

1 ADOPTED: 04/25/18  
2 EFFECTIVE: 05/20/18

3  
4 SNOHOMISH COUNTY COUNCIL  
5 SNOHOMISH COUNTY, WASHINGTON

6  
7 ORDINANCE NO. 18-025

8  
9 AN ORDINANCE RELATING TO PERIODIC REVIEW REQUIREMENTS UNDER THE  
10 GROWTH MANAGEMENT ACT, AMENDING SECTIONS OF TITLE 30 OF THE  
11 SNOHOMISH COUNTY CODE

12  
13 WHEREAS, in 2011 the Washington State Legislature adopted Engrossed Senate Bill  
14 (ESB) 1478 which revised RCW 36.70A.130, the comprehensive plan and development  
15 regulation periodic review and evaluation schedule of the Growth Management Act (GMA), to  
16 require counties and cities to take such action every eight years, rather than every seven  
17 years; and

18  
19 WHEREAS, the periodic review requirements under the GMA should be consistent with  
20 periodic review requirements contained in the Snohomish County Code (SCC); and

21  
22 WHEREAS, the county has conducted continuous public participation with respect to  
23 the code amendments contained in this ordinance; and

24  
25 WHEREAS, this code revision is considered procedural legislation and is exempt from  
26 Planning Commission review under SCC 30.73.040(2)(b); and

27  
28 WHEREAS, on April 25, 2018, the County Council held a public hearing after proper  
29 notice, heard public testimony regarding the GMA-related code revisions contained in this  
30 ordinance, and considered the entire record; and

31  
32 WHEREAS, the County Council concludes that title 30 SCC should be amended as set  
33 forth herein;

34  
35 NOW, THEREFORE, BE IT ORDAINED:

36  
37 Section 1. The County Council adopts the foregoing recitals as findings of fact as if set forth in  
38 full herein.

39  
40 Section 2. The County Council makes the following additional findings of fact:

- 41  
42 A. The revisions are needed to reconcile dates currently in code that are based on a 10-  
43 year cycle for comprehensive plan updates and a 7-year cycle for compliance review.  
44 The revised cycle for both is now 8 years in RCW 36.70A.130.  
45  
46 B. Procedural requirements.

- 1
- 2 1. This ordinance is consistent with state law and chapter 30.73 SCC.
- 3
- 4 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
- 5 transmitted to the Washington State Department of Commerce for distribution to
- 6 state agencies on October 5, 2017.
- 7
- 8 3. This code revision is considered procedural legislation and is exempt from
- 9 Planning Commission review under SCC 30.73.040(2)(b).
- 10
- 11 4. This action is considered procedural and is exempt from the State Environmental
- 12 Policy Act (SEPA), chapter 43.21C RCW, review pursuant to WAC 197-11-
- 13 800(19)(b) and SCC 30.61.030.
- 14
- 15 5. The public participation process used in the adoption of this ordinance has
- 16 complied with all applicable requirements of the GMA and the SCC.
- 17
- 18 6. As required by RCW 36.70A.370, the Washington State Attorney General last
- 19 issued an advisory memorandum in December 2015, entitled "Advisory
- 20 Memorandum and Recommended Process for Evaluating Proposed Regulatory
- 21 or Administrative Actions to Avoid Unconstitutional Takings of Private Property"
- 22 to help local governments avoid the unconstitutional taking of private property.
- 23 The process outlined in the State Attorney General's 2015 advisory
- 24 memorandum was used by the County in objectively evaluating the regulatory
- 25 changes proposed by this ordinance.
- 26

27 C. These amendments are consistent with the record.

- 28
- 29 1. In 2011 the Washington State Legislature adopted Engrossed Senate Bill (ESB)
- 30 1478 which revised RCW 36.70A.130, the comprehensive plan and development
- 31 regulation review and revision schedule of the Growth Management Act, to
- 32 require counties and cities to take such action every eight years, rather than
- 33 every seven years.
- 34
- 35 a. The code amendment to SCC 30.73.083 is necessary to incorporate
- 36 revisions for the review of the GMA comprehensive plan, development
- 37 regulations and urban growth areas as required by RCW 36.70A.130.
- 38
- 39 b. The code amendment to SCC 30.74.015 is necessary to update the
- 40 annual docket process in order to comply with the revised eight-year
- 41 review of comprehensive plans and development regulations pursuant to
- 42 RCW 36.70A.130.
- 43
- 44 c. The code amendment to SCC 30.82.070 is necessary to revise county
- 45 code to be consistent with revisions to RCW 36.70A.130. The process has

1                                    been streamlined and there is no longer the requirement for a "Growth  
2                                    Management Act mandated 7-Year compliance review."  
3

4 Section 3. Based on the foregoing findings of fact, the council makes the following  
5 conclusions:  
6

- 7       A. The code amendments are consistent with the goals, objectives and policies of the  
8       County's GMA Comprehensive Plan.
- 9
- 10      B. The code amendments are consistent with and comply with the procedural and  
11      substantive requirements of the GMA.
- 12
- 13      C. The code amendments are consistent with Washington State law and the Snohomish  
14      County Code.
- 15
- 16      D. The County has complied with all SEPA requirements in respect to this non-project  
17      action.
- 18
- 19      E. The actions of the ordinance would not result in an unconstitutional taking of private  
20      property for a public purpose.

