

Additional Council exhibits
added after close of hearing

1 Adopted:

2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 21-043
7

8 RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN
9 CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL
10 RESOURCES

11
12 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, requires Snohomish
13 County (the "County") to identify and encourage the preservation of lands, sites, and structures that have
14 historical or archaeological significance; and
15

16 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMA CP) General Policy Plan
17 (GPP) directs Snohomish County to preserve, protect, and enhance archaeological, cultural, and historic
18 resources, and to efficiently and effectively meet its archaeological resource management obligations
19 under federal, state, and local regulations; and
20

21 WHEREAS, in 2008 the Washington State Legislature revised state law concerning the
22 inadvertent discovery of skeletal human remains, abandoned and historic cemeteries, and historic graves
23 in chapters 68.50 and 68.60 RCW; and
24

25 WHEREAS, chapter 30.32D of the Snohomish County Code (SCC) establishes the regulations
26 for historic and archaeological resources in the County; and
27

28 WHEREAS, the existing procedures within chapter 30.32D SCC for archaeological surveys
29 reports, permit approvals for properties that contain documented archaeological sites that cannot be
30 avoided, and the inadvertent discovery of archaeological resources and skeletal human remains do not
31 align with current state laws related to the regulation of archaeological resources; and
32

33 WHEREAS, SCC 30.32D.200 does not allow the County to require an archaeological survey
34 when information from Indian tribes, the county archaeologist, or state archaeologists indicates that there
35 is a high likelihood for archaeological resources to be located on the project site; and
36

37 WHEREAS, chapter 30.32D SCC also contains outdated terminology and references which
38 create unnecessary ambiguity and confusion; and
39

40 WHEREAS, on March 23, 2021, the Snohomish County Planning Commission (the "Planning
41 Commission") was briefed by PDS staff about the proposed code amendments contained in this
42 ordinance; and
43

44 WHEREAS, the Planning Commission held a public hearing on April 27, 2021, to receive public
45 testimony concerning the code amendments contained in this ordinance, and at the conclusion of that
46 hearing continued deliberations; and

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1
2 WHEREAS, on May 25, 2021, the Planning Commission deliberated on the proposed code
3 amendments contained in this ordinance and voted to recommend amendments to the County code
4 relating to archaeological resources as shown in its recommendation letter dated May 27, 2021; and
5

6 WHEREAS, on _____, 2021, the County Council held a public hearing after proper
7 notice, and considered public comment and the entire record related to the code amendments contained in
8 this ordinance; and
9

10 WHEREAS, following the public hearing, the County Council deliberated on the code
11 amendments contained in this ordinance.
12

13 NOW, THEREFORE, BE IT ORDAINED:
14

15 Section 1. The County Council adopts the following findings in support of this ordinance:
16

- 17 A. The foregoing recitals are adopted as findings as if set forth in full herein.
18
19 B. This ordinance amends chapter 30.32D SCC in the following manner:
20
21 1. This ordinance amends SCC 30.32D.010 to update references to relevant state laws, to add that
22 compliance with applicable state laws relating to the regulation of archaeological and cultural
23 sites is a purpose of the section, to include that this chapter applies to properties that have a high
24 probability of containing archaeological resources, and to resolve a code inconsistency regarding
25 the applicability of this section for non-tribally owned, fee simple properties designated
26 Residential Commercial on the Snohomish County Future Land Use Map.
27
28 2. This ordinance amends SCC 30.32D.200 to update the requirements for archaeological survey
29 reports to meet state and professional standards for cultural resources reporting. The amendments
30 also create a new circumstance in which archaeological survey reports may be required, when an
31 Indian tribe, the county archaeologist, or a state archaeologist determines that the project site has
32 a high probability of containing archaeological resources.
33
34 3. This ordinance amends SCC 30.32D.210 to clarify that this section applies to project or permit
35 approval for properties that contain a documented archaeological site that cannot be avoided and
36 to require that permits or project approval will be conditioned to comply with any permitting or
37 additional archaeological work required under state laws for the protection of archaeological
38 resources.
39
40 4. This ordinance amends SCC 30.32D.220 to specify that this section applies to the inadvertent
41 discovery of archaeological resources, to remove language regarding the discovery of human
42 remains from this section, and to add clarifying language to align the procedure for the
43 inadvertent discovery of archaeological resources with requirements under state law.
44
45 5. This ordinance adds a new section SCC 30.32D.225 to conform to state law for the inadvertent
46 discovery of skeletal human remains.

- 1
2 C. In developing the proposed amendments, the County considered the GMA goals related to historic
3 preservation. In particular, the proposed amendments are consistent with and promote:

4
5 GMA Goal 13 – “Identify and encourage the preservation of lands, sites, and structures, that have
6 historical or archaeological significance.”
7

8 The proposed amendments support the identification and preservation of archaeological resources
9 by allowing the County to require archaeological survey reports when information provided by an
10 Indian tribe, the county archaeologist, or a state archaeologist indicates that the project location
11 has a high probability of containing archaeological resources.
12

- 13 D. The proposed amendments will better achieve, comply with, and implement goals and policies from
14 the Puget Sound Regional Council’s Multicounty Planning Policies (MPPs), including the following
15 Development Patterns (DP) policy:
16

17 MPP-DP-34 – “Preserve significant regional historic, visual and cultural resources including
18 public views, landmarks, archaeological sites, historic and cultural landscapes and areas of
19 special character.”
20

21 The proposed amendments are consistent with this policy. Allowing that an archaeological survey
22 report may be required for a project that an Indian tribe, the county archaeologist, or a state
23 archaeologist has determined to have a high probability to contain archaeological resources would
24 increase the likelihood that previously unrecorded archaeological resources are identified prior to
25 construction. With the proposed changes, projects that would have potentially damaged or
26 destroyed archaeological resources can be modified to preserve them.
27

- 28 E. The proposed amendments will better achieve, comply with, and implement the following goals,
29 objectives, and policies contained in the County’s GMACP GPP:
30

31 GPP Policy LU 11.B.2 “The county shall meet its historic and archaeological resource
32 management obligations under federal, state and local regulations in an efficient and effective
33 manner.”
34

35 The proposed amendments modify procedures for archaeological surveys reports, permit
36 approval for properties that contain documented archaeological sites that cannot be avoided, and
37 the inadvertent discovery of archaeological resources and skeletal human remains to align with
38 state law. These amendments will support the county meeting its historic and archaeological
39 resource management obligations in an efficient and effective manner.
40

41 GPP Policy LU 11 B.4 “The county shall promote preservation of identified archaeological and
42 historic resources.
43

44 The proposed amendments are consistent with this policy. Allowing that an archaeological survey
45 report may be required for a project area that an Indian tribe, the county archaeologist, or a state
46 archaeologist has determined to have a high probability to contain archaeological resources would

1 increase the likelihood that previously unrecorded archaeological resources are identified prior to
2 construction. With the proposed changes, projects that would have potentially damaged or
3 destroyed archaeological resources can be modified to preserve them.
4

5 F. Procedural requirements.
6

- 7 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
8 non-project action have been satisfied through the completion of an environmental checklist and
9 the issuance of a determination of non-significance on March 8, 2021.
10
- 11 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
12
- 13 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the
14 Washington State Department of Commerce on March 1, 2021.
15
- 16 4. The public participation process used in the adoption of this ordinance complies with all
17 applicable requirements of the GMA and the SCC, including but not limited to, RCW
18 36.70A.035, RCW 36.70A.140, and chapter 30.73 SCC.
19
- 20 5. The Washington State Attorney General last issued an advisory memorandum, as required by
21 RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum: Avoiding
22 Unconstitutional Takings of Private Property" to help local governments avoid the
23 unconstitutional taking of private property. The process outlined in the State Attorney General's
24 2018 advisory memorandum was used by Snohomish County in objectively evaluating the
25 regulatory changes proposed by this ordinance.
26

27 G. This ordinance is consistent with the record.
28

- 29 1. Existing archaeological resource procedures for archaeological surveys reports, permit approvals
30 for properties that contain documented archaeological sites that cannot be avoided, and the
31 inadvertent discovery of archaeological resources and skeletal human remains do not align with
32 current state laws related to the regulation of archaeological resources. The proposed code
33 amendments modify county regulations to align with state laws.
34
- 35 2. Existing code language contains outdated references and confusing terminology. The
36 amendments proposed by this ordinance provide clarity through updating references and
37 terminology to match current state laws for the protection of archaeological resources.
38
- 39 3. The code amendments proposed by this ordinance support the increased identification and
40 protection of archaeological resources. Allowing the County to require an archaeological survey
41 report when a project location has a high probability of containing archaeological resources
42 increases the likelihood of archaeological resources being identified early in the life of a project
43 and allows projects to be modified to avoid impacting resources.
44

45 H. The proposed amendments are consistent with the PDS Staff Report to the Planning Commission
46 dated March 5, 2021.

