

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-111

REVISING THE SOUTHWEST URBAN GROWTH AREA,
AMENDING ORDINANCE NO. 06-053, AND AMENDING
AMENDED ORDINANCE NO. 05-069

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.110 requires Snohomish County to designate urban growth areas (UGA) within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature (RCW 36.70A.110(1)) and (WAC 365-195-335 (1)(a)); and

WHEREAS, the Snohomish County Council designated a Final UGA for the Southwest (SW) UGA (Ordinance No. 94-123) on June 28, 1995, after holding public hearings from April 19, 1994, through January 18, 1995, in conformance with the requirements of the GMA; and

WHEREAS, on June 28, 1995, the county council approved Amended Ordinance No. 94-125 which adopted a GMA Comprehensive Plan including a General Policy Plan (GPP) and Future Land Use map; and

WHEREAS, the Snohomish County Council amended the Final UGA for the SW UGA on September 20, 1998 (Ordinance No. 98-071), June 23, 2002 (Ordinance No. 02-011), October 6, 2003 (Ordinance No. 03-061), and July 19, 2006 (Ordinance No. 06-053), in conformance with the requirements of the GMA; and

WHEREAS, the planning goals of the GMA, which guide development of comprehensive plans and implementing ordinances, state that development shall be encouraged "in urban areas where adequate public facilities and services exist or can be provided in an efficient manner" (RCW 36.70A.020(1)), and that "the inappropriate conversion of undeveloped land into sprawling, low-density development" is to be reduced (RCW 36.70A.020(2)); and

WHEREAS, the GMA states that a UGA "may include territory that is situated outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth" (RCW 36.70A.110(1)); and

WHEREAS, the GMA states that "[u]rban growth should be situated first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources" (RCW 36.70A.110(3)) and (WAC 365-195-335(1)(e)); and

WHEREAS, the GMA requires that, based upon the population projection made for the county by the Washington State Office of Financial Management (OFM), the UGAs in the county “shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period” (RCW 36.70A.110(2)) and (WAC 365-195-335(1)(d)); and

WHEREAS, RCW 36.70A.110(2) requires that Snohomish County and its cities use the growth management population projection made for the county by the OFM as the basis for urban growth area determination; and

WHEREAS, OFM issued growth management population projections for Snohomish County in January 2002 that included a range for potential 2025 total county population that varied from a low of 795,725 to a high of 1,062,903; and

WHEREAS, the territory added to the SW UGA herein is consistent with the requirements of RCW 36.70A.110(1) being characterized by urban growth or adjacent to territory already characterized by urban growth; and

WHEREAS, the SW UGA expansion provides an adequate amount of land to accommodate the twenty-year population and employment allocation (WAC 365-195-335(3)(e)(v)); and

WHEREAS, RCW 36.70A.130(3) directs counties planning under the GMA to take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure that the plan is capable of accommodating forecasted population growth for the succeeding 20-year period; and

WHEREAS, Snohomish County amended the Snohomish County Growth Management Act Comprehensive Plan (GMACP) on December 21, 2005, through passage of Amended Ordinance No. 05-069; and

WHEREAS, the County Council did not amend the SW UGA boundary as part of the 10-Year update and, as a result, did not include any proposal to amend the SW UGA boundary; and

WHEREAS, the territory added to the Southwest UGA herein is consistent with the requirements of RCW 36.70A.110(1) being characterized by urban growth or adjacent to territory already characterized by urban growth; and

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations; and

WHEREAS, the Snohomish County Council has determined that the consideration of such proposed amendments and revisions to the comprehensive plan and development regulations would promote a county purpose as established under RCW 36.70A.130 and RCW 36.70A.470 and Chapter 30.74 SCC; and

WHEREAS, on April 19, 2006, the Snohomish County Council held a public hearing to receive public testimony on proposed County and non-County initiated amendments to the comprehensive plan for consideration on the 2006 Final Docket; and

WHEREAS, the Snohomish County Council, on April 19, 2006, approved, by Motion No. 06-080, a list of docket proposals for inclusion on the 2006 Final Docket and authorized the County Executive, through the Department of Planning and Development Services (PDS), to process the 2006 Final Docket consistent with Chapters 30.73 and 30.74 SCC; and

WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and evaluation of the 2006 Final Docket, including the proposals to amend the map and text of the comprehensive plan, and forwarded recommendations to the Snohomish County Planning Commission; and

WHEREAS, As part of the County's public review process for the 2006 Final Docket, the County considered proposals known as SW 12a Goemaere and SW 12b Bentley/Krause; and

WHEREAS, on July 13, 2006 the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed a proposal to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, on September 14, 2006, the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed a proposal to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and recommended the proposed amendment to the SCT Steering Committee; and

WHEREAS, on September 26, 2006, and October 24, 2006, the Planning Commission held public hearings to receive public testimony on the proposed amendments to the comprehensive plan; and

WHEREAS, on September 27, 2006, the SCT Steering Committee reviewed the PAC recommendation to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, on October 3, 2006, and October 24, 2006, the Snohomish County Planning Commission deliberated on the 2006 Final Docket at the conclusion of the public hearing and voted to recommend adoption of the proposed package of comprehensive plan and regulatory amendments, with certain modifications as enumerated in its recommendation letters of October 3, 2006, and October 24, 2006; and

WHEREAS, on October 25, 2006, the SCT Steering Committee reviewed the PAC recommendation and made a positive recommendation to the County Council to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, the amendments to Countywide Planning Policy UG-14 and General Planning Policy text on pages LU-91 and LU-92, authorizing this text change had not yet been adopted at the time of the planning commission hearing and therefore the proposals to amend the SW UGA did not at that time meet one of the criteria for approval - SCC 30.74.060(2)(d); and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006 approved Amended Ordinance No. 06-098 to amend the first paragraph of Countywide Planning Policy (CPP) UG-14(d) to remove the current prohibition on the use of the UGA expansion criteria six through eight for the Southwest UGA, by providing for the use of any one of ten listed conditions for expansion of a UGA, in the Southwest UGA; and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006, approved Amended Ordinance No. 06-097 to amend Countywide Planning Policy UG-14(d)(7) to allow urban growth area (UGA) expansions to accommodate level II health and social service facilities (HSSFs) provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and December 20, 2006, and on December 20, 2006, approved Amended Ordinance No. 06-113 to amend General Planning Policy text on pages LU-91 and LU-92 to amend the definition of the Public/Institutional Use designation to include level II HSSFs and to allow urban growth area UGA expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use; and

WHEREAS, the amendment to CPP UG-14 provides for consistency between CPP UG-14 and GPP LU 1.11.A; and

WHEREAS, the County Council held a public hearing on December 11, 2006, continued to December 13 and 20, 2006 to consider the entire record, including the Planning Commission recommendations on the full package of comprehensive plan and regulatory amendments, and to hear public testimony on this Ordinance No. 06-111.

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The county council makes the following findings:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. This modification of the SW UGA, as depicted in Exhibits A and B to this ordinance, which are attached hereto, is consistent with applicable GPP Goal LU 1, "Establish compact, clearly defined UGAs" and Goal LU 2 "Establish development patterns that use urban land more efficiently."
- C. The County Council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance No. 98-071, Amended Ordinance No. 02-011, Amended Ordinance No. 03-061 and Ordinance No. 06-053.
- D. The County Council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance No. 93-004, Amended Ordinance No. 06-097, Amended Ordinance No. 06-113, and Amended Ordinance No. 06-098.
- E. Snohomish County, in consultation with the Cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo and Woodway, and other cities, conducted a review and evaluation program of the densities being achieved in urban areas and the land use policies of the GPP as required by RCW 36.70A.215.
- F. SCT with a consultant, ECONorthwest, developed a Phase II report titled "Recommended Method for Evaluating Local Reasonable Measures Programs" in June of 2003.
- G. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the SW UGA. The methodology recommended in the ECONorthwest report for evaluating Reasonable Measures was used in evaluating the Snohomish County effort to implement Reasonable Measures as documented in the 2005 report.
- H. The Reasonable Measures report concluded that Snohomish County has implemented a wide range of Reasonable Measures including permitting accessory dwelling units, providing housing tax credits and allowing density bonuses to developers.
- I. Consideration of Reasonable Measures, prior to consideration of expansion of the UGA, is required by CPP UG-14b. A list of Reasonable Measures to increase population, commercial or industrial capacity was included in the adopted CPPs as "Appendix C," and was considered. The Buildable Lands Report revealed no inconsistency between actual and planned for growth, so implementation of reasonable measures is not a condition to UGA expansions. However, pursuant to the countywide planning policies, the county has nonetheless implemented several