



ORDINANCE NO. 3459-15

**An ORDINANCE Amending the Definition of Family as part of the 2015-2035
Comprehensive Plan Update, Amending Ordinance 1847-92, as Amended**

WHEREAS, RCW 36.70A.130 (5) requires that cities in Snohomish County take action on or before June 30, 2015 to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act; and

WHEREAS, on June 24, 2015, City Council adopted Resolution No. 6872 concluding that the City had completed a great majority of the substantive steps necessary to complete the 2015 update and establishing a schedule for adoption of the Comprehensive Plan update and related regulations by October 28, 2015 provided that the schedule is subject to change as necessary to ensure public review and comment and thorough review by the City Council; and

WHEREAS, the update must include review of new state laws and, if needed, revision to policies and regulations; and

WHEREAS, the Comprehensive Plan Update, Williams map amendment and rezone, Draft Environmental Impact Statement and related regulations were submitted to the Washington Department of Commerce for 60-day review on July 17, 2015 in accordance with RCW 36.70A.106; and

WHEREAS, following a public involvement process that included issuance of a Determination of Significance and scoping for an environmental impact statement on the update, on December 18, 2013 City Council approved Resolution No. 6685 adopting a Comprehensive Plan Audit and Public Involvement Plan for the update in accordance with RCW 36.70A.130(2); and

WHEREAS, Everett has followed its adopted Public Involvement Plan and provided many opportunities for public comment; and

WHEREAS, the City issued a Draft Environmental Impact Statement under State Environmental Policy Act requirements that evaluated the impacts of the proposals on July 20, 2015 and a Final Environmental Impact Statement responding to the comments received on September 4, 2015; and

WHEREAS, the Planning Commission held a public workshops on June 2, 2015 and August 4, 2015 to take public comments and held a public hearing on September 15, 2015 to take public testimony on the proposed amendments to the definition of family, rooming house, and related definitions; and

WHEREAS, the purpose of the proposed amendments is to comply with State law; and

WHEREAS, the Planning Commission decided to recommend only the minimum amendment to the definition of family necessary to comply with State law, in order to allow for a more detailed review of the definition of family and other related terms used in the zoning code; and

WHEREAS, the City Council of the City of Everett finds that the proposed amendments to the zoning code definitions for family:

1. Are consistent with the applicable provisions of the Everett Comprehensive Plan;
2. Bear a substantial relation to public health, safety or welfare; and
3. Promote the best long term interests of the Everett community.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

SECTION 1: The definition of “Family” in Section 3 of Ordinance 1847-92, as amended (EMC 19.4.020), which currently reads as follows:

“Family” means any number of persons related by blood, marriage or legal adoption and including foster children and exchange students living together as a single housekeeping unit. “Family” also means the following when living together as a single, not-for-profit housekeeping unit:

1. A group of not more than four related and unrelated adults and their related minor children, but not to exceed a total of eight related and unrelated persons; or
2. Not more than eight disabled persons, whether adults or minors, living together in a consensual residential living arrangement, but not to exceed a total of eight persons.

For the purposes of this definition, an adult is a person eighteen years of age or older, and a minor child is a person under the age of eighteen years old.

is hereby amended to read as follows:

“Family” means any number of persons related by blood, marriage or legal adoption and including foster children and exchange students living together as a single housekeeping unit. “Family” also means the following when living together as a single, not-for-profit housekeeping unit:

1. A group of not more than four related and unrelated adults and their related minor children, but not to exceed a total of eight related and unrelated persons; or
2. Not more than eight disabled persons, whether adults or minors, living together in a consensual residential living arrangement, but not to exceed a total of eight persons; or
3. State licensed adult family homes as defined by RCW 70.128.010; or
4. State licensed foster family homes and group care facilities as defined in RCW 74.15.020.

For the purposes of this definition, an adult is a person eighteen years of age or older, and a minor child is a person under the age of eighteen years old.

SECTION 2: Authority. In addition to the authority provided by Chapter 36.70A RCW, the City adopts the Definition of Family amendments set forth in this Ordinance under its general land use authority, Washington State Constitution, Article XI, Section 11 and Chapter 35.63 RCW.

SECTION 3: Pending actions. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

SECTION 4: Severability. Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

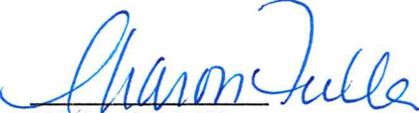
SECTION 5: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

SECTION 6: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

SECTION 7: General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.


Ray Stephanson, Mayor

ATTEST:


CITY CLERK

Passed: 10/21/2015

Valid: 10/26/2015

Published: 10/30/2015

Effective Date: 11/10/2015