

Approved: July 19, 2006
Effective: August 3, 2006

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 06-053

REVISING THE SOUTHWEST URBAN GROWTH AREA
AND AMENDING ORDINANCE NO. 03-061

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 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) and on October 6, 2003 (Ordinance No. 03-061) 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

ORDINANCE NO. 06-053 MODIFYING THE SOUTHWEST URBAN GROWTH
AREA AND AMENDING ORDINANCE NO. 03-061

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, Countywide Planning Policy UG-2 requires that the cities and the county engage in the cooperative planning process of Snohomish County Tomorrow (SCT) in order to establish a sub-county allocation of projected growth for coordination of growth management plans; and

WHEREAS, the Planning Advisory Committee (PAC) of SCT conducted a technical review of the preliminary 2025 growth target preferences for cities, unincorporated urban growth areas, unincorporated municipal urban growth areas, and the rural/resource area of Snohomish County and recommended by consensus an initial population and employment growth target allocation for the year 2025 targets to update Appendix B of the Countywide Planning Policies (CPPs); and

WHEREAS, the Snohomish County Council amended Appendix B of the CPPs (Ordinance No. 04-006) to include the 2025 initial growth targets as recommended by the SCT Steering Committee; 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, the county must also review its plan every ten years, pursuant to RCW 36.70A.130(3) to ensure that it is capable of accommodating projected population growth for the succeeding 20-year period; and

WHEREAS, in the spring of 2003 the county provided general notice it was, pursuant to RCW 36.70A.130, undertaking a review of its comprehensive plan as part of the seven-year compliance review along with the separate 10-Year update process, through its widely disseminated *Focus on Tomorrow Newsletter* and through updates to the county website; and

WHEREAS, public open houses concerning the seven-year compliance review and the 10-Year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

WHEREAS, on July 22, 2003, the county council and planning commission conducted a joint public meeting in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-Year update with the public; and

WHEREAS, in April 2004, the county updated the public on the seven-year compliance review and 10-Year update process through its widely disseminated *Focus on the Future Newsletter* and placed on the county website and through updates to the county website; and

WHEREAS, the county held public hearings concerning the seven-year compliance review and 10-Year update in Arlington on June 1, 2004, and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event known as “Planners in the Library” was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-Year update with the public; and

WHEREAS, Snohomish County Department of Planning and Development Services (“PDS”) staff hosted public workshops on the seven-year compliance review and 10-Year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, the county council and planning commission conducted a joint public hearing in Everett concerning the seven-year compliance review and 10-Year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-Year update to the planning commission and the County Council Planning Committee; and

WHEREAS, on October 12, 2004, PDS unveiled its “preferred alternative” future land use map at an advertised public meeting before the planning commission; and

WHEREAS, on October 14 and 20, 2004, PDS held public open houses to facilitate public knowledge of, and to receive public input concerning the “preferred alternative” future land use map; and

WHEREAS, on November 3, 4, 9 and 18, 2004, PDS held public workshops with city and county planning commissioners to discuss key policy issues related to the comprehensive plan, including infrastructure challenges for transportation, parks and drainage, economic development, resource land preservation, fully-contained communities, and others; and

WHEREAS, on April 19, 21, and 28, 2005, PDS held public open houses on the department’s recommended package of comprehensive plan amendments for the 10-Year update, including amendments to the GPP, the Transportation Element, the Capital Facilities Plan, the Comprehensive Park and Recreation Plan, the Future Land Use Map, the county zoning map, and selected sections of the code; and

WHEREAS, on May 24 and 26, and June 1 and 2, 2005, the planning commission and the county council held joint public hearings to receive public testimony concerning the proposed amendments to the comprehensive plan; and

WHEREAS, on June 7, 9, 14, and 21, 2005, the planning commission deliberated on the PDS recommended package of comprehensive plan amendments at an advertised public hearing; and

WHEREAS, at the conclusion of the public hearing the planning commission voted to recommend adoption of the proposed package of comprehensive plan amendments, with certain modifications as enumerated in its recommendation letter of July 26, 2005; and

