



CO00004085

COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

EMERGENCY ORDINANCE NO. 00-050

REVISING THE ARLINGTON URBAN GROWTH AREA TO ADD THE
ARLINGTON SCHOOL DISTRICT NEW HIGH SCHOOL SITE
AND REVISING THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT
COMPREHENSIVE PLAN FUTURE LAND USE MAP,
AMENDING ORDINANCES NO. 98-114 AND NO. 94-125

WHEREAS, the Growth Management Act, Chapter 36.70A.110(1) RCW (GMA) requires Snohomish County to designate an urban growth area (UGA) or areas within which urban growth shall be encouraged and outside of which growth can occur only if it not urban in nature; and

WHEREAS, the county council adopted Ordinance No. 97-076, designating a final UGA for Arlington on September 15, 1997; and

WHEREAS, the county council amended the Arlington UGA in Amended Ordinance 98-068 on September 9, 1998 and further in Ordinance 98-114 on December 16, 1998; and

WHEREAS, the Arlington School District has acquired an option for a 53.3 acre parcel of land for development as a new high school for the public purpose of addressing the strong demand for expanded secondary school facilities in its rapidly growing service area; and

WHEREAS, this proposed high school siting and funding solution is part of a major school construction bond issue which was placed on the November 2, 1999 ballot and is the result of hundreds of hours of community work and surveys to identify what the Arlington School District voters would support, with a critical facet of that support dependent upon the location of the new high school; and

WHEREAS, representatives of the Arlington School District have discussed this project with members of the Council and Executive branch and have requested that the county consider acting to include this property within the Arlington UGA by an emergency action due to the conflicting timelines of the county's regular docket process and the district's need to proceed in the most expeditious manner possible to begin construction of the new high school to serve its growing secondary enrollment, minimize site development costs, and meet the expectations of the community to bring the property within the City of Arlington's jurisdiction; and

WHEREAS, Executive branch staff have evaluated various options for responding to the district's request; staff have reviewed submittals by the district which describe the proposal, the process of site selection, the availability of infrastructure to make the site feasible for public high school construction, analyze land use, environmental and traffic issues; and staff have proposed that the Council amend the Arlington UGA and county comprehensive plan to include the high school site and redesignate and rezone it, acting under GMA and county charter emergency provisions based upon the district's demonstrated need for expedited action earlier than would be available using the county's annual docket process under Chapter 32.07 SCC; and

WHEREAS, the county council discussed the proposal and supporting documentation at regularly scheduled meetings on June 19, 2000 and July 10, 2000, and considered the entire record supporting the emergency ordinances at a public meeting as part of its work session on July 26, 2000;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following findings:

1. By letter dated May 4, 2000, the Arlington School District formally requested the County Council to take emergency action to expand the Arlington UGA to include the site it has purchased an option upon to develop a new public high school. The District makes this request due to the urgent need for new facilities for secondary education within the District. The District has submitted materials in support of this request, prepared by representatives from District staff, Higa Engineering, Inc. and by Gibson Traffic Consultants.
2. Pursuant to the requirements of GMA and its locally adopted plans and policies, the county council passed Amended Ordinance No. 97-076 that established an urban growth area for the City of Arlington. This UGA was later amended by Amended Ordinance No. 98-068 on September 9, 1998 and further by Ordinance No. 98-114 on December 16, 1998.
3. The proposed site is currently located outside the UGA, but adjacent to it in a rapidly growing portion of the UGA. A new urban-density subdivision has just been completed adjacent to the proposed site. As the site is adjacent to an area already characterized by urban growth, it is appropriate for inclusion in the UGA under RCW 36.70A.110.

4. Pursuant to the GMA and specifically RCW 36.70A.110, counties are required to consult with cities located within their boundaries concerning UGAs, cities are to propose the location of urban growth areas, and the county and cities are required to attempt to reach agreement on the location of urban growth area boundaries. The city of Arlington has formally commented upon this action by letter dated 9-27-99 and agrees with the location of the amended boundary. The city also concurs that it is necessary and appropriate for the County Council to take emergency action to enlarge the boundary to include the proposed school site, as the severe overcrowding of the present facilities must be remedied as quickly as possible.

5. Objective CF 9.B of the county's GMACP - General Policy Plan, directs the county to assist school districts in the siting of new schools. Related policies CF 9.B.1 and 9.B.2 state that the County shall review and modify its development regulations as necessary to facilitate school siting within urban growth areas and discourage the siting of middle and high schools outside of UGAs. The second policy states that the County shall assist the school districts in working with the providers of necessary support infrastructure to coordinate the construction of new schools with that of sewer, water, roads and other needed facilities.