21  
22 Section 4. The County Council bases its findings and conclusions on the entire record of the  
23 County Council, including all testimony and exhibits. Any finding, which should be deemed a  
24 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.  
25

26 Section 5. Snohomish County Code Section 30.73.083, added by Amended Ordinance No.  
27 04-094 on November 17, 2004, is amended to read:  
28

29 **30.73.083 GMA Schedule for Review of Plans and Regulations.**

30 ~~((This section establishes a schedule for the county to review and revise comprehensive plans  
31 and development regulations with public participation pursuant to the Growth Management  
32 Act, chapter 36.70A RCW))~~

33 ~~((1) On or before December 1, 2004, and every seven years thereafter, the county will review  
34 and evaluate the GMA comprehensive plan and development regulations for compliance with  
35 GMA; and~~

36 ~~(2) At least every ten years from adoption of the original GMA Comprehensive Plan (June 21,  
37 1995), the county will review its designated urban growth areas and the densities permitted  
38 within both the incorporated and unincorporated portions of each urban growth area for  
39 accommodation of growth projections to occur in the county for the succeeding twenty-year  
40 period.))~~

1 ~~((3) No more than once per year, updates, proposed amendments, or revisions to the~~  
2 ~~comprehensive plan may be considered by the council as part of the yearly docket process~~  
3 ~~established in chapter 30.74 SCC except for amendments authorized by SCC 30.73.085.))~~  
4

5 The county shall review and evaluate and, if needed, revise its comprehensive plan and  
6 development regulations for compliance with the Growth Management Act pursuant to the  
7 applicable requirements and schedule set forth in RCW 36.70A.130.  
8

9 Section 6. Snohomish County Code Section 30.74.015, last amended by Ordinance No. 17-  
10 100 on November 29, 2017, is amended to read:

11  
12 **30.74.015 Annual Docket Process.**

13 (1) The department shall give initial consideration to proposed amendments every year  
14 according to the procedures and criteria in SCC 30.74.030 and SCC 30.74.040.

15 (2) The county council shall consider which amendments should be processed further  
16 according to the procedures in SCC 30.74.050 and the following schedule:

17 (a) In the first year and fifth year following ~~((a 10-year))~~ an update of the comprehensive  
18 plan as required by RCW 36.70A.130(3)(a), the county council shall consider which  
19 amendments should be processed further on a docket of minor amendments.

20 (b) In the second year ~~((and sixth year))~~ following ~~((a 10-year))~~ an update of the  
21 comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider  
22 which amendments should be processed further on a docket that may include major and minor  
23 amendments.

24 (c) In the ~~((eighth))~~ sixth year following ~~((a 10-year))~~ an update of the comprehensive plan  
25 as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments  
26 should be processed further on a docket concurrently with the next ~~((10-year))~~ update of the  
27 comprehensive plan under RCW 36.70A(130)(a) and may include major and minor  
28 amendments.

29 (3) The county council has the legislative discretion to place a proposed amendment on the  
30 final docket for further consideration, to direct that the proposed amendment not be processed  
31 further, or to address a proposal pursuant to one of the options set forth in SCC 30.74.050(3)  
32 when the recommendation from the department is that the proposal not be further processed.

33 (4) The department shall process the final docket of proposed amendments according to the  
34 procedures and the criteria in SCC 30.74.060.

35 (5) An applicant may withdraw their proposed amendment at any time during the docket  
36 process.

1 Section 7. Snohomish County Code Section 30.82.070, last amended by Amended Ordinance  
2 No. 04-069 on July 28, 2004, is amended to read:

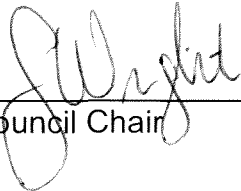
3  
4 **30.82.070 Pre-existing policies, procedures, and rules.**

5 The applicable director shall review existing policies, procedures, and rules and determine  
6 which constitute rules pursuant to this chapter. All policies, procedures, and rules in effect on  
7 the effective date of this title which the director within 60 days thereafter files with the clerk of  
8 the county council and posts on the departmental website shall remain in effect until amended  
9 or repealed; provided that all such policies, procedures, and rules shall no later than December  
10 31, 2004 be repromulgated through the rulemaking procedures of this title except policies,  
11 procedures, and rules related to critical area regulations. The pre-existing policies, procedures,  
12 and rules related to critical area regulations shall be repromulgated within six (6) months after  
13 the adoption of any critical area regulation ~~((regulations amended in accordance with the~~  
14 ~~Growth Management Act mandated 7-Year compliance review of the Comprehensive Plan or~~  
15 ~~within six (6) months following the date that any subsequent related appeals are settled))~~  
16 amendments required under RCW 36.70A.130 or within six (6) months following the final  
17 resolution of any subsequent related appeals, whichever is later.


18  
19 Section 8. Severability and Savings. If any section, sentence, clause or phrase of this  
20 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or  
21 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall  
22 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this  
23 ordinance. Provided, however, that if any section, sentence, clause or phrase of this  
24 ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section,  
25 sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full  
26 force and effect for that individual section, sentence, clause or phrase as if this ordinance had  
27 never been adopted.

1 PASSED this 25<sup>th</sup> day of April, 2018


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3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7  
8   
9 Council Chair

10 ATTEST:

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12  
13 Clerk of the Council

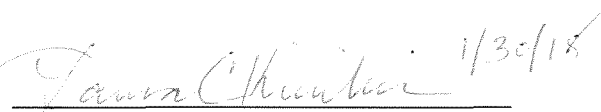
14  
15  APPROVED  
16  EMERGENCY  
17  VETOED

18  
19 Date: 5/10/18  
20   
21 County Executive

22 ATTEST:

23  
24   
25

26  
27 Approved as to form only:

28  
29  1/30/18  
30 Deputy Prosecuting Attorney  
31

D-12