WHEREAS, the county council held public hearings on October 3, 4, 5 and 6, 2005, and December 7, 2005, to consider the entire record, including the planning commission’s recommendations on the full package of comprehensive plan amendments, and to hear public testimony; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on October 10, 11, 12, 17, 18, 19, 20 and 31, 2005, November 3 and 9, 2005, and December 14, 19 and 21, 2005; and

WHEREAS, the county council adopted a full package of ordinances, representing comprehensive plan and implementing development regulation amendments that constituted the 10-Year update on December 21, 2005, including Ordinance No. 05-069 which adopted text, policy and map amendments to the GPP, with the provisions of these ordinances taking effect on February 1, 2006; and

WHEREAS, As part of the County's public review process for the 10-Year update, the County considered a proposal from CamWest Development, Inc. (CamWest) to modify the SW UGA boundary (the "Proposal"); and

WHEREAS, CamWest has a real property interest in a 92 acre ownership of land, located in SW Snohomish County. The property is located between 180th St. SE and 188th St. SE and east of 43rd Ave. SE (the "Property"); and

WHEREAS, the Property straddles the SW UGA boundary, with approximately 25 acres located within the UGA and approximately 67 acres located outside the UGA; and

WHEREAS, under the Proposal, the SW UGA boundary would be adjusted to include a unified urban neighborhood within the modified UGA and a conservation easement in the rural portion of the ownership outside the modified UGA. The proposed reconfiguration of the split parcel designation would increase the size of the UGA by a net 16 acres approximately and establish an approximately 51 acre nature conservancy that will preserve significant open space adjacent to and outside the SW UGA, provide a permanent buffer between urban and rural areas and help protect part of the headwaters of Little Bear Creek, an important salmonid stream; 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 the CamWest proposal or any other proposal to amend the SW UGA boundary; and

WHEREAS, CamWest filed an appeal on March 20, 2006, with the Central Puget Sound Growth Management Hearings Board on the County's failure to comply with the goals of the GMA including the provision of greenbelt and open space areas for UGAs; and

WHEREAS, CamWest and the county both agreed to postpone the case for ninety days in order to hold settlement discussions and determine whether settlement is possible; and

WHEREAS, CamWest and the county negotiated a settlement agreement whereby CamWest has agreed to voluntarily dismiss its appeal if the county agrees to hold one or more public hearings to revisit its decision during the 10-Year Update on the Proposal and the county agrees to complete the public hearing process by no later than August 1, 2006, with the county council conducting a vote on whether to amend the comprehensive plan and official zoning maps, as described in the Proposal; and

WHEREAS, the County Council held a public hearing on July 19, 2006 to consider the entire record and hear public testimony on Ordinance No. 06-053, revising the SW UGA.

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The county council makes the following findings:

ORDINANCE NO. 06-053 MODIFYING THE SOUTHWEST URBAN GROWTH AREA AND AMENDING ORDINANCE NO. 03-061

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. 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 and Amended Ordinance No. 03-061.
- C. This modification of the SW UGA including a net expansion of approximately 16 acres, as depicted in Exhibit A to this ordinance which is attached hereto, is consistent with applicable GPP Policies, particularly those contained in the Population and Employment and Land Use sections including Goal LU 1, "Establish compact, clearly defined UGAs" and Goal LU 2 "Establish development patterns that use urban land more efficiently."
- D. This modification of the SW UGA is consistent with the following final review and evaluation criteria of chapter 30.73 SCC:
 - 1. This amendment maintains consistency with other elements of the GMA comprehensive plan;
 - 2. All applicable elements of the GMA comprehensive plan support this amendment;
 - 3. This amendment meets the goals, objectives, and policies of the GMA comprehensive plan as discussed in the specific findings; and
 - 4. This UGA amendment is consistent with the CPPs.
- 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 reasonable measures and considered additional reasonable measures, as documented in the Snohomish County Reasonable Measures Background Report.
- J. The Cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo and Woodway, self-certified their compliance with reasonable measures requirements under RCW 36.70A.215.