6. Very few types of land use require a greater array and overall high level of reliable and coordinated urban services and support infrastructure than does a large public high school serving a rapidly growing UGA. As a result, extending the full array of urban services and infrastructure outside a city and UGA is not as consistent with the purpose and intent of the GMA or the annexation statutes, as is developing such a land use within an incorporated area and a UGA.

7. Snohomish County is not practically capable of providing nor directed under the GMA, to provide the full array of urban services and infrastructure necessary to support this new high school.

8. The City of Arlington has stated that it has the ability to provide all needed urban services and utilities to the proposed site for its full development in a timely manner. This is consistent with the city's role as the primary urban service and utility provider within its UGA. This also facilitates implementation of the GPP's Land Use policy 1.A.3 which states that UGAs shall have existing or planned infrastructure to adequately support urban growth over the next 20 year period.

9. Although it is possible pursuant to the county's GPP to site a public school outside a UGA boundary, as a practical matter the City of Arlington and the School District would face additional time and expense in obtaining approvals, permits and arranging the logistics of siting a public high school outside a UGA and extending services and utilities to serve the site. A public high school facility of this nature is more appropriately included within the UGA and within the incorporated area of the City of Arlington.

10. The PDS staff report and documents filed by the district demonstrate that expedited construction of a new high school fulfills an important public purpose. The Arlington school district has been unsuccessful in its efforts to acquire a large (50 to 60 acre) high school site that is developable and has good access, within the boundaries of the Arlington UGA. A bond issue approved in March 2000 included financing for the construction of a high school in the proposed location.

The district performed hundreds of hours of community work and surveys of voters to determine support for the overall bond issue, which was dependent upon the new high school site becoming a part of the Arlington UGA in a location which would facilitate rapid annexation to the city. Annexation to Arlington will maximize the ability of the district to most expeditiously obtain the full range of urban services and support infrastructure in a timely and cost effective manner.

11. RCW 36.70A.130(2) provides an emergency exception for a county's annual docket process to consider comprehensive plan amendments. Under this provision, the council may enact emergency amendments to the comprehensive plan after public participation it deems appropriate under the circumstances. Pursuant to Section 2.120 of the Snohomish County Charter the council may enact an emergency ordinance if it is concluded that the action is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

The existing high school has capacity for 1,135 students including 16 portable structures. 2000 enrollment for the high school was 1687 students, resulting in a split shift schedule to double up on classroom space. There is no potential for expansion of permanent capacity of the existing high school site.

The existing facility requires renovation in order to comply with current building and safety codes as well as current educational requirements and standards. Renovation

cannot take place with the current double shifting configuration. For these reasons, the most expeditious construction schedule is considered necessary for the new high school in order to alleviate severe crowding and seriously inadequate facility problems at the existing complex.

As of 1999, Arlington had attained 52.1% of its 1992-2012 projected residential growth. This rate significantly exceeds the 35% expected growth rate based upon a linear growth rate. Residential building permit data collected for 1999 indicates that this very rapid growth is continuing. The resulting intense private sector demand for available land within the UGA has severely restricted the district's ability to locate a high school site within the existing UGA.

The upcoming county docket proposals are undergoing SEPA review, and it is not known whether a docket hearing can be scheduled before the end of 2000. Delays incurred by using the non-emergency regular docket process could force the school district to extend further, the existing burdensome scheduling changes and usage of the seriously inadequate existing facility.

12. GPP Policy LU 1.A.9 restricts residential land expansions of UGAs prior to the first 5-year UGA evaluation. However, this restriction does not apply to non-residential uses such as the subject proposal for a public school facility. For this reason the proposal is also consistent with the 1997 buildable lands amendments to the GMA and corresponding Countywide Planning Policy UG-14d which limit residential and commercial/industrial land expansions of UGAs prior to the 5-year evaluation.

To ensure that subsequent to the county council action, the parcel cannot be converted to non public facility use, the Arlington school district and the sites owners have entered into a concomitant agreement that limits development and use of the site for public school purposes. This agreement has been recorded with the county Auditor and constitutes a covenant that will run with the land.

