

AMENDMENT NO. 2a TO ORDINANCE NO. 24-097

RELATING TO THE CRITICAL AREA REGULATIONS UPDATE PURSUANT TO THE GROWTH MANAGEMENT ACT, AMENDING SNOHOMISH COUNTY CODE CHAPTERS 30.62A WETLANDS AND FISH AND WILDLIFE HABITAT CONSERVATION AREAS, 30.62B GEOLOGICALLY HAZARD AREAS, 30.62C CRITICAL AQUIFER RECHARGE AREAS, 30.43C FLOOD HAZARD PERMITS, 30.86 FEES, AND 30.91 DEFINITIONS.

Brief Title: *Technical amendment to incorporate the updated references to the 2024 Comprehensive Plan and the Washington State Attorney General’s advisory memorandum; and to correct typographical errors.*

Proposed by: County Executive Dave Somers

Summary of Amendment:

1. Incorporate updated language from the 2024 Comprehensive Plan Natural Environment Element into Finding D.3. This ordinance was presented to Council prior to the adoption of the 2024 Comprehensive Plan update.

2. Update reference to the Washington State Attorney General’s advisory memorandum entitled *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory and Administrative Actions to Avoid the Unconstitutional Takings of Private Property* in Finding E.9 to the most recent version issued in October 2024. The advisory memorandum was last updated in September 2018.

3. Correct an error in SCC 30.62A.320, Table 2b description of Category I wetlands to replace a number “1” with a Roman Numeral “I.” Existing code, including Table 2b, uses Roman Numerals to describe wetland categories.

4. Correct a typographical error in SCC 30.62A.710 to include existing code language that was inadvertently omitted and show in strikeout.

5. Correct a grammatical error in SCC 30.62A.720 to include a colon at the end of line that is followed by a list.

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Existing Ordinance Recitals, Findings, or Sections to Delete or Modify:

On page 7, line 18, after “that” delete “citizens” and insert “people”

On page 7, line 44, after “vegetation;” insert return line and insert the following text

“Subsection (d) developing and implementing watershed management plans that protect water quality and address non-point pollution and the cumulative effects of land management on ecological systems;

Subsection (e) utilizing low impact development (LID) techniques and site planning; and

Subsection (f) promoting innovative and environmentally sensitive development practices in siting, design, materials selection, construction, and maintenance.”

On page 8, line 9, after “values;” insert return line and insert the following text

“Subsection (d) developing incentive-based, voluntary restoration and enhancement programs to offset impacts to overall ecological functions and values resulting from development projects or the use of agricultural resource lands and encouraging creative on-site, and reach scale restoration/enhancement proposals that optimize natural and/or agricultural resource values and ecological function;

Subsection (e) including strategies for monitoring and adaptive management in plans and programs;

Subsection (f) acquiring land for habitat restoration or for open space, recreation, and conservation; and

Subsection (g) conserving habitat and open space through incentive programs like transfer of development rights.”

On page 8, line 11, after “NE” delete “1.D The county shall” and insert “8.A Protect” and after “welfare” insert “,”

On page 9, line 40, after “county” delete “should adopt” and insert “shall maintain”

On page 10, line 10, after “groundwater” delete “.” and insert “, including but not limited to:

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Subsection (a) requiring new development to connect to existing public water systems where available in coordination with water provider service delivery policies; and

Subsection (b) limiting overall reliance on new groundwater wells in rural and resource areas where connection to existing public water systems is available, particularly within sole source aquifers, public water providers' wellhead protection zones, and areas providing recharge to streamflow consistent with state instream flow rules."

On page 10, line 12, before "ff" insert "ff. NE Policy 3.C.3 The county shall adopt and maintain standards addressing groundwater protection based on the best available information for aquifer location, sensitivity to and potential for contamination, and designation as a critical aquifer recharge area." and renumber findings ff. gg. hh. ii. jj. kk. ll.

On page 10, line 35, after "county" delete "should" and insert "shall" and after "incorporate" delete "new" and insert "the best available"

On page 10, line 39, after "3.D.6" delete "Flood regulations" and insert "Within flood regulations, the county"

On page 10, line 40, after "fill." insert "Where ESA-listed fish may be present during flood events, excavation designed to provide compensatory storage of flood water must not result in fish entrapment."

On page 10, lines 42 and 43, delete "mm. NE Policy 3.D.7 The county should promote programs that assist private landowners with projects that reduce damage from stream and river bank erosion and flooding."

On page 11, line 16, after "county" delete "should only allow" and insert "shall limit" and after "in" delete "the channel migration zone that has a low risk to" and insert "channel migration zones to protect"

On page 13, line 44, after "in" delete "September of 2018" and insert "October of 2024"

On page 14, line 1, after "General's" delete "2018" and insert "2024"

On page 47, in "Wetland Category" table column, delete "Category 1" and insert "Category I"

On Page 87 at line 44, insert "budget" after "~~((The program along with a~~" and show in strikeout

On page 88 at line 9, insert "¿" after the words "is to"

Council Disposition:

Date:

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