- K. Snohomish County conducted a land capacity analysis for the entire county, culminating in a report entitled the Snohomish County UGA Land Capacity Analysis Technical Report, consistent with RCW 36.70A.110 and CPP UG-14d.
- L. The UGA Land Capacity Analysis Report concluded that with the UGA modifications , the county as a whole can accommodate the population and employment growth projected through 2025 consistent with GPP Policy LU 1.A.1.
- M. This modification of the SW UGA, as depicted in Exhibit A to this ordinance which is attached hereto, includes an area contiguous with the existing boundary and adjacent to areas characterized by urban growth and that have relatively few development constraints.
- N. The Mill Creek City Council supports the modification of the SW UGA because the Proposal is consistent with the city’s comprehensive plan and the Proposal will permanently preserve a large area of open space in part of the headwaters of Little Bear Creek.
- O. The CamWest proposal is located east of 43rd Ave. SE, between 180th St. SE and 188th St. SE, and east of the existing SW UGA and involves a reconfiguration of the UGA boundary that will expand the Southwest UGA by approximately 36 acres and retract the UGA by approximately 20 acres for a net UGA expansion of approximately 16 acres. The proposed reconfiguration of the SW UGA includes the establishment of an approximately 51-acre nature conservancy by CamWest that will preserve significant open space adjacent to and outside the SW UGA, provide a permanent buffer between urban and rural areas and help protect part of the headwaters Little Bear Creek, an important salmonid stream.
- P. The proposal by CamWest involves the addition of approximately 36 acres and redesignation from Rural Residential to Urban Low Density Residential (ULDR). The proposal also involves retraction of the SW UGA by approximately 20 acres which would redesignate that portion of the parcel from ULDR to Rural Residential.
- Q. The proposal has been broadly disseminated and there has been early and continuous public participation in the review of this modification to the SW UGA as part of the 10-Year Update process.
- R. The modification to the SW UGA, as depicted in Exhibit A to this ordinance which is attached hereto, is supported by the UGA Land Capacity Analysis Technical Report adopted by the Snohomish County Council pursuant to RCW 36.70A.110 and the review of UGAs for the 10-year update to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3) and thus is consistent with CPP UG-14d condition 2 and GPP Policy LU 1.A.11(1).
- S. Criteria used in establishing an area’s suitability to be included in the UGA are a compilation of applicable state laws (RCWs and WACs), the CPPs, the GPP policies and input from public meetings. The criteria used to evaluate intensification or expansion of UGAs was included in a 2004 document titled “Summary Evaluation of Geographical Areas Under Consideration for Urban Intensification or Expansion in the 10 Year Update.” Specific areas to be added to the SW UGA were evaluated using these criteria and are appropriate for urban land use designations, based on criteria from the UGA expansion evaluation sheets, for the following reasons:
 - 1. First priority is given to areas that are characterized by urban growth and have existing public facility and service capacities to serve such development.
 - 2. Second priority is given to areas adjacent to areas already characterized by urban growth and that will be served by existing and planned public facilities and services.

3. Consideration is given to the ease of extending utilities to the area.
4. Consideration is given to the adequacy of the transportation network to serve the area.
5. Consideration is given to areas that do not require conversion of farmland.
6. Consideration is given to expansions that are supported by the Cities of Bothell, Everett and Mill Creek.
7. Consideration is given to expansions that do not create illogical boundaries.
8. Consideration is given to expansions that do not impact habitat for threatened or endangered species.
9. Consideration is given to expansions that are supported by the affected property owner.
10. Consideration is given to expansions that provide retail and commercial use in more locations to better serve the residential neighborhoods of Bothell, Everett, Mill Creek and Snohomish County.
11. Consideration is given to expansions that provide a large industrial site to support employment expansion.
12. Consideration is given to expansions that do not impact environmentally sensitive areas including wetlands, areas with high water table or steep slopes.

T. The Proposal includes the following modifications to the SW UGA:

An area of approximately 36 acres, situated east of 39th Ave. SE, between 180th St. SE and 188th St. SE, and adjacent to and east of the existing SW UGA boundary, is being added to the SW UGA for residential use. The area is appropriate for addition to the UGA and re-designation from Rural Residential (RR) to Urban Low Density Residential (ULDR), because the area is adjacent to an area characterized by urban growth, can be served by existing and planned public facilities and services, will provide adequate residential capacity within the SW UGA, is supported by the City of Mill Creek, contains few development constraints, is easily served by urban level services, and creates a logical boundary resulting in creation of a permanent open space buffer between urban and rural land, within the rural area.