Section 2. The County Council makes the following conclusions:

1. The amendments proposed by this ordinance comply with the GMA.
2. The amendments proposed by this ordinance comply with the Snohomish County GMACP.
3. The proposal is consistent with Washington State law and Snohomish County Code.
4. The County has complied with all SEPA requirements in respect to this non-project action.
5. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and title 30 SCC.
6. The amendments proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

Section 3. The Snohomish County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. Snohomish County Code Section 30.32D.010, last amended by Amended Ordinance No. 06-037 on December 13, 2006, is amended to read:

30.32D.010 Purpose and applicability.

(1) The purpose of this chapter is to identify, evaluate, and protect archaeological and historic resources within Snohomish county and to preserve and rehabilitate eligible historic properties for future generations, in order to:

- (a) Safeguard the heritage of the county as represented by those buildings, sites, structures, objects, and districts which reflect significant elements of county history;
- (b) Foster civic pride in the beauty and accomplishments of the past, and a sense of identity with county history;
- (c) Assist, encourage, and provide incentives to private owners for preservation, restoration, rehabilitation, and use of outstanding historic buildings, sites, structures, objects, and districts;
- (d) Promote and facilitate the early identification and resolution of conflicts between preservation of archaeological and historic resources and land uses; ~~((and))~~
- (e) Stabilize and improve the aesthetic and economic vitality and values of such sites improvements and objects ~~((:))~~; and
- (f) Comply with applicable state laws related to the regulation of archaeological and cultural sites.

(2) In Washington State, archaeology sites, historical graves and cemeteries, and Native American grave sites are protected by ~~((both federal and))~~ state laws on both public and private lands. This chapter does not repeal, modify, or waive any provision of federal or state law currently enacted, or as enacted in the future, that regulates archaeological sites including, but not limited to: the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-mm); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); the National Historic Preservation Act (16 U.S.C. 470 et seq.); Chapter

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27.44 RCW titled "Indian Graves and Records"; ~~((and))~~ Chapter 27.53 RCW titled "Archaeological Sites and Resources~~((:))~~"; Chapter 68.50 RCW titled "Human Remains"; and Chapter 68.60 RCW titled "Abandoned and Historic Cemeteries and Historic Graves."

(3) This chapter applies to:

- (a) Properties eligible for and on the Snohomish ~~((county))~~ County Register of Historic Places established pursuant to SCC 30.32D.020; ~~((and;))~~
- (b) Properties ~~((listed))~~ recorded on the Washington ~~((State Archaeological Site Inventory))~~ Information System for Architectural and Archaeological Records Data (WISAARD) ~~((:))~~ ;
- (c) Non-tribally owned, fee-simple properties designated Reservation Commercial on the Snohomish County Future Land Use Map; and
- (d) Properties with a high probability of containing archaeological resources as indicated by information provided by an Indian tribe, or by a Snohomish County or state professional archaeologist.

(4) Regulations concerning the Snohomish County Historic Preservation Commission are in chapter 2.96 SCC; regulations concerning the state tax incentive program for qualifying historic properties are located in chapter 4.31 SCC.

Section 5. Snohomish County Code Section 30.32D.200, last amended by Amended Ordinance No. 15-027 on May 6, 2015, is amended to read:

30.32D.200 ~~((Archaeology Site))~~ Archaeological survey report.

(1) Known archaeological sites are recorded on ~~((the Washington State Department of Archaeology and Historic Preservation's Geographic Information System))~~ WISAARD and information from data sharing agreements between Snohomish County and the Washington State Department of Archaeology and Historic Preservation (DAHP).

(2) An archaeological site may cover only a portion of a property, parcel, or lot and may ~~((be located on))~~ extend onto more than one property, parcel, or lot.

(3) Completion of ~~((an archaeology site report))~~ a professional archaeological survey ~~((or relocation of the project to avoid the known archaeological site shall be required for))~~:

- (a) ~~((Any))~~ Shall be required for any construction, earth movement, clearing, or other ~~((site))~~ land disturbance of a known archaeological site; ~~((or))~~
- (b) ~~((Any))~~ Shall be required for any development application proposed on non-tribally owned, fee-simple properties designated Reservation Commercial on the Snohomish County Future Land Use Map ~~((:))~~ and
- (c) May be required for any development application when information provided by an Indian tribe or by a Snohomish County or state professional archaeologist demonstrates that the project location has a high probability of containing archaeological resources.

(4) ~~((An archaeology site report))~~ A professional archaeological survey report required under subsection

(3)~~((or))~~ of this section shall:

- (a) Be written by a professional archaeologist as defined in ~~((WAC 25.48.020))~~ RCW 27.53.030(11);
- (b) Be submitted to the department by the property owner or project proponent;
- (c) Include the location ~~((condition))~~ and extent of the archaeological resources located ~~((on site and any recommendation with respect to conditioning the activity to avoid or minimize impacts on the known archaeological site))~~ within a project area; ~~((and))~~

- (d) Include ~~((the results of consultation with))~~ any comments submitted by any affected Indian tribe
~~((on proposed actions to avoid or mitigate impacts of the proposed project))~~ during the review
process ~~((-))~~;
- (e) Meet state and professional standards for cultural resources reporting; and
- (f) Include recommendations for avoidance or minimization of impacts on archaeological resources
if present, and recommendations for additional archaeological work and permitting to comply
with applicable state and federal laws for the protection and preservation of archaeological
resources.
- ~~((5))~~ An archaeological report is required under subsection (3)(b) of this section shall:
- (a) Be written by a professional archaeologist as defined in WAC 25.48.00;
- ~~(b) Be submitted to the department by the property owner or project proponent~~
- ~~(c) Include the location, condition, and extent of the archaeological resources located on site and any~~
~~recommendations with respect to conditioning the activity to avoid impact; and~~
- ~~(d) Include the results of consultation with any affected Indian tribe on proposed actions to avoid~~
~~impacts of the proposed project.)~~
- ~~((6))~~ (5) The department shall provide a copy of the ((archaeology site)) archaeological survey report to
any affected Indian tribe and the ((Washington State Department of Archaeology and Historic
Preservation, at the applicant's expense)) DAHP.

Section 6. Snohomish County Code Section 30.32D.210, last amended by Amended Ordinance
No. 06-037 on December 13, 2006, is amended to read:

30.32D.210 Project or permit approval for property ~~((on state register as an archaeological~~
~~resource.))~~ that contains a documented archaeological site that cannot be avoided.

- (1) The county approving authority shall not issue a permit for any development activity or project
approval requiring ~~((an archaeology site))~~ a professional archaeological survey report pursuant to SCC
30.32D.200 without considering the ((archaeology site)) professional archaeological survey report,
~~((and))~~ any comments on the report submitted by an affected Indian tribe, and any additional
archaeological work and permitting required under chapter 27.53 RCW.
- ~~((2) If an applicant requests comments regarding mitigation from a potentially affected Indian tribe and~~
~~the tribe fails to respond within 30 days of the request, the department may proceed with permit issuance~~
~~based on the archaeology site report if the applicant provides documentation of the request for tribal~~
~~comments to the department.)~~
- ~~((3))~~ (2) Based on the information contained in the ((archaeology site)) professional archaeological
survey report and any comments submitted by ((the)) any affected Indian ((tribe(s))) tribes obtained
during the ((consultation)) review process, the county approving authority will condition the permit or
project approval ((in a manner that will avoid or minimize impacts to the archaeological resource
consistent with federal and state law)) to comply with any permitting and additional archaeological work
required under federal and state laws for the protection of archaeological resources.

Section 7. Snohomish County Code Section 30.32D.220, added by Amended Ordinance No. 02-
064 on December 9, 2002, is amended to read:

30.32D.220 ~~((Human remains or))~~ Inadvertent discovery of archaeological resources ((found on a
site)).

1
2 (1) If, during the course of construction, earth movement, clearing or other ~~((site disturbance))~~ land
3 disturbing activity, ~~((human remains or))~~ archaeological resources are encountered, all work shall cease
4 immediately. Under these circumstances, the ~~((department))~~ director may issue a stop work order
5 pursuant to chapter 30.85 SCC.
6 (2) The applicant shall immediately notify the director and promptly notify any affected Indian tribe and
7 the ~~((state office of archaeology and historic preservation))~~ Washington State Department of Archaeology
8 and Historic Preservation (DAHP).
9 (3) ~~((After))~~ Ground disturbance may not proceed until consultation with any affected Indian tribe and
10 ~~((the state office of archaeology and historic preservation))~~ DAHP is complete. ~~((the state shall~~
11 ~~determine whether the site contains archaeological resources that should be preserved. The department~~
12 ~~will designate the appropriate area within the site as a preservation area. No ground disturbance is~~
13 ~~permitted within a preservation area. This designation shall not affect underlying zoning.))~~
14 (4) ~~((The preservation area designation shall remain on the appropriate area within a site until~~
15 ~~(a) The human remains or archaeological resources have been completely removed from the site; or~~
16 ~~(b) The department and the applicant have otherwise reached an agreement, in consultation with the~~
17 ~~state and any affected Indian tribe, that provides for the preservation of the human remains or~~
18 ~~archaeological resources.))~~
19 Ground disturbance may not proceed until the director and the applicant have reached an agreement in
20 consultation with DAHP and any affected Indian tribe regarding a plan for mitigation or preservation of
21 archaeological resources.
22

23 Section 8. A new section is added to Snohomish County Code Chapter 30.32D to read:

24
25 **30.32D.225 Inadvertent discovery of human remains.**
26

27 (1) If, during the course of construction, earth movement, clearing or other land disturbing activity,
28 human remains are encountered, all work shall cease immediately in an area large enough to protect the
29 find.
30 (2) The finding of human skeletal remains shall be reported to the county medical examiner and local law
31 enforcement by the applicant or property owner in the most expeditious manner possible.
32 (3) The remains shall not be touched, moved, or further disturbed. The county medical examiner shall
33 assume jurisdiction over the human skeletal remains and make a determination of whether those remains
34 are forensic or non-forensic. If the county medical examiner determines the remains are non-forensic,
35 they shall report that finding to DAHP.
36 (4) The applicant or property owner shall also promptly notify DAHP and the director of the finding of
37 human skeletal remains. The director may issue a stop work order pursuant to chapter 30.85 SCC.
38 (5) Construction, earth movement, clearing, or other land disturbing activity may not proceed without
39 DAHP approval.
40

41 Section 9. Severability and Savings. If any section, sentence, clause or phrase of this ordinance
42 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
43 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
44 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however,
45 that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
46 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date

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1 of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as
2 if this ordinance had never been adopted.

3
4 PASSED this _____ day of _____, 2021.

5
6 SNOHOMISH COUNCIL
7 Snohomish, Washington
8
9

10 _____
11 Council Chair

12 ATTEST:

13
14
15 _____
16 Asst. Clerk of the Council

17
18 () APPROVED
19 () EMERGENCY
20 () VETOED

21 DATE:

22
23 _____
24 County Executive

25 ATTEST:

26
27 _____
28
29 Approved as to form only:

30  6/22/21

31 _____
32 Deputy Prosecuting Attorney

SNOHOMISH COUNTY COUNCIL
Snohomish County, WashingtonNOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, August 18, 2021, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link: to consider proposed Ordinance No. 21-043, titled: RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL RESOURCES

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance adopts amendments to Snohomish County Code (SCC) relating to the regulation of archaeological and cultural sites. A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 21-043

Sections 1, 2, and 3. Adopt recitals, findings, and conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.32D.010 to update references to relevant state laws, to add that compliance with applicable state laws relating to the regulation of archaeological and cultural sites is a purpose of the section, to include that this chapter applies to properties that have a high probability of containing archaeological resources, and to resolve a code inconsistency regarding the applicability of this section for non-tribally owned, fee simple properties designated Residential Commercial on the Snohomish County Future Land Use Map.

Section 5. Amends SCC 30.32D.200 to update the requirements for archaeological survey reports to meet state and professional standards for cultural resources reporting. Amendments also create a new circumstance in which archaeological survey reports may be required, when information provided by an Indian tribe, the county archaeologist, or a state archaeologist demonstrates that a project area has a high probability of containing archaeological resources.

Section 6. Amends SCC 30.32D.210 to clarify that this section applies to project or permit approval for properties that contain a documented archaeological site that cannot be avoided and to require that permits or project approval will be conditioned to comply

with any permitting or additional archaeological work required under state laws for the protection of archaeological resources.

Section 7. Amends SCC 30.32D.220 to specify that this section applies to the inadvertent discovery of archaeological resources, to remove language regarding the discovery of human remains from this section, and to add clarifying language to align the procedure for the inadvertent discovery of archaeological resources with requirements under state law.

Section 8. Adds a new section SCC 30.32D.225 to conform to state law for the inadvertent discovery of skeletal human remains.

Section 9. Includes a severability and savings clause.

The County Council may also consider other amendments, including but not limited to the following:

Amendment 1. Removes redundant language regarding when ground disturbance may proceed after the inadvertent discovery of archaeological resources. SCC 30.32D.220(3) states that ground disturbance may proceed after consultation with affected Indian Tribes and DAHP, and SCC 30.32D.220(4) restates much of the same information.

=====
State Environmental Policy Act: 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 March 8, 2021.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance can be accessed through the Council website at: <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be

sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to Contact.Council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Amber Piona in Planning and Development Services at 425-262-2375.

DATED this 27th day of July, 2021

SNOHOMISH COUNTY COUNCIL
Snohomish County, Council



Stephanie Wright
Council Chair

ATTEST:



Debbie Eco, CMC
Clerk of the Council

PUBLISH: August 4, 2021

Send Affidavit to: Council
Send Invoice to: Planning #107010

1.0001 Parties of Record-Archeology Code Project
Archeology Code Project

Index#	File Name	Organization	Email Address	Street Address	City	State	Zip Code	Notes
1	Lauren Balisky	City of Mukilteo	lbalsky@mukilteo.wa.gov	11930 Cyrus Way	Mukilteo	WA	98275	
2	Julia Gold	Tulalip Tribes of Washington	jgold@tulaliptribes-nsn.gov	6406 Marine Drive	Tulalip	WA	98271	
3	Tom Wooten	Samish Indian Nation	tomwooten@samishtribe.nsn.us	P.O. Box 217,	Anacortes	WA	98221-0217	
4	Jackie Ferry	Samish Indian Nation	jferry@samishtribe.nsn.us	8327 Summit Park Rd	Anacortes	WA	98221-2738	
5	Bob de los Angeles	Snoqualmie Indian Tribe	bobde@snoqualmietribe.us	P.O. Box 969	Snoqualmie	WA	98065-0969	
6	Steven Mullen Moses	Snoqualmie Indian Tribe	steve@snoqualmietribe.us	P.O. Box 969	Snoqualmie	WA	98065-0969	
7	Adam Osbekoff	Snoqualmie Indian Tribe	adam@snoqualmietribe.us	P.O. Box 969	Snoqualmie	WA	98065-0969	
8	Jaime Martin	Snoqualmie Indian Tribe	jaime.martin@snoqualmietribe.us	P.O. Box 969	Snoqualmie	WA	98065-0969	
9	Shawn Yanity	Stillaguamish Tribe of Indians of Washington	syany@stillaguamish.com	P.O. Box 277	Arlington	WA	98223-0277	
10	Kerry Lyste	Stillaguamish Tribe of Indians of Washington	klyste@stillaguamish.com	P.O. Box 277	Arlington	WA	98223-0277	
11	Sam Barr	Stillaguamish Tribe of Indians of Washington	sbarr@stillaguamish.com	P.O. Box 277	Arlington	WA	98223-0277	
12	Tracey Boser	Stillaguamish Tribe of Indians of Washington	traceyboser@stillaguamish.com	P.O. Box 277	Arlington	WA	98223-0277	
13	Leonard Forsman	Suquamish Indian Tribe of the Port Madison Reservation	lforsman@suquamish.nsn.us	P.O. Box 498	Suquamish	WA	98392-0498	
14	Dennis Lewarch	Suquamish Indian Tribe of the Port Madison Reservation	dlewarch@suquamish.nsn.us	P.O. Box 498	Suquamish	WA	98392-0498	
15	Steve Edwards	Swinomish Indian Tribal Community	sedwards@swinomish.nsn.us	11404 Moorage Way	LaConner	WA	98257-9450	
16	Josephine Jefferson	Swinomish Indian Tribal Community	jjefferson@swinomish.nsn.us	11404 Moorage Way	LaConner	WA	98257-9450	
17	Teri Gobin	Tulalip Tribes of Washington	trgobin@tulaliptribes-nsn.gov	6406 Marine Drive	Tulalip	WA	98271	
18	Gene Enick	Tulalip Tribes of Washington	genick@tulaliptribes-nsn.gov	6406 Marine Drive	Tulalip	WA	98271	
19	Richard Young	Tulalip Tribes of Washington	ryoung@tulaliptribes-nsn.gov	6410 23rd Avenue N.E.	Tulalip	WA	98271	
20	Jennifer Washington	Upper Skagit Indian Tribe	jenniferw@upperskagit.com	25944 Community Plaza Way	Sedro Woolley	WA	98284-9739	
21	Scott Schuyler	Upper Skagit Indian Tribe	sschuyler@upperskagit.com	25944 Community Plaza Way	Sedro Woolley	WA	98284-9739	
22	Nino Maltos	Sauk-Suiattle Indian Tribe	chairman@sauk-suiattle.com	5318 Chief Brown Lane	Darrington	WA	98241-9421	
23	Slobodan Mitrovic	Sauk-Suiattle Indian Tribe	smitrovic@sauk-suiattle.com	5318 Chief Brown Lane	Darrington	WA	98241-9421	
24	Kevin Joseph	Sauk-Suiattle Indian Tribe	kjoseph@sauk-suiattle.com	5318 Chief Brown Lane	Darrington	WA	98241-9421	
25	Kirsten Larsen	Washington State Department of Commerce	kirsten.larsen@commerce.wa.gov	1011 Plum Street SE	Olympia	WA	98504	
26	Nicholas Vann	Washington State Department of Archaeology and Historic Preservation	nicholas.vann@dahp.wa.gov	1110 Capitol Way S #30	Olympia	WA	98504	
27	Mike Pattison	Master Builders Association	mpattison@MBAKS.com	335 116th Avenue SE	Bellevue	WA	98004	
28	Stephanie Jolivet	Washington State Department of Archaeology and Historic Preservation	stephanie.jolivet@dahp.wa.gov	1110 Capitol Way S #30	Olympia	WA	98504	
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31	August 18th public hearing notice sent by e-mail and U.S. mail on July 30, 2021, dle							
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SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.5.2

FILE ORD 21-043

Everett Daily Herald

SNOHOMISH COUNTY COUNCIL
RECEIVED TIME

Affidavit of Publication

State of Washington }

County of Snohomish } ss

AUG 11 2021

CC'D TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH934621 ORDINANCE 21-043 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 08/04/2021 and ending on 08/04/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$161.04.

Subscribed and sworn before me on this 4th day of August, 2021.

Linda Phillips
Notary Public in and for the State of Washington.



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF INTRODUCTION OF ORDINANCE
AND

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Wednesday, August 18, 2021, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link: to consider proposed Ordinance No. 21-043, titled: RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL RESOURCES.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>

or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance adopts amendments to Snohomish County Code (SCC) relating to the regulation of archaeological and cultural sites. A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 21-043

Sections 1, 2, and 3. Adopt recitals, findings, and conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.32D.010 to update references to relevant state laws, to add that compliance with applicable state laws relating to the regulation of archaeological and cultural sites is a purpose of the section, to include that this chapter applies to properties that have a high probability of containing archaeological resources, and to resolve a code inconsistency regarding the applicability of this section for non-tribally owned, fee simple properties designated Residential Commercial on the Snohomish County Future Land Use Map.

Section 5. Amends SCC 30.32D.200 to update the requirements for archaeological survey reports to meet state and professional standards for cultural resources reporting. Amendments also create a new circumstance in which archaeological survey reports may be required, when information provided by an Indian tribe, the county archaeologist, or a state archaeologist demonstrates that a project area has a high probability of containing archaeological resources.

Section 6. Amends SCC 30.32D.210 to clarify that this section applies to project or permit approval for properties that contain a documented archaeological site that cannot be avoided and to require that permits or project approval will be conditioned to comply with any permitting or additional archaeological work required under state laws for the protection of archaeological resources.

Section 7. Amends SCC 30.32D.220 to specify that this section applies to the inadvertent discovery of archaeological resources, to remove language regarding the discovery of human remains from this section, and to add clarifying language to align the procedure for the inadvertent discovery of archaeological resources with requirements under state law.

Section 8. Adds a new section SCC 30.32D.225 to conform to state law for the inadvertent discovery of skeletal human remains.

Section 9. Includes a severability and savings clause.

The County Council may also consider other amendments, including but not limited to the following:

Amendment 1. Removes redundant language regarding when ground disturbance may proceed after the inadvertent discovery of archaeological resources. SCC 30.32D.220(3) states that ground disturbance may proceed after consultation with affected Indian Tribes and DAHP, and SCC 30.32D.220(4) restates much of the same information.

State Environmental Policy Act. 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 March 8, 2021.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367 x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance can be accessed through the Council website at:

<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201, faxed to (425) 388-3496 or e-mailed to Contact.Council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Amber Piona in Planning and Development Services at 425-262-2375.

DATED this 27th day of July, 2021

SNOHOMISH COUNTY COUNCIL
Snohomish County, Council
/s/ Stephanie Wright
Council Chair

ATTEST:
/s/ Debbie Eco, CMC
Clerk of the Council
107010
Published: August 4, 2021.

EDH934621

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

FILE ORD 21-043

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 18, 2021, the Snohomish County Council adopted Amended Ordinance No. 21-043, which shall become effective September 2, 2021. A summary of the ordinance is as follows:

AMENDED ORDINANCE NO. 21-043

RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS
IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO
ARCHAEOLOGICAL RESOURCES

Sections 1, 2, and 3. Adopt recitals, findings, and conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.32D.010 to update references to relevant state laws, to add that compliance with applicable state laws relating to the regulation of archaeological and cultural sites is a purpose of the section, to include that this chapter applies to properties that have a high probability of containing archaeological resources, and to resolve a code inconsistency regarding the applicability of this section for non-tribally owned, fee simple properties designated Residential Commercial on the Snohomish County Future Land Use Map.

Section 5. Amends SCC 30.32D.200 to update the requirements for archaeological survey reports to meet state and professional standards for cultural resources reporting. Amendments also create a new circumstance in which archaeological survey reports may be required, when information provided by an Indian tribe, the county archaeologist, or a state archaeologist demonstrates that a project area has a high probability of containing archaeological resources.

Section 6. Amends SCC 30.32D.210 to clarify that this section applies to project or permit approval for properties that contain a documented archaeological site that cannot be avoided and to require that permits or project approval will be conditioned to comply with any permitting or additional archaeological work required under state laws for the protection of archaeological resources.

Section 7. Amends SCC 30.32D.220 to specify that this section applies to the inadvertent discovery of archaeological resources, to remove language regarding the discovery of human remains from this section, and to add clarifying language to align the procedure for the inadvertent discovery of archaeological resources with requirements under state law.

Section 8. Adds a new section SCC 30.32D.225 to conform to state law for the inadvertent discovery of skeletal human remains.

Section 9. Includes a severability and savings clause.

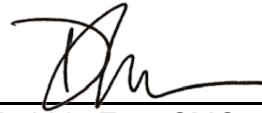
State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a determination of non-significance on March 8, 2021.

Where to Get Copies of the Amended Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance can be accessed through the Council website at: <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 27th day of August, 2021

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

A handwritten signature in black ink, appearing to read 'Debbie Eco', is written over a horizontal line.

Debbie Eco, CMC
Clerk of the Council

PUBLISH: September 1, 2021

Send Affidavit to: Council
Send Invoice to: Planning #107010

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

EXHIBIT # 3.5.5

FILE ORD 21-043

NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on August 18, 2021.

1. Description of agency action: Approval of Amended Ordinance No. 21-043.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL RESOURCES
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco
Clerk of the Council

Date: August 27, 2021

PUBLISH: September 1, 2021

Send Affidavit to: County Council
Send Invoice to: Planning #107010



Department of Commerce

Innovation is in our nature.

SNOHOMISH COUNTY COUNCIL

Notice of Adopted Amendment

EXHIBIT # 3.5.6

Indicate one (or both, if applicable):

FILE ORD 21-043

- ☐ Comprehensive Plan Amendment
☒ Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of an adopted comprehensive plan amendment and/or development regulation amendment.

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	Snohomish County
Mailing Address:	3000 Rockefeller Avenue, MS 609, Everett, WA 98201
Date:	August 27, 2021
Contact Name:	Debbie Eco
Title/Position:	Clerk of the Council
Phone Number:	425-388-7038
E-mail Address:	debbie.eco@snoco.org
Brief Description of the Adopted Amendment: <i>(40 words or less)</i>	AMENDED ORDINANCE 21-043 RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL RESOURCES
Was this action submitted to Commerce for 60-day notice of intent to adopt (or to request expedited review)?	Yes. Material ID# 2021-S-2394
Public Hearing Date:	Planning Commission: April 27, 2021 Council/County Commission: August 18, 2021
Date Adopted:	August 18, 2021

REQUIRED: Attach or include a copy the adopted ordinance (signed and dated) and the final amendment text.

1 ADOPTED: 08/18/21
2 EFFECTIVE: 09/02/21

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 AMENDED ORDINANCE NO. 21-043
7

8 RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN
9 CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO
10 ARCHAEOLOGICAL RESOURCES
11

12 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, requires
13 Snohomish County (the "County") to identify and encourage the preservation of lands, sites, and
14 structures that have historical or archaeological significance; and
15

16 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) General Policy
17 Plan (GPP) directs Snohomish County to preserve, protect, and enhance archaeological,
18 cultural, and historic resources, and to efficiently and effectively meet its archaeological
19 resource management obligations under federal, state, and local regulations; and
20

21 WHEREAS, in 2008 the Washington State Legislature revised state law concerning the
22 inadvertent discovery of skeletal human remains, abandoned and historic cemeteries, and
23 historic graves in chapters 68.50 and 68.60 RCW; and
24

25 WHEREAS, chapter 30.32D of the Snohomish County Code (SCC) establishes the
26 regulations for historic and archaeological resources in the County; and
27

28 WHEREAS, the existing procedures within chapter 30.32D SCC for archaeological
29 surveys reports, permit approvals for properties that contain documented archaeological sites
30 that cannot be avoided, and the inadvertent discovery of archaeological resources and skeletal
31 human remains do not align with current state laws related to the regulation of archaeological
32 resources; and
33

34 WHEREAS, SCC 30.32D.200 does not allow the County to require an archaeological
35 survey when information from Indian tribes, the county archaeologist, or state archaeologists
36 indicates that there is a high likelihood for archaeological resources to be located on the project
37 site; and
38

39 WHEREAS, chapter 30.32D SCC also contains outdated terminology and references
40 which create unnecessary ambiguity and confusion; and
41

42 WHEREAS, on March 23, 2021, the Snohomish County Planning Commission (the
43 "Planning Commission") was briefed by PDS staff about the proposed code amendments
44 contained in this ordinance; and
45

46 WHEREAS, the Planning Commission held a public hearing on April 27, 2021, to receive
47 public testimony concerning the code amendments contained in this ordinance, and at the
48 conclusion of that hearing continued deliberations; and

1
2 WHEREAS, on May 25, 2021, the Planning Commission deliberated on the proposed
3 code amendments contained in this ordinance and voted to recommend amendments to the
4 County code relating to archaeological resources as shown in its recommendation letter dated
5 May 27, 2021; and
6

7 WHEREAS, on August 18, 2021, the County Council held a public hearing after proper
8 notice, and considered public comment and the entire record related to the code amendments
9 contained in this ordinance; and
10

11 WHEREAS, following the public hearing, the County Council deliberated on the code
12 amendments contained in this ordinance;
13

14 NOW, THEREFORE, BE IT ORDAINED:
15

16 Section 1. The County Council adopts the following findings in support of this ordinance:
17

18 A. The foregoing recitals are adopted as findings as if set forth in full herein.
19

20 B. This ordinance amends chapter 30.32D SCC in the following manner:
21

- 22 1. This ordinance amends SCC 30.32D.010 to update references to relevant state laws, to
23 add that compliance with applicable state laws relating to the regulation of
24 archaeological and cultural sites is a purpose of the section, to include that this chapter
25 applies to properties that have a high probability of containing archaeological resources,
26 and to resolve a code inconsistency regarding the applicability of this section for non-
27 tribally owned, fee simple properties designated Residential Commercial on the
28 Snohomish County Future Land Use Map.
29
- 30 2. This ordinance amends SCC 30.32D.200 to update the requirements for archaeological
31 survey reports to meet state and professional standards for cultural resources reporting.
32 The amendments also create a new circumstance in which archaeological survey
33 reports may be required, when an Indian tribe, the county archaeologist, or a state
34 archaeologist determines that the project site has a high probability of containing
35 archaeological resources.
36
- 37 3. This ordinance amends SCC 30.32D.210 to clarify that this section applies to project or
38 permit approval for properties that contain a documented archaeological site that cannot
39 be avoided and to require that permits or project approval will be conditioned to comply
40 with any permitting or additional archaeological work required under state laws for the
41 protection of archaeological resources.
42
- 43 4. This ordinance amends SCC 30.32D.220 to specify that this section applies to the
44 inadvertent discovery of archaeological resources, to remove language regarding the
45 discovery of human remains from this section, and to add clarifying language to align the
46 procedure for the inadvertent discovery of archaeological resources with requirements
47 under state law.
48

1 5. This ordinance adds a new section SCC 30.32D.225 to conform to state law for the
2 inadvertent discovery of skeletal human remains.

- 3
4 C. In developing the proposed amendments, the County considered the GMA goals related to
5 historic preservation. In particular, the proposed amendments are consistent with and
6 promote:

7
8 GMA Goal 13 – “Identify and encourage the preservation of lands, sites, and structures,
9 that have historical or archaeological significance.”

10
11 The proposed amendments support the identification and preservation of archaeological
12 resources by allowing the County to require archaeological survey reports when
13 information provided by an Indian tribe, the county archaeologist, or a state
14 archaeologist indicates that the project location has a high probability of containing
15 archaeological resources.

- 16
17 D. The proposed amendments will better achieve, comply with, and implement goals and
18 policies from the Puget Sound Regional Council’s Multicounty Planning Policies (MPPs),
19 including the following Development Patterns (DP) policy:

20
21 MPP-DP-34 – “Preserve significant regional historic, visual and cultural resources
22 including public views, landmarks, archaeological sites, historic and cultural landscapes
23 and areas of special character.”

24
25 The proposed amendments are consistent with this policy. Allowing that an
26 archaeological survey report may be required for a project that an Indian tribe, the
27 county archaeologist, or a state archaeologist has determined to have a high probability
28 to contain archaeological resources would increase the likelihood that previously
29 unrecorded archaeological resources are identified prior to construction. With the
30 proposed changes, projects that would have potentially damaged or destroyed
31 archaeological resources can be modified to preserve them.

- 32
33 E. The proposed amendments will better achieve, comply with, and implement the following
34 goals, objectives, and policies contained in the County’s GMACP GPP:

35
36 GPP Policy LU 11.B.2 “The county shall meet its historic and archaeological resource
37 management obligations under federal, state and local regulations in an efficient and
38 effective manner.”

39
40 The proposed amendments modify procedures for archaeological surveys reports,
41 permit approvals for properties that contain documented archaeological sites that cannot
42 be avoided, and the inadvertent discovery of archaeological resources and skeletal
43 human remains to align with state law. These amendments will support the county
44 meeting its historic and archaeological resource management obligations in an efficient
45 and effective manner.

46
47 GPP Policy LU 11 B.4 “The county shall promote preservation of identified
48 archaeological and historic resources.

1
2 The proposed amendments are consistent with this policy. Allowing that an
3 archaeological survey report may be required for a project area that an Indian tribe, the
4 county archaeologist, or a state archaeologist has determined to have a high probability
5 to contain archaeological resources would increase the likelihood that previously
6 unrecorded archaeological resources are identified prior to construction. With the
7 proposed changes, projects that would have potentially damaged or destroyed
8 archaeological resources can be modified to preserve them.
9

10 F. Procedural requirements.
11

- 12 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
13 respect to this non-project action have been satisfied through the completion of an
14 environmental checklist and the issuance of a determination of non-significance on
15 March 8, 2021.
16
- 17 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
18
- 19 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
20 transmitted to the Washington State Department of Commerce on March 1, 2021.
21
- 22 4. The public participation process used in the adoption of this ordinance complies with all
23 applicable requirements of the GMA and the SCC, including but not limited to, RCW
24 36.70A.035, RCW 36.70A.140, and chapter 30.73 SCC.
25
- 26 5. The Washington State Attorney General last issued an advisory memorandum, as
27 required by RCW 36.70A.370, in September of 2018 entitled "Advisory Memorandum:
28 Avoiding Unconstitutional Takings of Private Property" to help local governments avoid
29 the unconstitutional taking of private property. The process outlined in the State
30 Attorney General's 2018 advisory memorandum was used by Snohomish County in
31 objectively evaluating the regulatory changes proposed by this ordinance.
32

33 G. This ordinance is consistent with the record.
34

- 35 1. Existing archaeological resource procedures for archaeological surveys reports, permit
36 approvals for properties that contain documented archaeological sites that cannot be
37 avoided, and the inadvertent discovery of archaeological resources and skeletal human
38 remains do not align with current state laws related to the regulation of archaeological
39 resources. The proposed code amendments modify county regulations to align with state
40 laws.
41
- 42 2. Existing code language contains outdated references and confusing terminology. The
43 amendments proposed by this ordinance provide clarity through updating references and
44 terminology to match current state laws for the protection of archaeological resources.
45
- 46 3. The code amendments proposed by this ordinance support the increased identification
47 and protection of archaeological resources. Allowing the County to require an
48 archaeological survey report when a project location has a high probability of containing

1 archaeological resources increases the likelihood of archaeological resources being
2 identified early in the life of a project and allows projects to be modified to avoid
3 impacting resources.
4

- 5 H. The proposed amendments are consistent with the PDS Staff Report to the Planning
6 Commission dated March 5, 2021.
7

8 Section 2. The County Council makes the following conclusions:
9

- 10 1. The amendments proposed by this ordinance comply with the GMA.
11
12 2. The amendments proposed by this ordinance comply with the Snohomish County
13 GMACP.
14
15 3. The proposal is consistent with Washington State law and Snohomish County Code.
16
17 4. The County has complied with all SEPA requirements in respect to this non-project
18 action.
19
20 5. The public participation process used in the adoption of this ordinance complies with all
21 applicable requirements of the GMA and title 30 SCC.
22
23 6. The amendments proposed by this ordinance do not result in an unconstitutional taking
24 of private property for a public purpose.
25

26 Section 3. The Snohomish County Council bases its findings and conclusions on the
27 entire record of the County Council, including all testimony and exhibits. Any finding, which
28 should be deemed a conclusion, and any conclusion which should be deemed a finding, is
29 hereby adopted as such.
30

31 Section 4. Snohomish County Code Section 30.32D.010, last amended by Amended
32 Ordinance No. 06-037 on December 13, 2006, is amended to read:
33

34 **30.32D.010 Purpose and applicability.**
35

- 36 (1) The purpose of this chapter is to identify, evaluate, and protect archaeological and historic
37 resources within Snohomish county and to preserve and rehabilitate eligible historic properties
38 for future generations, in order to:
39 (a) Safeguard the heritage of the county as represented by those buildings, sites, structures,
40 objects, and districts which reflect significant elements of county history;
41 (b) Foster civic pride in the beauty and accomplishments of the past, and a sense of identity
42 with county history;
43 (c) Assist, encourage, and provide incentives to private owners for preservation, restoration,
44 rehabilitation, and use of outstanding historic buildings, sites, structures, objects, and
45 districts;
46 (d) Promote and facilitate the early identification and resolution of conflicts between
47 preservation of archaeological and historic resources and land uses; ((and))

- (e) Stabilize and improve the aesthetic and economic vitality and values of such sites improvements and objects ((-)); and
- (f) Comply with applicable state laws related to the regulation of archaeological and cultural sites.

(2) In Washington State, archaeology sites, historical graves and cemeteries, and Native American grave sites are protected by ~~((both federal and))~~ state laws on both public and private lands. This chapter does not repeal, modify, or waive any provision of federal or state law currently enacted, or as enacted in the future, that regulates archaeological sites including, but not limited to: the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-mm); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); the National Historic Preservation Act (16 U.S.C. 470 et seq.); Chapter 27.44 RCW titled "Indian Graves and Records";~~((and))~~ Chapter 27.53 RCW titled "Archaeological Sites and Resources((-)"; Chapter 68.50 RCW titled "Human Remains"; and Chapter 68.60 RCW titled "Abandoned and Historic Cemeteries and Historic Graves."

