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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 01-078
AMENDING SNOHOMISH COUNTY SECTION 18.51.020 TO PROHIBIT PLANNED
RESIDENTIAL DEVELOPMENT IN THE R-9,600 ZONE IN
THE LAKE STEVENS URBAN GROWTH AREA

WHEREAS, the Snohomish County Council adopted a GMA Comprehensive Plan (GMACP) on June 28, 1995; and

WHEREAS, the Growth Management Act (GMA) requires the County to adopt development regulations that are consistent with and implement the GMA and GMACP; and

WHEREAS, the County conducted a joint planning process in 1996-2001 with the City of Lake Stevens pursuant to an interlocal planning agreement to develop an UGA plan and implementing zoning for the Lake Stevens Urban Growth Area (UGA); and

WHEREAS, the Snohomish County Planning Commission held public hearings on November 16 and 18, 1998, December 1, 1998, and January 26, 1999 for review of all six comprehensive plan alternatives and associated General Policy Plan (GPP), UGA boundary changes, code amendments and implementing zoning; and

WHEREAS, the County Executive presented a preferred alternative for the Lake Stevens UGA Plan to the Snohomish County Council on July 12, 1999; and

WHEREAS, the County Council directed the County Executive to prepare a final Lake Stevens UGA Plan based on the preferred alternative on September 15, 1999; and

WHEREAS, the Planning Commission held public hearings on the Lake Stevens UGA Plan, amendments to the GMACP, implementing rezones and development regulations on November 6th and 8th, 2000, and considered oral and written testimony from citizens, interest groups and public and private agencies; and

WHEREAS, the Snohomish County Council held a public hearing(s) on October 17, October 31, and November 7, 2001 to consider the Planning Commission recommendation and hear public testimony on the Lake Stevens UGA Plan, amendments to the GMACP, implementing rezones and development regulations.

NOW, THEREFORE, BE IT ORDAINED:

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

- A. The County Council adopts the findings and conclusions identified in Section 1 of Amended Ordinance No. 01-073 which adopts the Lake Stevens UGA Plan and incorporates the same herein by reference.
- B. The GMA requires the County to adopt development regulations that are consistent with the County's adopted GMA Comprehensive Plan. This amendment to SCC 18.51.020 implements direction in the land use element of the Lake Stevens UGA Plan.
- C. This change is consistent with the Countywide Planning Policies, the General Policy Plan, and the GMA.

ORDINANCE NO. 01-078 as adopted by Council on November 7, 2001
AMENDING SCC 18.51.020 TO PROHIBIT PRDS IN R-9,600 ZONE IN THE LAKE STEVENS UGA

- D. The County Council concludes that this amendment adequately and appropriately implements the County's GMA Comprehensive Plan and the Lake Stevens UGA Plan.
- E. Pursuant to the State Environmental Policy Act, the County conducted environmental review of the Lake Stevens UGA Plan through issuance of two draft supplemental Environmental Impact Statements (EISs) to the GMACP final EIS in March and October 1998, a final supplemental EIS on April 28, 2000 and two addendums dated October 27, 2000 and January 19, 2001.
- F. The environmental documents and the Lake Stevens UGA Plan demonstrate that the areas zoned R-9,600 have environmental and capital facilities constraints that render those areas unsuitable to support higher densities, as would be permitted with the application of the PRD Code, chapter 18.51 SCC. The proposed amendment will prohibit PRDs in areas that have physical constraints and lack adequate funding for capital facilities in the Lake Stevens UGA.
- G. Citizens, interest groups, public agencies, and the media were notified of hearings prior to both the Planning Commission and County Council public hearings. They were notified by means of published legal notices, press releases, and mailed notices to all property owners within the unincorporated UGA.
- H. The County Council held public hearings on October 17, October 31 and November 7, 2001 to consider the County Executive's recommended Lake Stevens UGA Plan, associated GMACP amendments, implementing zoning and development regulations, including this ordinance. The County Council received, reviewed and considered oral and written testimony from citizens, interest groups and public and private agencies in considering this action.
- I. The Planning Commission and the County Council have fully considered public input from citizens and the City of Lake Stevens in making recommendations and decisions regarding land use and development within the UGA.

Section 2. The County Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the County Council.

Section 3. Snohomish county code section 18.51.020, last amended by Amended Ordinance 01-005, on May 2, 2001 is amended to read:

18.51.020 Permitted zones.

(1) A planned residential development (PRD) is permitted only within UGAs in the R-9600, R-8400, R-7200, LDMMR, and MR zones; except that a PRD shall not be permitted in the R-9,600 zone within the Lake Stevens UGA.

(2) A retirement apartment or retirement housing PRD is permitted only within the LDMMR, MR, NB, PCB, CB and GC zones.

(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.7 of the Snohomish County General Policy Plan.

(4) Except for retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the Snohomish County Growth Management Act Comprehensive Plan.

Section 4. Severability and savings.

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 any section, sentence, clause or phrase of this ordinance shall be held 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 7th day of November, 2001.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Shirley McAllister
Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

[Signature]
Chair

Date: 11/27/01
[Signature]
Robert J. Drewel
County Executive

ATTEST:

Barbara Dykes

Approved as the form only:

Barbara Dykes
Deputy Prosecuting Attorney

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