An area of approximately 20 acres situated along the eastern edge but inside of the SW UGA is being removed from the SW UGA and re-designated from Urban Low Density Residential (ULDR) to Rural Residential (RR), in order to create a large rural tract being designated by the property owner as a conservation easement area to preserve significant open space adjacent to and outside the SW UGA, to provide a permanent buffer between the urban and rural areas and to further protect the headwaters of little Bear Creek, an important salmonid stream.

U. Such revisions will result in a net increase of approximately 16 acres in the SW UGA.

V. Addendum No. 1 to the December 13, 2005, Final Environmental Impact Statement (Final EIS) was issued on June 16, 2006, for this non-project action. Addendum No. 1 adds information and analysis of previously identified significant impacts and alternatives to the county's GMA Comprehensive Plan 10-Year Update EIS dated May 5, 2004 (Draft EIS) and the Final EIS. The information in Addendum No. 1 expanded on previous identified alternatives, but did not substantially change the analysis of significant impacts

and alternatives analyzed in the county's existing adopted environmental documents. No additional significant impacts beyond those identified in the Final EIS were expected to occur.

- W. There is sufficient area to accommodate population and employment targets based on the UGA Land Capacity Analysis Technical Report adopted by the Snohomish County Council pursuant to RCW 36.70A.110 and the review of UGAs for the 10-Year update to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).

Section 2. The county council makes the following conclusions, based on its findings of facts and on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

- A. This modification to the SW UGA represents an appropriate response to the population growth targets for this UGA for the year 2025 as adopted by county council and as reflected in Appendix B to the CPPs.
- B. This modification to the SW UGA is consistent with the requirements of the GMA and the planning goals set out in RCW 36.70A.020(1) and (2).
- C. This modification to the SW UGA maintains the GPP's consistency with the CPPs for Snohomish County.
- D. This modification to the SW UGA achieves the objectives specified for the 10-Year update requirements in the GMA of accommodating projected growth for the succeeding 20-year period.
- E. This modification to the SW UGA is consistent with the Future Land Use Map and all other elements and components of the 10-Year update.
- F. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.
- G. This modification to the SW UGA retains the overall direction and growth management strategy of the original GMA comprehensive plan adopted in 1995 and as amended since then in response to changing conditions and to specific directives from various orders and decisions of the Central Puget Sound Growth Management Hearings Board regarding the plan's consistency with the GMA.
- H. Addendum No. 1 to the GMACP 10-Year Update Final EIS was issued on June 16, 2006, for this non-project action and satisfies the requirements of the State Environmental Policy Act.
- I. This modification to the SW UGA is within the range of the alternatives analyzed in the GMACP 10-Year Update Draft EIS and the scope of additional analysis contained within the GMACP 10-Year Update Final EIS and related environmental documents adopted by the county.
- J. There is sufficient area to accommodate population targets based on the UGA Land Capacity Analysis Technical Report.
- K. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA and consistent with chapter 30.73 SCC.
- L. Consistency and coordination of the UGA with the city's GMA-based comprehensive plans is addressed and ensured by the continuing joint city/county planning process established in

the CPPs, interlocal planning agreements between the county and the cities and the city and county comprehensive plans. The Mill Creek City Council reviewed the Proposal and adopted Resolution No. 2005-371 supporting the Proposal.

Section 3. The county council bases its findings and conclusions on the entire record of the planning commission and 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. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan, adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Amended Ordinance No 06-005 on March 15, 2006, including the appendices and maps contained therein, is hereby amended as indicated on Exhibit A attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. Adoption of this comprehensive plan map amendment does not supersede any regulatory requirement which may apply to the Proposal area, including the approximately 51-acre open space area that will be established through a conservation easement, at the time of future project level review.

Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or 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.

PASSED this 19th day of July, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirke Sievers, Council Chair

ATTEST:

Barbara Sikorski
Asst. Clerk of the County Council

Approved
 Emergency
 Vetoed

Date July 24, 2006

Aaron Reardon
County Executive

APPROVAL AS TO FORM ONLY

ATTEST:

Deputy Prosecuting Attorney

Brian Parry Date_____

Exhibit A
Ordinance No. 06 -
GMA Comprehensive Plan Map
Southwest Urban Growth Area