Single family detached units submitted under chapter 30.41F SCC;
   (d) Cottage housing submitted under chapter 30.41G SCC;
   (e) Townhouse unit lot subdivisions subject to SCC 30.41A.205; and
   (f) Townhouse unit lot short subdivisions subject to SCC 30.41B.205.

(2) In addition to the exemptions in subsection (1) of this section, the provisions of chapter
30.35A SCC shall not apply to residential development applications listed under subsection
(1) of this section determined to be complete prior to [insert effective date of this ordinance]
that were accompanied by a rezone application submitted under chapter 30.42A SCC on
property either:
   (a) Redesignated under Amended Ordinance No. 14-129; or
   (b) Rezoned under Amended Ordinance No. 14-130.

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

B. This interim official control shall be effective for six months. It may be renewed
for one or more six-month periods if a subsequent public hearing is held and findings of fact
are made prior to each renewal.
Section 3. Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be ruled to be invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance, and 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 12th day of August, 2015.