

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2217

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO THE CITY'S LAND USE DEVELOPMENT CODE CONTAINED IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE (SMC); AMENDING SMC CHAPTER 14.212 "PILCHUCK DISTRICT REGULATIONS" BY AMENDING SECTION 14.212.150 RELATING TO SEPA PLANNED ACTIONS IN THE PILCHUCK DISTRICT LAND USE DESIGNATION

WHEREAS, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code (SMC) to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, with approval of Ordinance 2209 on March 15, 2011, the City Council enacted development regulations for the Pilchuck District land use designation, which are set forth in SMC Chapter 14.212; and

WHEREAS, in accordance with RCW 43.21C.031(2), the City Planner, acting as the City's SEPA Responsible Official, issued the Pilchuck District Subarea Planned Action Environmental Impact Statement, which identifies impacts and mitigation measures associated with planned development in the Pilchuck District subarea; and

WHEREAS, with approval of Ordinance 2210, the City Council established the Pilchuck District land use designation as a planned action area and identified mitigation measures for development projects determined to qualify as Planned Actions; and

WHEREAS, the City has provided for broad public participation in considering the future vision, policies, and development regulations for the Pilchuck District Subarea Plan; and

WHEREAS, the proposed amendments were included in public review drafts of the Pilchuck District regulations proposed as SMC Chapter 14.212; and

WHEREAS, consistent with SMC 14.15.090, the Planning Commission found that the proposed regulations in draft SMC Chapter 14.212 were internally consistent with the Comprehensive Plan, the Growth Management Act and the State Environmental Policy Act, and were in the interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, SMC 14.212.150 was not adopted with other development regulations that comprise SMC Chapter 14.212, pending adoption of Ordinance 2210; and

WHEREAS, on July 5, 2011, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the City's Development Code;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings that Development Code amendments are consistent with criteria of SMC 14.15.090. In accordance with SMC 14.15.090, the Development Code amendments subject of this Ordinance are found to be:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 2. A new Section 14.212.150 is hereby added to SMC Chapter 14.212 to read as follows:

14.212.150 Pilchuck District SEPA Planned Action.

A. The City has adopted a "Planned Action" in Ordinance 2210.

B. Where a development proposal meets the requirements of Ordinance 2210 and qualifies as a Planned Action, the responsible official shall not be required to issue a threshold determination or EIS.

C. Nothing in this section limits the City from using this chapter or other applicable law to place conditions on a Planned Action project through the normal project review and permitting process.

D. Public notice for projects that qualify as Planned Actions shall be provided if and as required for the underlying permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a Planned Action. If notice is not otherwise required for the underlying permit, no special notice is required.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 4. Effective date. This ordinance shall take effect five days after the date of its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 5th day of July, 2011.

CITY OF SNOHOMISH

By _____
Karen Guzak, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney