

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-308

REFERRING PROPOSED CODE REVISIONS RELATING TO DEVELOPMENT AGREEMENTS TO THE OFFICE OF HEARINGS ADMINISTRATION, THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, AND THE SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments that would revise regulations and fees for Development Agreements; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload and the challenges created by the COVID-19 pandemic; and

WHEREAS, the process for Development Agreements involves intake and review by Planning and Development Services (PDS) prior to PDS making a recommendation on the agreement to the Hearing Examiner; and

WHEREAS, the subject matter experts in the Office of Hearing Administration (OHA) and PDS could offer suggestions to improve the review and recommendation process in the proposed amendments as well as recovery of the costs for providing such permit services; and

WHEREAS, the logical time for input from OHA and PDS would be prior to Planning Commission consideration of the proposed amendments; and

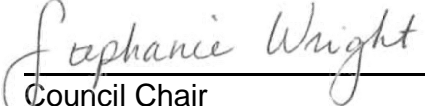
NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from other departments including OHA and PDS in the report to Planning Commission.
3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to February 28, 2022.


DATED this 15th day of September, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
DEVELOPMENT AGREEMENTS**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 21-

RELATING TO GROWTH MANAGEMENT; REVISING REGULATIONS CONCERNING
DEVELOPMENT AGREEMENTS; AMENDING EXISTING SECTIONS AND ADDING NEW
SECTIONS IN CHAPTERS 30.75 AND 30.86 OF THE SNOHOMISH COUNTY CODE

WHEREAS, the Growth Management Act (GMA), Chapter 36.70A RCW, requires Snohomish County (the “County”) to adopt a comprehensive plan and implementing codes and regulations related to land use and development within the County’s jurisdiction that are consistent with the comprehensive plan; and

WHEREAS, on October 29, 2020, the Puget Sound Regional Council (the “PSRC”) adopted Vision 2050, a plan for the central Puget Sound region, which includes Snohomish County; and

WHEREAS, the County is party to an interlocal agreement with PSRC that obligates the County to growth management policies and codes that are consistent with Vision 2050; and

WHEREAS, Vision 2050 requires counties to incorporate actions that contribute meaningfully toward reducing greenhouse gas emissions, promoting equitable climate resiliency measures, and steps to reduce vehicle miles traveled and promote transit, biking and walking (CC-Action-3); and

WHEREAS, the Countywide Planning Policies (the “CPPs”) contain guidance to jurisdictions in Snohomish County for how to implement the policies adopted by PSRC; and

WHEREAS, CPP-DP-11 says that the County “should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas” (UGAs); and

WHEREAS, CPP-DP-16 says that the County “should encourage the use of innovative development standards, design guidelines, regulatory incentives, and applicable low impact development measures to provide compact, high quality communities”; and

WHEREAS, CPP-DP-29 says that the County “shall develop strategies and programs to support agricultural and forest activities”; and

WHEREAS, CPP-DP-28 says that the demand for new commercial activity and services as well as new industrial job base should be generally be met in UGAs, however, it

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SERVICES, OFFICE OF HEARINGS ADMINISTRATION AND THE SNOHOMISH
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also says that outside of UGAs, the County should allow for, a) Resource-based and resource supportive commercial and industrial uses; b) Limited convenience commercial development serving the daily needs of rural area residents; c) Home-based businesses; d) Low traffic and employment enterprises that benefit from a non-urban location due to large lots, vegetative buffers, etc; e) Maintenance of the historical locations, scale, and character of existing commercial services and industrial activities; and f) Resource-dependent tourism and recreation oriented uses provided they do not adversely impact adjoining rural and resource uses; and

WHEREAS, CPP-DP-15 says the County should adopt “development regulations and design guidelines that allow for infill and redevelopment of appropriate areas as identified in their comprehensive plans”; and

WHEREAS, the County’s Growth Management Act Comprehensive Plan (GMACP) includes the General Policy Plan (the “GPP”) which contains policies that guide the codes and regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”); and

WHEREAS, there may be gaps between what the policies in the GPP call for and what the specific regulations in Title 30 allow; and

WHEREAS, RCW 36.70B.170 authorizes local governments to enter into Development Agreements that “set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of real property for the duration specified in the agreement”; and

WHEREAS, RCW 36.70B.170(3) provides examples of what development standards may be governed by a development agreement, including (a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes; (b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications; (c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW; (d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features; (e) Affordable housing; (f) Parks and open space preservation; (g) Phasing; (h) Review procedures and standards for implementing decisions; (i) A build-out or vesting period for applicable standards; and (j) Any other appropriate development requirement or procedure; and

WHEREAS, RCW 36.70B.200 says that the County shall only approve a development agreement by ordinance or resolution after a public hearing and requires that the County Council, Planning Commission, or Hearing Examiner conduct the public hearing; and

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WHEREAS, Chapter 30.75 SCC contains provisions for Development Agreements;
and

WHEREAS, provisions of Chapter 30.75 SCC have not been updated to reflect Vision 2050 or changes to the Countywide Planning Policies adopted in 2011 [Note: Before this ordinance reaches Planning Commission, this recital and several above will need updating to reflect new CPPs expected to be adopted shortly after the date of this draft ordinance]; and

WHEREAS, the provisions of Chapter 30.75 SCC may be more restrictive than what RCW 36.70B.170 or .200 allow; and

WHEREAS, SCC 30.75.020 requires the Hearing Examiner to make a recommendation including a proposed ordinance for consideration by the County Council;
and

WHEREAS, Chapter 2.48 SCC provides for the County Council to pass either ordinances or resolutions; and

WHEREAS, in order to adopt an ordinance, the County Council must hold a hearing;
and

WHEREAS, passage of a resolution does not require the County Council to hold a hearing; and

WHEREAS, the noticing and procedural requirements for the County Council to pass an ordinance are lengthier and costlier than would be to pass a resolution; and

WHEREAS, RCW 36.70B.200 only requires a single public hearing before either the County Council, Planning Commission, or Hearing Examiner; and

WHEREAS, the process currently in Chapter 30.75 SCC requires two hearings, one before the Hearing Examiner on the merits of a Development Agreement followed by a second hearing before the County Council to adopt an ordinance based on recommendations from the Hearing Examiner; and

WHEREAS, GPP policy LU 4.A.1 says that the “County shall work with architects, builders, and others to ensure that the design review process, innovative and flexible standards, and development regulations for site planning and the design of buildings are consistent with the urban design policies of the GPP”; and

WHEREAS, GPP Objective LU 7.C call on the County to “Enhance and encourage the agricultural industry through development and adoption of supporting programs and code amendments”; and

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WHEREAS, GPP policy LU 7.C.6 says that “The county shall support the use of innovative agricultural technologies, procedures and practices that protect existing land, soil and water resources”; and

WHEREAS, GPP policy LU 10.B.7 says that “The county shall consider development of code and site design standards that encourage the preservation of natural and scenic resources”; and

WHEREAS, GPP policy LU 6.G.1 reads “Within rural lands outside of urban growth areas (UGAs), permit limited rural industrial land uses in areas previously designated or zoned for rural industrial uses and permit limited rural industrial uses in areas which have not been previously designated or zoned for rural industrial uses but contain uses or existing structures previously devoted to rural industry. Provide opportunities for small scale industrial development that relates to other rural uses and natural resource production, processing and distribution of goods”; and

WHEREAS, GPP policy HO 3.B.5 says that “The county shall continue the demonstration program that provides for the use of environmentally sensitive housing development practices that minimize the impacts of growth on the county’s natural resource systems without adding to the cost of housing”; and

WHEREAS, the specific demonstration program referred to in GPP HO 3.B.5 was the Reduced Drainage Discharge Demonstration Program (the “RDDDP”) which is no longer in effect, although the policy direction to continue use of environmentally sensitive housing development practices remains in effect; and

WHEREAS, GPP policy ED 2.A.2 says that “Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for timely response to unanticipated and desirable developments”; and

WHEREAS, GPP policy ED 2.A.3 says that to “ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input”, and

WHEREAS, while the County already had a policy to update development regulations in Title 30 SCC to allow for “timely response to unanticipated and desirable developments” (GPP ED 2.A.2) it has not specifically done so recently; and

WHEREAS, the County Council finds that there is an opportunity to update the County’s development regulations related to Development Agreements to reflect recent changes to Vision 2050 and the Countywide Planning Policies; and

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WHEREAS, on [Date, Month, Year], the Snohomish County Planning Commission (“Planning Commission”) held a public hearing to receive public testimony concerning the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission recommended adoption of the code amendments contained in this ordinance; and

WHEREAS, on [Date, Month, Year], the County Council held a public hearing after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED:

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

- A. The foregoing recitals are adopted as findings as if set forth in full herein.
- B. The County Council made the following findings of fact in support of this ordinance.
- C. This ordinance will amend Title 30 of Snohomish County Code (SCC) to update development regulations related to Development Agreements. The proposed amendments seek to:
 1. Reflect changes in Vision 2050 and the CPPs calling for development codes to allow flexibility in development standards so long as that flexibility is still consistent with the Comprehensive Plan;
 2. Update the approval process for Development Agreements by allowing the County Council to pass a resolution to approve a Development Agreement rather than requiring a second public hearing to take place;
 3. Continue implementation of guidance in GPP HO 3.B.5 to allow for environmentally sensitive housing practices that minimize the impacts of growth on the county’s natural resource systems without adding to the cost of housing by way of Development Agreement rather than the former Reduced Drainage Discharge Demonstration program;

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4. Clarify which code sections a Development Agreement for a specific proposal may amend;
 5. Clarify minimum submittal requirements for a Development Agreement;
 6. Update the criteria that an applicant must demonstrate consistency with;
 7. Clarify and simplify implementation of existing code by improving consistency and readability; and
 8. Add fees related to the scope and complexity of a development agreement.
- D. In developing the proposed code amendments, the County considered the goals of the GMA. This ordinance is consistent with GMA Goal 7: "Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability" because it provides clear process and criteria that must be met applicants proposing an unanticipated or desirable project who otherwise would need to pursue a lengthier and less certain plan amendment or code amendment process.
- E. In addition to the policies cited above, the proposed amendments will better achieve, comply with, and implement the following goals, objectives, and policies contained in the county's GMACP.
- a. Economic Development Goal 2: "Provide a planning and regulatory environment which facilitates growth of the local economy". Local economic growth is facilitated by consistent, predictable, and timely permitting. This ordinance provides for greater flexibility and predictability for applicants proposing projects that support economic growth consistent with the comprehensive plan but not allowed for in SCC Title 30.
 - b. Economic Development Objective 2.A: "Develop and maintain a regulatory system that is fair, understandable, coordinated and timely." This ordinance simplifies the existing adoption process for Development Agreements and, for proposals that are consistent with the Comprehensive Plan, allows for such agreements to substitute for the lengthier and less predictable docketing process.
 - c. Housing Policy HO 1.B.4: "The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units." This ordinance allows for greater innovation in development proposals to the extent that the proposal is consistent with the Comprehensive Plan.

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- d. Housing Policy HO 2.B: “Encourage the use of innovative urban design techniques and development standards to foster broad community acceptance of a variety of housing types affordable to all economic segments of the population.” This ordinance allows for innovative urban design techniques and development standards that are consistent with the Comprehensive Plan but not already provided for in Title 30 SCC.

F. Procedural requirements.

- a. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- b. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [Date, Month, Year], and assigned Material ID No. [REDACTED].
- c. State Environmental Policy Act (SEPA) 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 Nonsignificance (DNS) on [Date, Month, Year].
- d. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the GMA and the SCC.
- e. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December of 2015 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2015 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The Snohomish County Council makes the following conclusions:

- A. The proposal is consistent with the goals, objectives and policies of the GPP.
- B. The proposal is consistent with Washington State law and the SCC.
- C. The County has complied with all SEPA requirements in respect to this non-project action.
- D. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

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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 30.23.200, last amended by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.75.010 Purpose and applicability.

(1) The purpose of this chapter is to set forth the decision-making and appeal procedures for development agreement applications. In adopting these provisions, the county acknowledges the benefits of providing certainty and flexibility regarding applicable development standards, uses, and/or mitigation for ~~((major projects or long-term, phased))~~ proposals that are consistent with the comprehensive plan but which include aspects not otherwise allowed by code.

(2) This chapter applies to development agreement applications made pursuant to RCW 36.70B.170 - 36.70B.210 and this chapter. These provisions do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement or other agreement in existence on or before the effective date of this chapter, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation, and other regulatory requirements.

(3) Development Agreements may modify specific development standards in:

- (a) Chapter 30.22 SCC Uses Allowed in Zones;
- (b) Chapter 30.23 SCC General Development Standards – Bulk Regulations;
- (c) Chapter 30.23A SCC Urban Residential Design Standards;
- (d) Chapter 30.24 SCC General Development Standards – Access and Road Network;
- (e) Chapter 30.26 SCC General Development Standards – Parking;
- (f) Chapter 30.27 SCC General Development Standards – Signs;
- (g) Chapter 30.34A SCC Urban Center Development;
- (h) Chapter 30.41A SCC Subdivisions;
- (i) Chapter 30.41B SCC Short Subdivisions;
- (j) Chapter 30.41C Rural Cluster Subdivisions and Short Subdivisions;
- (k) Chapter 30.41D Binding Site Plans;
- (l) Chapter 30.41F Single Family Detached Units;
- (m) Chapter 30.41G Cottage Housing; and

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(n) Chapter 30.42B Planned Residential Developments.

(4) Development agreements may not be used to modify the Engineering Design and Development Standards (EDDS) or the Snohomish County Drainage Manual. If modifications allowed under subsection (3) result in conflict with EDDS or the Drainage Manual, then the applicant may seek relief by requesting a deviation from EDDS or a modification to the Drainage Manual.

(5) Development Agreements may not be used to modify specific development standards in manner that creates a conflict with any state or federal requirement.

Section 5. Snohomish County Code 30.75.020, last amended by Amended by Ordinance 13-067 on September 25, 2013, is amended to read:

30.75.020 Procedure: development agreements.

(1) This section shall not apply to the review of development agreements for projects to site, construct, operate or expand essential public facilities. For those facilities, the development agreement shall be presented to the county council for approval upon the adoption of an ordinance meeting the requirements of chapter 30.42D SCC and SCC 30.75.100. The county council may not preclude the siting of an essential public facility. Procedures for the review of permits applicable to such facilities shall be specified in the development agreement.

(2) Development agreements shall be reviewed in the manner and following the procedures established in chapters 30.70 and 30.72 SCC, except as follows:

(a) The hearing examiner's decision, as set forth in SCC 30.72.060, shall be a recommendation to the county council instead of a decision, provided that any decision on a Type 1 appeal of a SEPA threshold determination shall be a final decision;

(b) Each hearing examiner recommendation shall include a proposed ~~((ordinance))~~ resolution for council consideration that would adopt the hearing examiner's recommendation as a final decision unless;

(i) any party of record specifically requests a second public hearing before the conclusion of public testimony in the first public hearing before the hearing examiner; or

(ii) the department determines that a second public hearing is in the public interest; or

(iii) the hearing examiner concludes that a second public hearing is in the public interest; and

(iv) if either the department determines or the hearing examiner concludes that a second hearing is in the public interest, then the recommendation from the department or the hearing examiner shall include findings describing how an interpretation of policy to be made by the county council is in the public interest; and

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(c) A party of record may request review of the hearing examiner’s recommendation by the county council using the same process as required for appeal of a Type 2 decision; and

(d) If no party of record requests review of the hearing examiner’s recommendation, the department shall forward the recommendation to the county council for consideration (~~a closed record hearing, allowing for a presentation to the council by the applicant and the department regarding the recommendation and the proposed ordinance~~)).

Section 6. A new section is added to Snohomish County Code Chapter 30.75 to read:

30.75.30 Relationship to Chapter 30.61 SCC – Environmental Review (SEPA)

With the limited exception of development agreements that solely extend the expiration periods of applications, approvals, and permits governed under SCC 30.70.140, development agreements approved under this chapter are by their nature exceptions to typical development that may be exempt under SCC 30.61.035. Therefore, apart from those agreements solely addressing expiration, projects requiring a development agreement are not exempt. If a project application received by the department was determined to be exempt prior to discovery of an issue during the review process that resulted in a development agreement proposal from the applicant, then the department shall provide combined notice of withdrawal of the prior exemption determination with the new notice of an application for a development agreement.

Section 7. A new section is added to Snohomish County Code Chapter 30.75 to read:

30.75.040 Timing, Consolidated Review Authorized and Vesting

Review of Development Agreements may or may not be consolidated with a permit application. (1) An applicant or property owner may request a pre-application meeting pursuant to SCC 30.70.020.

(2) Development Agreements may be reviewed and approved prior to the submittal of a permit application reliant on approval of the agreement.

(3) An applicant may submit a permit application concurrently with a proposed Development Agreement, in which case the department shall consolidate permit review for all project permit applications as Type 2 permits consolidated with the Development Agreement.

(4) If during the review of a Type 1 or Type 2 permit application, the department identifies a conflict between the application and a standard potentially modified by a development agreement, the applicant may choose to address the issue by submitting a request for a

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Development Agreement. In such circumstances, the review shall be consolidated. New combined notice of the Development Agreement and consolidation with permit applications is required. The permit application shall proceed as a Type 2 application, with the exception that final approval depends on passage of an approval resolution by the County Council rather than a Type 2 Decision by the Hearing Examiner.

(5) When consolidated review of a Development Agreement is taking place with permit applications, expiration of the applications does not automatically result in the expiration of the Development Agreement request. Rather, the Development Agreement may proceed independently of the permit applications, or the applicant may resubmit the expired permit application. Expired and resubmitted permit applications vest to the code in effect on the date of new application.

Section 8. A new section is added to Snohomish County Code Chapter 30.75 to read:

30.75.050 Submittal requirements for Development Agreements

Except for development agreements relating to Essential Public Facilities, a complete application for a Development Agreement shall contain, at a minimum, the following information:

- (1) The name, address, email and phone number of the property owner.
- (2) The name, address, email and phone number of the applicant and the applicant's representative if other than the property owner.
- (3) The location of the property including the property address and parcel identification number for all parcels included in the application.
- (4) A description of the proposal, including:
 - (a) The proposed use or uses;
 - (b) The comprehensive plan designation;
 - (c) Existing zoning and proposed zoning if applicable;
 - (d) Urban Growth Area if applicable;
 - (e) Identification of which specific code section(s) the development agreement seeks to modify;
 - (f) Specific proposed language or standards that would modify the applicable code section;
 - (g) Discussion of alternative designs or uses that were considered and ruled out prior to the submittal the Development Agreement;
 - (h) An explanation of the merits favoring the standards in proposed in the Development Agreement; including:

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(i) Why the proposed standards are favorable to the normal code requirements or alternative designs that had been ruled out, and

(ii) If the proposal is to allow a use not permitted in the applicable zone, an explanation of why the use proposed in the Development Agreement would not conflict with the Comprehensive Plan; and

(iii) Identification of policies in the Comprehensive Plan, Countywide Planning Policies, or Multi-County Planning Policies or citations to state law that support the explanation of why the modification is equal or superior;

(i) Discussion of potential adverse environmental impacts that might be caused by the modification;

(j) Discussion of any potential for the modification to be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity;

(k) Proposals to mitigate any potential adverse environmental impacts or material detriment to the public or nearby properties; and

(l) Any other documentation that helps to explain or support the request, such as a site plan, building elevation drawings, description of similar uses, or supporting reports and studies.

Section 9. A new section is added to Snohomish County Code Chapter 30.75 to read:

30.75.060 Review process and requirements

Except for development agreements relating to Essential Public Facilities, the department shall review the development agreement, allowing the applicant to respond to any issue of concern, and then prepare a recommendation to the Hearing Examiner. The recommendation should include, at a minimum, findings and recommendations addressing the following:

- a. Completeness of the application and applicability of the information provided in response to the submittal requirements in SCC 30.75.040;
- b. Analysis of the proposed modifications to code and applicability of
 - i. Any policy or other requirement cited by the applicant to cited by the applicant in support of the proposal; and
 - ii. Any policy or other requirement not cited by the applicant but deemed as relevant by the department.
- c. Any public or agency comments received related to the development agreement;
- d. A description of any proposed mitigation addressing the modifications requested in the Development Agreement; and

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- e. Recommendations on whether the proposed mitigation is adequate, should be revised (and if so, how), or whether the proposed mitigation cannot adequately be mitigated; and
- f. If recommending approval, the department shall include language for a proposed resolution adopting the development agreement as an attachment to its recommendation.

Section 10. Snohomish County Code 30.75.100, last amended by Amended Emergency Ordinance 05-126 on December 7, 2005, is amended to read:

30.75.100 Decision criteria.

The county council may adopt a development agreement upon passage of ~~((an))~~ a resolution or ordinance, as appropriate, with findings that:

- (1) The proposed agreement is compatible with the goals and policies of the comprehensive plan;
- (2) The proposed agreement is consistent with applicable development regulations, unless modified pursuant to SCC 30.75.130;
- (3) The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided that if the development is not defined at a project level, the agreement shall provide a process for evaluating and appropriately mitigating such impacts in the future; and
- (4) The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

Section 11. Snohomish County Code 30.75.130, last amended by Amended Ordinance 13-067 on September 25, 2013, is amended to read:

30.75.130 Development regulations applicable to essential public facilities.

The county council may approve by ordinance a development agreement that creates exemptions or modifications to the requirements of this title and is consistent with chapter 30.42D SCC in order to allow for the siting, development or expansion of an essential public facility.

Section 12. A new section is added to Snohomish County Code Chapter 30.86 to read:

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30.86.240 Development Agreement Fees

Base fees assume only one code section being modified.

Pre-Application Conference Fees			
	Base Fee	Per Additional Code Section	
For feedback on uses or policies only	\$3,000	\$1,000	
For feedback that includes a site plan or building plans	\$5,000	\$1,000	
Development Agreement Application Fees (1)			
Base Fee	\$8,000		
Plus per acre of site outside UGA	\$250		
Plus per acre of site in UGA	\$750		
Plus per additional code section modified	\$2,500		
(1) A discount equal to 25% of the pre-application fee may be given when a Development Agreement application is filed within 5 years of completion of a pre-application conference.			
Modification to an Approved Development Agreement			
Per change if already provided for in the agreement	\$3,000		

Section 10. Effective date and implementation. This ordinance shall take effect 60 days following adoption by the County Council. The Snohomish County Department of Planning and Development Services is authorized to take such actions as may be necessary to implement this ordinance on its effective date.

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

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PASSED this _____ day of _____, 20__.

SNOHOMISH COUNCIL
Snohomish, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney