

**Background:** Governor Locke issued a letter to the Department of Community Trade and Economic Development to petition the Puget Sound Growth Management Board for a review of two ordinances adopted by the Snohomish County Council. This is an unusual action by the Executive of the State of Washington because the two Ordinances address the Countywide Planning Policies that have been mutually agreed upon by the County and the Cities of Snohomish County. The following letter has been sent to the Governor as an expression of the County Council position on this action. For additional information, call Council Chair Gary Nelson at 425-388-3494.

September 9, 2003

The Honorable Gary Locke  
Governor, State of Washington  
PO Box 40002  
Olympia, WA 98504-0002

Dear Governor Locke:

We are in receipt of your letter to Martha Choe, Director of the Department of Community, Trade, and Economic Development, directing her to bring an action on your behalf regarding amendments to Snohomish County planning policies. We urge you to reconsider this directive.

The citizens of this state overwhelmingly rejected a top-down growth management approach when they defeated Initiative 547. Citizens of this state demanded local control of land use by elected officials directly responsible to them. Your direction to CTED subverts local control and the right of Snohomish County citizens to benefit from representative government.

These ordinances do not contribute to sprawl. They provide a balanced approach to affordable housing and economic growth in Snohomish County. They also provide for the constitutional right to gather and worship freely in this county.

As you know, the general principle that urban services should not be extended into rural areas poses a significant problem for churches that traditionally serve large faith communities located in both rural and urban areas. These difficulties raise concerns under the Religious Land Use and Institutionalized Persons Act (RLUIPA), which prohibits land use regulations that substantially burden the exercise of religious rights. Ordinance 03-073 addresses these concerns by adopting a narrow exception to the general principle against extending urban services into rural areas. The ordinance does this by allowing churches located

in rural areas directly adjacent to UGAs to access existing sewer service provided that the size, scale, and uses of the church are compatible with the surrounding rural area as evidenced by issuance of a conditional use permit. Under county code, issuance of a conditional use permit can only occur if the hearing examiner determines that the proposed use is compatible with surrounding areas. The ordinance does not allow construction of new sewer service or use of the existing sewer for residential or commercial uses in the rural area, *just hookups to existing stubouts for churches next to the UGA.*

Ordinance No. 03-072 does not and cannot weaken the UGA expansion requirements contained in RCW 36.70A.110 and RCW 36.70A.215. Indeed, the ordinance expressly requires that all UGA expansions must comply with the GMA, and adds further conditions above and beyond those minimum requirements. The CTED appeal appears to be predicated on the erroneous assumption that those extra conditions are intended to supercede the GMA requirements, but even a cursory reading of the ordinance language belies that interpretation.

In your letter, you express the concern that these ordinances may set a precedent for other counties. The precedent being set is that of a Governor mandating growth decisions on the duly-elected representatives of the citizens of a county. This is bad precedent. The Growth Management Act encourages deference in local control of zoning and planning.

Your letter also states that many cities in Snohomish County have concerns regarding these actions. The Growth Management Act requires the county to consult and collaborate with cities. This was done quite successfully through our Growth Management Advisory Board (Snohomish County Tomorrow) and both measures were approved by that group.

Finally, your proposed action magnifies a condition that counties have feared and one that must be remedied by the legislature. Your appeal goes directly to a board that you appoint and employ. While we appreciate the hard work and independence of the Growth Management Hearings Boards, the appearance of fairness in this situation is hardly evident.

We will work with the department to resolve any issues. But we reserve the right to make local decisions on behalf of the residents of Snohomish County. We invite you to be a partner, not a petitioner, in that effort.

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**Gary Nelson**  
Council Chair

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**John Koster**  
Council Vice Chair

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**Kirke Sievers**  
Councilmember

**Jeff Sax**  
Councilmember

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**Dave Gossett**  
Councilmember