(3) This chapter applies to:

- (a) Properties eligible for and on the Snohomish ~~((county))~~ County Register of Historic Places established pursuant to SCC 30.32D.020; ~~((and,))~~
- (b) Properties ~~((listed))~~ recorded on the Washington ((State Archaeological Site Inventory)) Information System for Architectural and Archaeological Records Data (WISAARD) ((-)) ;
- (c) Non-tribally owned, fee-simple properties designated Reservation Commercial on the Snohomish County Future Land Use Map; and
- (d) Properties with a high probability of containing archaeological resources as indicated by information provided by an Indian tribe, or by a Snohomish County or state professional archaeologist.

(4) Regulations concerning the Snohomish County Historic Preservation Commission are in chapter 2.96 SCC; regulations concerning the state tax incentive program for qualifying historic properties are located in chapter 4.31 SCC.

Section 5. Snohomish County Code Section 30.32D.200, last amended by Amended Ordinance No. 15-027 on May 6, 2015, is amended to read:

30.32D.200 ~~((Archaeology Site))~~ Archaeological survey report.

(1) Known archaeological sites are recorded on ~~((the Washington State Department of Archaeology and Historic Preservation's Geographic Information System))~~ WISAARD and information from data sharing agreements between Snohomish County and the Washington State Department of Archaeology and Historic Preservation (DAHP).

(2) An archaeological site may cover only a portion of a property, parcel, or lot and may ~~((be located on))~~ extend onto more than one property, parcel, or lot.

(3) Completion of ~~((an archaeology site report))~~ a professional archaeological survey ((or relocation of the project to avoid the known archaeological site shall be required for)):

- (a) ~~((Any))~~ Shall be required for any construction, earth movement, clearing, or other ~~((site))~~ land disturbance of a known archaeological site; ~~((or))~~
- (b) ~~((Any))~~ Shall be required for any development application proposed on non-tribally owned, fee-simple properties designated Reservation Commercial on the Snohomish County Future Land Use Map ~~((-)); and~~
- (c) May be required for any development application when information provided by an Indian tribe or by a Snohomish County or state professional archaeologist demonstrates that the project location has a high probability of containing archaeological resources.

1 ~~((An archaeology site report))~~ A professional archaeological survey report required under
2 subsection (3)~~((a))~~ of this section shall:

- 3 (a) Be written by a professional archaeologist as defined in ~~((WAC 25.48.020))~~ RCW
4 27.53.030(11);
- 5 (b) Be submitted to the department by the property owner or project proponent;
- 6 (c) Include the location ~~((, condition))~~ and extent of the archaeological resources located
7 ~~((on site and any recommendation with respect to conditioning the activity to avoid or~~
8 ~~minimize impacts on the known archaeological site))~~ within a project area; ~~((and))~~
- 9 (d) Include ~~((the results of consultation with))~~ any comments submitted by any affected
10 Indian tribe ~~((on proposed actions to avoid or mitigate impacts of the proposed project))~~
11 during the review process ~~((:))~~;
- 12 (e) Meet state and professional standards for cultural resources reporting; and
- 13 (f) Include recommendations for avoidance or minimization of impacts on archaeological
14 resources if present, and recommendations for additional archaeological work and
15 permitting to comply with applicable state and federal laws for the protection and
16 preservation of archaeological resources.

17 ~~((5))~~ An archaeological report is required under subsection (3)(b) of this section shall:

- 18 ~~(a) Be written by a professional archaeologist as defined in WAC 25.48.00;~~
- 19 ~~(b) Be submitted to the department by the property owner or project proponent~~
- 20 ~~(c) Include the location, condition, and extent of the archaeological resources located on~~
21 ~~site and any recommendations with respect to conditioning the activity to avoid impacts;~~
22 ~~and~~
- 23 ~~(d) Include the results of consultation with any affected Indian tribe on proposed actions to~~
24 ~~avoid impacts of the proposed project.))~~

25 ~~((6))~~ (5) The department shall provide a copy of the ((archaeology site)) archaeological survey
26 report to any affected Indian tribe and the ((Washington State Department of Archaeology and
27 Historic Preservation, at the applicant's expense)) DAHP.

28

29 Section 6. Snohomish County Code Section 30.32D.210, last amended by Amended
30 Ordinance No. 06-037 on December 13, 2006, is amended to read:

31

32 **30.32D.210 Project or permit approval for property ~~((on state register as an~~**
33 **archaeological resource.)) that contains a documented archaeological site that cannot be**
34 **avoided.**

35

36 (1) The county approving authority shall not issue a permit for any development activity or
37 project approval requiring ~~((an archaeology site))~~ a professional archaeological survey report
38 pursuant to SCC 30.32D.200 without considering the ~~((archaeology site))~~ professional
39 archaeological survey report, ((and)) any comments on the report submitted by an affected
40 Indian tribe, and any additional archaeological work and permitting required under chapter 27.53
41 RCW.

42 ~~((2) If an applicant requests comments regarding mitigation from a potentially affected Indian~~
43 ~~tribe and the tribe fails to respond within 30 days of the request, the department may proceed~~
44 ~~with permit issuance based on the archaeology site report if the applicant provides~~
45 ~~documentation of the request for tribal comments to the department.))~~

46 ~~((3))~~ (2) Based on the information contained in the ((archaeology site)) professional
47 archaeological survey report and any comments submitted by ((the)) any affected Indian
48 ((tribe(s))) tribes obtained during the ((consultation)) review process, the county approving

1 authority will condition the permit or project approval (~~(in a manner that will avoid or minimize~~
2 ~~impacts to the archaeological resource consistent with federal and state law))~~ to comply with
3 any permitting and additional archaeological work required under federal and state laws for the
4 protection of archaeological resources.

5
6 Section 7. Snohomish County Code Section 30.32D.220, added by Amended Ordinance
7 No. 02-064 on December 9, 2002, is amended to read:

8
9 **30.32D.220 (~~(Human remains or))~~ Inadvertent discovery of archaeological resources**
10 **(~~found on a site~~).**

11
12 (1) If, during the course of construction, earth movement, clearing or other (~~(site disturbance))~~
13 land disturbing activity, (~~(human remains or))~~ archaeological resources are encountered, all
14 work shall cease immediately. Under these circumstances, the (~~(department))~~ director may
15 issue a stop work order pursuant to chapter 30.85 SCC.

16 (2) The applicant shall immediately notify the director and promptly notify any affected Indian
17 tribe and the (~~(state office of archaeology and historic preservation))~~ Washington State
18 Department of Archaeology and Historic Preservation (DAHP).

19 (3) (~~(After))~~ Ground disturbance may not proceed until consultation with any affected Indian tribe
20 and (~~(the state office of archaeology and historic preservation))~~ DAHP is complete. (~~(, the state~~
21 ~~shall determine whether the site contains archaeological resources that should be preserved.~~
22 ~~The department will designate the appropriate area within the site as a preservation area. No~~
23 ~~ground disturbance is permitted within a preservation area. This designation shall not affect~~
24 ~~underlying zoning.))~~

25 (4) (~~(The preservation area designation shall remain on the appropriate area within a site until~~
26 ~~(a) The human remains or archaeological resources have been completely removed from~~
27 ~~the site; or~~
28 ~~(b) The department and the applicant have otherwise reached an agreement, in consultation~~
29 ~~with the state and any affected Indian tribe, that provides for the preservation of the~~
30 ~~human remains or archaeological resources.))~~

31
32 Section 8. A new section is added to Snohomish County Code Chapter 30.32D to read:

33
34 **30.32D.225 Inadvertent discovery of human remains.**

35
36 (1) If, during the course of construction, earth movement, clearing or other land disturbing
37 activity, human remains are encountered, all work shall cease immediately in an area large
38 enough to protect the find.

39 (2) The finding of human skeletal remains shall be reported to the county medical examiner and
40 local law enforcement by the applicant or property owner in the most expeditious manner
41 possible.

42 (3) The remains shall not be touched, moved, or further disturbed. The county medical examiner
43 shall assume jurisdiction over the human skeletal remains and make a determination of whether
44 those remains are forensic or non-forensic. If the county medical examiner determines the
45 remains are non-forensic, they shall report that finding to DAHP.

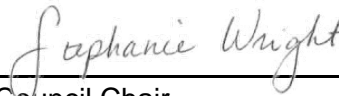
46 (4) The applicant or property owner shall also promptly notify DAHP and the director of the
47 finding of human skeletal remains. The director may issue a stop work order pursuant to chapter
48 30.85 SCC.

1 (5) Construction, earth movement, clearing, or other land disturbing activity may not proceed
2 without DAHP approval.
3

4 Section 9. Severability and Savings. If any section, sentence, clause or phrase of this
5 ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or
6 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
7 not affect the validity or constitutionality of any other section, sentence, clause or phrase of this
8 ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance
9 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,
10 clause or phrase in effect prior to the effective date of this ordinance shall be in full force and
11 effect for that individual section, sentence, clause or phrase as if this ordinance had never been
12 adopted.
13

14 PASSED this 18th day of August, 2021.
15

16 SNOHOMISH COUNTY COUNCIL
17 Snohomish County, Washington
18

19 
20 _____
21 Council Chair

22 ATTEST:


23 
24 _____
25 Clerk of the Council
26

27 (X) APPROVED
28 () EMERGENCY
29 () VETOED
30

31 DATE: 8/23/2021
32

33 
34 _____
35 County Executive
36

37 ATTEST:

38 
39 _____
40
41
42

43 Approved as to form only:
44
45 _____
46 Deputy Prosecuting Attorney



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

08/30/2021

Ms. Debbie Eco
Clerk of the Council
Snohomish County
3000 Rockefeller Ave.
Everett, WA 98201

Sent Via Electronic Mail

Re: Snohomish County--2021-S-3071--Notice of Final Adoption

Dear Ms. Eco:

Thank you for sending the Washington State Department of Commerce the Notice of Final Adoption as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Adopted Ordinance No. 21-043 amending development regulations in Chapter 30.32D of the county code pertaining to archaeological resources.

We received your submittal on 08/27/2021 and processed it with the Submittal ID 2021-S-3071. Please keep this letter as documentation that you have met this procedural requirement.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Kirsten Larsen, (360) 280-0320.

Sincerely,

Review Team
Growth Management Services

Affidavit of Publication

State of Washington }

County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL

RECEIVED _____ TIME _____

SEP 07 2021

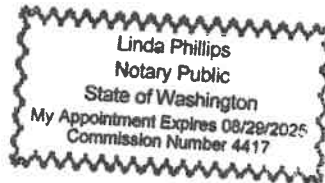
Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH937095 AMENDED ORD 21-043 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/01/2021 and ending on 09/01/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

CC'D TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF

The amount of the fee for such publication is \$89.76.

Subscribed and sworn before me on this

15 day of September
2021



Linda Phillips

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on August 18, 2021, the Snohomish County Council adopted Amended Ordinance No. 21-043, which shall become effective September 2, 2021. A summary of the ordinance is as follows:

AMENDED ORDINANCE NO. 21-043
RELATING TO GROWTH MANAGEMENT; AMENDING
DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE
SNOHOMISH COUNTY CODE PERTAINING TO
ARCHAEOLOGICAL RESOURCES

Sections 1, 2, and 3. Adopt recitals, findings, and conclusions; and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends SCC 30.32D.010 to update references to relevant state laws, to add that compliance with applicable state laws relating to the regulation of archaeological and cultural sites is a purpose of the section, to include that this chapter applies to properties that have a high probability of containing archaeological resources, and to resolve a code inconsistency regarding the applicability of this section for non-tribally owned, fee simple properties designated Residential Commercial on the Snohomish County Future Land Use Map.

Section 5. Amends SCC 30.32D.200 to update the requirements for archaeological survey reports to meet state and professional standards for cultural resources reporting. Amendments also create a new circumstance in which archaeological survey reports may be required, when information provided by an Indian tribe, the county archaeologist, or a state archaeologist demonstrates that a project area has a high probability of containing archaeological resources.

Section 6. Amends SCC 30.32D.210 to clarify that this section applies to project or permit approval for properties that contain a documented archaeological site that cannot be avoided and to require that permits or project approval will be conditioned to comply with any permitting or additional archaeological work required under state laws for the protection of archaeological resources.

Section 7. Amends SCC 30.32D.220 to specify that this section applies to the inadvertent discovery of archaeological resources, to remove language regarding the discovery of human remains from this section, and to add clarifying language to align the procedure for the inadvertent discovery of archaeological resources with requirements under state law.

Section 8. Adds a new section SCC 30.32D.225 to conform to state law for the inadvertent discovery of skeletal human remains.

Section 9. Includes a severability and savings clause.

State Environmental Policy Act. 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 March 8, 2021.

Where to Get Copies of the Amended Ordinance. Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contactcouncil@snoco.org.

Website Access. This ordinance can be accessed through the Council website at:
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>

DATED this 27th day of August, 2021

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Debbie Eco, CMC
Clerk of the Council

107010

Published: September 1, 2021

EDH937095

Everett Daily Herald

EXHIBIT # 3.5.9

FILE ORD 21-043

Affidavit of Publication

State of Washington }

County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH937096 AMENDED ORD 21-043 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/01/2021 and ending on 09/01/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$30.36.

Subscribed and sworn before me on this

15th day of September,
2021.

Linda Phillips

Notary Public in and for the State of Washington.

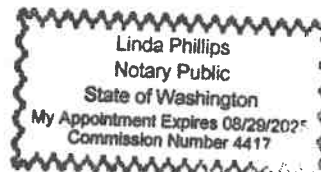
Snohomish County Planning | 14107010
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL

RECEIVED _____ TIME _____

SEP 07 2021

CC'D TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on August 18, 2021.

1. Description of agency action: Approval of Amended Ordinance No. 21-043.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTER 30.32D OF THE SNOHOMISH COUNTY CODE PERTAINING TO ARCHAEOLOGICAL RESOURCES
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to Contact.Council@snoco.org.
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco
Clerk of the Council

Date: August 27, 2021
107010

Published: September 1, 2021

EDH937096

EXECUTIVE RECOMMENDED
AMENDMENT SHEET
ORDINANCE NO. 21-043

Amendment Name: Clarifying when ground disturbance may proceed

Brief Description: This amendment removes redundant language regarding when ground disturbance may proceed after the inadvertent discovery of archaeological resources. SCC 30.32D.220(3) states that ground disturbance may proceed after consultation with affected Indian Tribes and DAHP, and SCC 30.32D.220(4) restates much of the same information.

Affected Code Sections: SCC 30.32D.220(4)

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

Beginning on page 8, line 14, delete:

- (4) (~~The preservation area designation shall remain on the appropriate area within a site until~~
~~(a) The human remains or archaeological resources have been completely removed from the~~
~~site; or~~
~~(b) The department and the applicant have otherwise reached an agreement, in consultation~~
~~with the state and any affected Indian tribe, that provides for the preservation of the~~
~~human remains or archaeological resources.))~~

Ground disturbance may not proceed until the director and the applicant have reached an agreement in consultation with DAHP and any affected Indian tribe regarding a plan for mitigation or preservation of archaeological resources.

And replace with:

- ~~((4) The preservation area designation shall remain on the appropriate area within a site until~~
~~(c) The human remains or archaeological resources have been completely removed from the~~
~~site; or~~
~~The department and the applicant have otherwise reached an agreement, in consultation with the~~
~~state and any affected Indian tribe, that provides for the preservation of the human remains or~~
~~archaeological resources.))~~

Council Disposition: 2-4 u approved Date: 8/18/21