Section 2. Based on the foregoing findings, the Snohomish County Council makes the following conclusions:

1. The council concludes that this action is necessary for the immediate preservation of the public peace, health and safety and for the support of county government and its existing public institutions. Non-emergency options for revising the UGA and re-designating the site are not timely and will extend overcrowding and inadequate building and

safety conditions at the existing high school for the growing Arlington high school student population. As such the situation constitutes a public health, welfare and safety issue which is the proper subject of a charter emergency action by the county council. Rapid inclusion of the proposed site within the Arlington UGA will allow expeditious annexation of the property and timely provision of urban services and utilities and required development approvals.

2. This amendment to the GMA Comprehensive Plan is enacted as an emergency pursuant to the provisions of RCW 36.70A.130(2)(b) and it is therefore appropriate to amend the county's GMACP and the Arlington UGA outside of the regular docket process and the 5 year review of UGAs. The County Council further concludes that the public participation process provided is appropriate under the circumstances. The proposed use represents an important public purpose and will help to more quickly relieve a currently overcrowded and seriously inadequate facility.

3. The land use plan designation of Urban Low Density Residential is appropriate for the site with the recording of a concomitant agreement by the district and property owners which will restrict development and usage of the site to public school purposes. This is consistent with applicable policies in the GMACP and with all of the GMACP elements. The action is also consistent with Countywide Planning Policies CPP UG-1 with respect to UGA boundary criteria, and with CPP UG-14d because this is not an expansion of a UGA for residential or commercial/industrial land development purposes.

4. The City of Arlington has assured the County that it has the ability to provide the full range of urban services to the high school site in a timely and coordinated manner.

5. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review, as appropriate under the circumstances of this proposed emergency action.

6. Specific environmental impacts of site development for a high school will be reviewed under SEPA and other applicable regulations prior to the issuance of permits. Development review will include consideration of: 1) environmental impacts and mitigation, especially with respect to traffic congestion and safety considerations; 2) extension of water and sewer in a manner that will minimize pressure on adjacent rural lands to convert to urban development; 3) water quality, fish and wildlife habitat and storm water

runoff impacts on Portage Creek and its related aquifer; and 4) buffering of the urban growth boundary on the site in accordance with LU 1.C.3 to mitigate impacts to adjacent rural lands.

7. SEPA compliance for the purpose of the proposed action has been satisfied by the GMACP Final EIS, Addenda and Addendum No. 18. Addendum No. 18 was issued by PDS on July 10, 2000.

Section 3. The county council hereby amends Ordinance No. 98-114 as adopted on December 16, 1998, to repeal Exhibits A and C which were therein incorporated and to replace and incorporate herein a new Exhibit A, a map which depicts the modified UGA boundary for the city of Arlington, and a new Exhibit C, which is county assessor's maps that accurately depict the new UGA boundary for the city of Arlington. Exhibits A and C are attached hereto and incorporated herein by this reference.

Section 4. The GMA Comprehensive Plan Future Land Use Map adopted as Map 4 to Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995 and last amended by Amended Ordinance No. 99-100 on December 22, 1999, is amended to show the redesignation of properties from Rural Residential and Rural/Urban Transition to Urban Low Density Residential (4-6 du/ac), and the boundaries of the Arlington UGA, as depicted in Exhibit A, *Arlington UGA Addition and Redesignation*, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 5. Based upon the foregoing findings and conclusions and pursuant to Section 2.120 of the Snohomish County Charter, the Council finds as a fact that this ordinance is necessary for the immediate preservation of public peace, health and safety and for the support of county government and its existing public institutions.

Section 6. This ordinance shall become effective immediately upon passage by the County Council.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. If the action to amend the UGA boundary as indicated on Exhibit A, or the change in

land use designation as indicated on Exhibit A is found invalid by the Central Puget Sound Growth Management Hearings Board or a court of competent jurisdiction, then the UGA boundary or land use designation in effect prior to the effective date of this ordinance shall be in full force and effect as if this ordinance had never been adopted.

PASSED this 26 day of July, 2000.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Barbara Latham
Chair, County Council

ATTEST:

Sheila McCallister
Ass't. Clerk of the Council

- APPROVED
 EMERGENCY
 VETO

DATE: 7/31/00

Sue Weikel
County Executive

ATTEST:

for
SUE WEIKEL
Executive Director

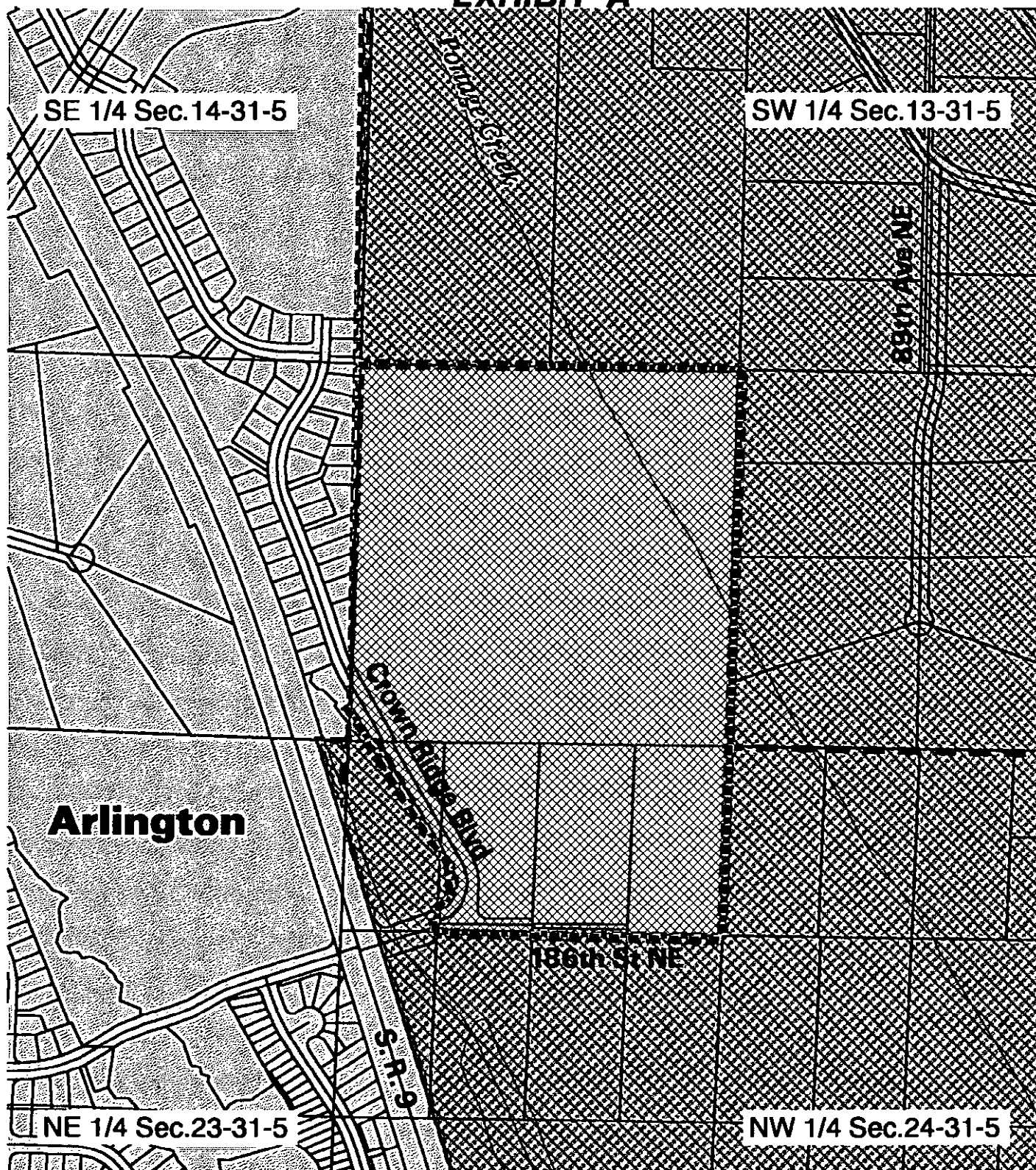
Laura Nelson

Approved as to form only:

Bonnie Dylis 7/31/00
Deputy Prosecuting Attorney

D-14

EXHIBIT A





Proposed Comprehensive Plan Amendment Arlington UGA Addition & Redesignation





June 23, 2000

LEGEND

Existing County Plan Designations

-  Rural Residential (1 DU/5 Acres)
-  Rural / Urban Transition Area

Proposed Plan Amendment

-  Arlington UGA: Redesignate Rural Residential (1 DU/5 Acre) to Urban Low Density Residential (4-6 DU/Acre), with concomitant agreement for Public School use.
-  Expand Arlington UGA.



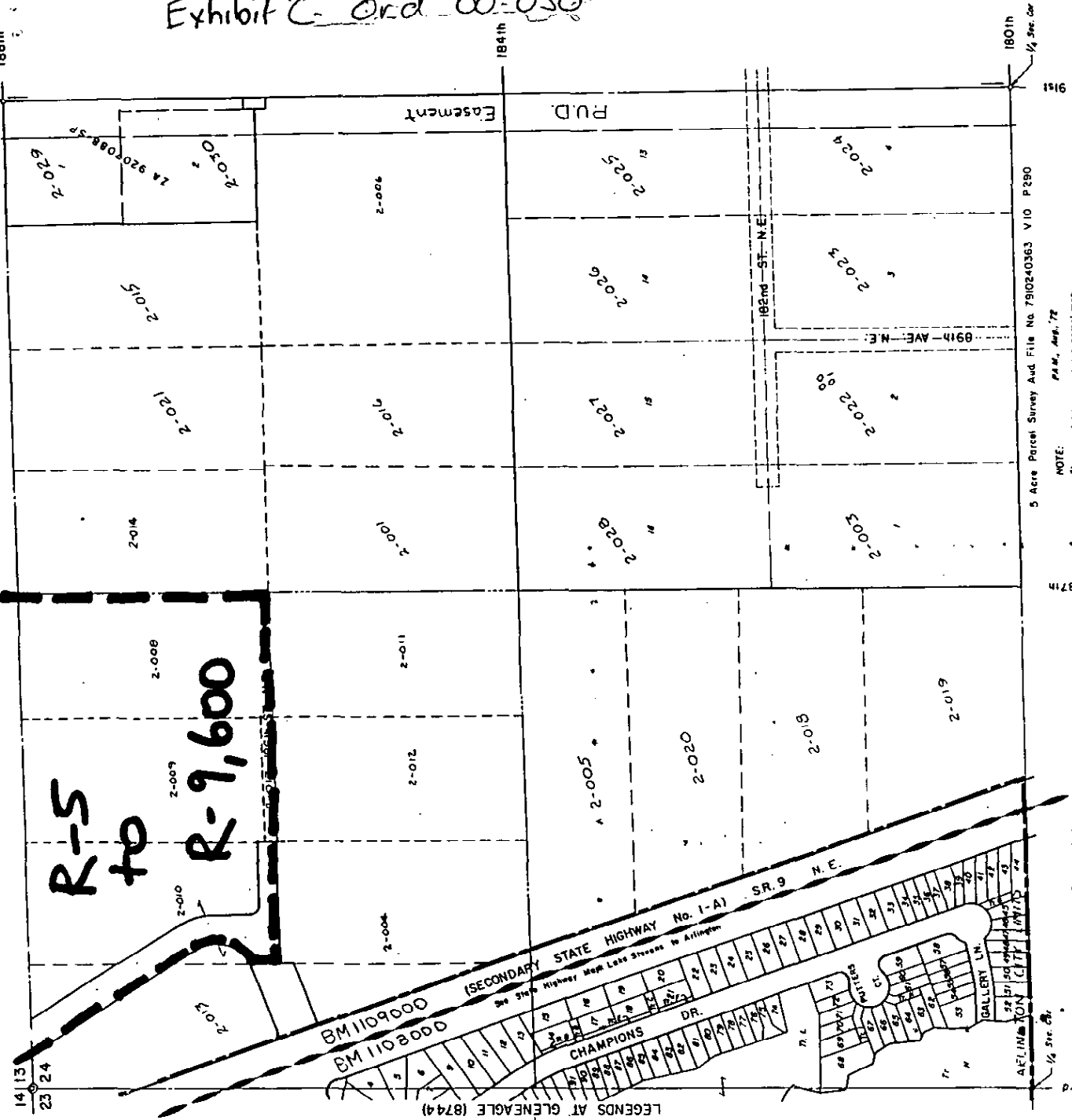
 Incorporated Cities
 Existing Urban Growth Area Bdy.
 This map is a graphic representation derived from the Brahmish County Geographic Information System. It does not represent survey accuracy. Property lines are for illustrative purposes and depict only generalized parcels.
 Produced by Brahmish County Planning Division, Cartography Section; cbi; c:\dock\ar\ra.amd
 Scale in Feet
 0 250 500 750

Exhibit C - Ord 00-050

N.W. 1/4, SEC. 24, T.31N., R.5E.
1" = 200'



R-5
to
R-9,600

LEGENDS AT GLENAGLE (874)

(SECONDARY STATE HIGHWAY No. 1-A) SR. 9 N.E.
The State Highway Mark Lots Streets in Arlington

B.M. 1108000
B.M. 1109000

CHAMPIONS DR.

GALLERY LN

AFLINGTON CITY

1/4 Sec. 24

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HISTORICAL NAME ()

ROAD DESIGN LIMITS

1/4 Sec. 24

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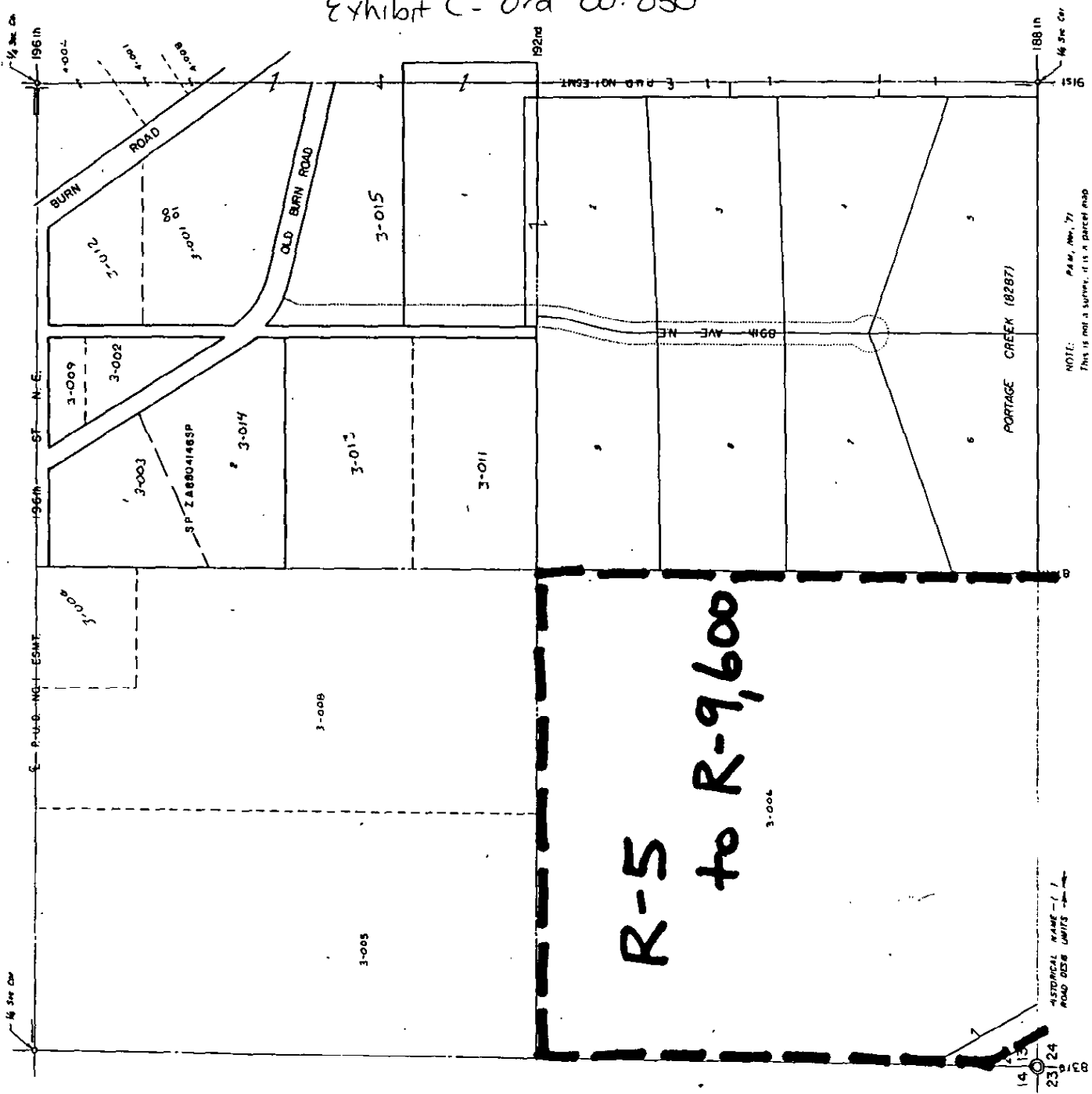
Exhibit C - Ord 00.050

S.W. 1/4, SEC. 13, T.31N., R.5E.

BM 1109000

1" = 200'

Exhibit C - Ord 00.050



NOTE:
 PA M. (Nov. 7)
 This is not a survey, it is a parcel map
 used for location of property only

ASTORICAL NAME - 1
 ROAD 2528 UNITS

14 13
 23 24
 83 12