

SNOHOMISH COUNTY COUNCIL SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 01-106

ADOPTING MAP AND TEXT AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN PURSUANT TO CHAPTER 32.07 SCC, AMENDING AMENDED ORDINANCE 94.125

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 adopted chapter 32.07 SCC to comply with the requirements of RCW 36.70A.130 and .470; and

WHEREAS, the Snohomish County Council, through the enactment of Amended Ordinance 97-082, further consolidated, simplified, and improved the procedure for interested persons to propose amendments to the GMA comprehensive plan and/or development regulations; and

WHEREAS, the Snohomish County Department of Planning and Development Services (PDS) staff, pursuant to SCC 32.07.040, reviewed all remaining proposals of the 1996 docket, the 1998 docket, the 2000 docket, and the 2001 docket and determined that 13 of the proposals could be reviewed and analysis could be completed within the time frame of the 2001 final docket review cycle; and

WHEREAS, the 2001 final docket includes proposals to amend the General Policy Plan (GPP) Future Land Use Map (FLUM) submitted by Assemblies of God NW District Council, Atlantic Pacific Corporation, Craig Pierce, Mike Schmidt Construction, Mark Verbarendse, Wellington-Morris Corporation and Scott Wilson. The 2001 final docket also includes proposals to amend the GPP submitted by the Snohomish County Council and the Warm Beach Senior Community; and

WHEREAS, pursuant to chapter 32.07 SCC, PDS completed final review and evaluation of the 2001 final docket, including the proposals to amend the map and text of the comprehensive plan, and forwarded a recommendation to the Snohomish County Planning Commission; and

WHEREAS, the planning commission held public hearings on the 2001 final docket, including the proposals to amend the map and text of the comprehensive plan, on August 28, 2001 and September 4, 2001 and forwarded a recommendation to the county council; and

WHEREAS, the county council held public hearings on December 5, 12 and 19, 2001 to consider the entire record and hear public testimony on Amended Ordinance 01-106, adopting map and text amendments to the comprehensive plan and implementing development regulations.

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NOW, THEREFORE BE IT ORDAINED:

Section 1. The county council makes the following findings of fact and conclusions regarding proposals by Assemblies of God NW District Council, Atlantic Pacific Corp., Craig Pierce, Mike Schmidt Construction, Snohomish County Council, Mark Verbarendse, Warm Beach Senior Community, Wellington-Morris Corp., and Scott Wilson to amend the comprehensive plan on the 2001 final docket:

- A. The proposal by the Assemblies of God NW to amend the GPP's FLU map to redesignate 0.9 acres from Urban Low Density, Residential (4-6 DU/Acre) to Urban Commercial within the Southwest County Urban Growth Area (SW UGA) more closely meets the policies of the GPP than the existing plan designation. The proposal is consistent with GPP Policy LU 2.B.2, which requires the majority of new commercial development to be accommodated in mixed use community or larger urban centers. The proposal site is located within one-quarter mile of a designated Urban Center on 164th St. SW and I-5. The proposal, which is also located within one-half mile of an existing park and ride lot and a potential high capacity transit center on 164th St and I-5, is consistent with the Pedestrian Center locational requirements in GPP Policy 4.B.2. The proposal would provide the opportunity for a mix of office and commercial opportunities adjacent to residentially designated areas consistent with GPP Policy LU 4.B.3.
- B. The proposal by Atlantic Pacific Corp. to amend the GPP's FLU map to redesignate 5.9 acres from Urban Low Density Residential (4-6 DU/Acre) to Urban Industrial within the Arlington UGA more closely meets the policies of the GPP than the existing plan designation. The proposal is consistent with GPP Policy LU 2.B.5, which requires newly designated industrial areas within the UGAs to have direct access to existing and proposed transportation facilities and have adequately planned, programmed or existing roads, utilities and services. The proposal site has direct access to Smokey Point Boulevard, is located on the east side of I-5 and within one mile of the Arlington Airport. The proposal is consistent with the City of Arlington's comprehensive plan designation of Airport Industrial for the site.
- C. The proposal by Craig Pierce to amend the GPP's FLU map to add the Rural/Urban Transition Area (RUTA) overlay to 16.9 acres adjacent to the Southwest County UGA is denied because it is premature to add individual parcels to the RUTA, pending an areawide review and recommendation from PDS and the Planning Commission on consistent RUTA expansion. The Council notes that a general update of the GPP and Future Land Use Map will take place in 2005. Council expects the subject of RUTA overlays to be reviewed and considered for amendment at that time.
- D. The proposal by Mike Schmidt Construction to amend the GPP's FLU map to redesignate 1.3 acres from Urban Low Density Residential (4-6 DU/Acre) to Urban Commercial within the SW UGA is denied because it would allow uses, such as service stations, that are incompatible with the adjacent daycare and residential uses.

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- E. The proposal by Mark Verbarendse to amend the GPP's FLU map to redesignate 9 acres from Rural Residential-5 (1 DU/5 Acres) to Rural Freeway Service is denied because it does not meet the locational criteria in GPP Policy LU 6.G.7 for designation of new Rural Freeway Service sites. The applicant has failed to demonstrate adequate site conditions and adequate capacity for water, fire protection and septic systems.
- F. The proposal by Wellington-Morris Corp. to amend the GPP's FLU map to expand the Monroe UGA to include 20 acres to be redesignated from Rural Residential-5 and Rural/Urban Transition Area to Urban Low Density Residential (4-6 DU/Acre) was deferred to the 2001 final docket by the County Council. The proposal continues to be premature at this time because the applicant cannot demonstrate consistency with CPP UG-14, and is therefore denied. The proposal may be taken into consideration by the County Council on a future final docket at the point when the applicant can demonstrate that the requirements of CPP UG-14 are met.
- The proposal by Scott Wilson to amend the GPP's FLU map to redesignate 0.6 acres G. from Urban Low Density Residential (4-6 DU/Acre) to Urban Commercial within the SW UGA more closely meets the policies of the GPP than the existing plan designation. The proposal is approved because it is consistent with the following planned characteristics in GPP Policy LU 3.A.2 for the development of neighborhood commercial centers: (1) The policy recommends a variety of small-scale commercial uses, public buildings and mixed-use development within one-half mile or a fifteen minute walking distance for the majority of neighborhood residents. The proposal site will provide a small-scale commercial use component in conjunction with an adjacent elementary school (public building) within the existing neighborhood; and (2) The policy recommends that a center is approximately 3 acres in size. The proposal site, together with an adjacent 1.5 acres, will provide 2.1 acres of Urban Commercial designated land, which is within the recommended 3 acre size. The size and location of the proposal site is also consistent with GPP Policy LU 2.B.4 that discourages new strip commercial development. The corresponding rezone portion of the Wilson proposal is conditioned by a concomitant agreement listing a range of land uses with low impacts, consistent with the current use on site.
- H. The proposal by the County Council, deferred to the 2001 final docket by the County Council, was withdrawn.
- I. The proposal by the Warm Beach Senior Community to amend GPP Policy LU 6.A.7 to delete two parcels with the following tax account numbers, 183104-2-002 and 183104-2-019, and add one parcel with the following tax account number, 183104-2-009 is consistent with policy intent in the GPP to limit the expansion area of the Warm Beach Senior Community to authorized parcels. The proposal would reduce the land area and the number of parcels allowed for future senior community development. The county council makes the following findings of fact and conclusions regarding the Warm Beach Senior Community proposal to amend the comprehensive plan on the 2001 final docket:

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- 1. The Warm Beach Senior Community docket proposal amends GPP Policy LU 6.A.7, by deleting two parcels with the following tax account numbers, 183104-2-002 and 183104-2-019, and adding one parcel with the following tax account number, 183104-2-009. Ten acres are removed from designation under the Policy, and five acres are added, for a net reduction of five acres.
- 2. In 1996, the county council adopted GPP Policy LU 6.A.7 to regulate expansion of the existing Warm Beach Senior Community. That action was based on an extensive record.
- 3. Council incorporates by reference the entire 1996 record concerning GPP Policy LU 6.A.7, including the discussion on Pages 10 and 11 of Amended Ordinance No. 96-074 (1996). This record also includes the adopted ordinance, the County's SEPA Addendum No. 6, a favorable planning commission review as to Warm Beach, public notices, and public testimony (including Exhibits 898, 1031, 1032, 1033 and 1135).
- 4. The 1996 record also included two studies, one prepared by a professional engineer and another prepared by a professor at the University of Washington in 1996, demonstrating that senior housing communities have substantially reduced impacts to rural roads, schools, and other services, in comparison to other rural development, i.e., single family development.
- In order to ensure the Warm Beach area developed in a manner consistent with the existing rural character of the senior community, Policy LU 6.A.7 authorized expansion only into certain adjacent parcels. The policy further restricted expansion by:
- requiring PRD site plan approval (which involves a separate application, public hearing, and land use decision);
- · restricting new housing to senior rental housing; and
- mandating that the existing visual character of rural uses in the immediate vicinity not be unduly disrupted or altered.
- 6. Because the Warm Beach docketing proposal would result in a net reduction in land area and number of parcels designated under Policy LU 6.A.7, the proposal is consistent with the limitations on expansion intended in the GPP policy.
- 7. The county council has determined that compact rural development at the Warm Beach Senior Community and enhanced preservation of open space are in the public interest.
- 8. As noted in its 1996 findings and conclusions, the council finds that "preservation of open space in the rural areas is critical to maintaining rural character in Snohomish County's rural lands." As before, the council takes official notice of Rural by Design, Randall Arendt (APA Planners Press)(1994).
- 9. The county council considered the environmental impacts of the proposal in Addenda Nos. 6 and 25, issued by the County under RCW ch. 43.21C ("SEPA").

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10. The county council concurs in the planning commission's conclusions about the proposal:

The Planning Commission finds that the proposal is consistent with policy intent in the GPP to limit the expansion area of the Warm Beach Senior Community to authorized parcels. The proposal would reduce the land area and the number of parcels allowed for future senior community development.

11. GOALS OF THE GROWTH MANAGEMENT ACT

The Snohomish County Council has considered and used as guidelines the planning goals of the Growth Management Act, RCW 36.70A.020 in developing this amendment to the County's comprehensive plan. In determining the appropriate policy for GMA legislation in Snohomish County, the council has been guided by the planning goals and has harmonized and balanced them in a manner which reflects the unique circumstance in and characteristics of Snohomish County as set out in more detail below.

a. Goal 1: Encourage Urban Growth in Urban Areas. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of encouraging urban growth in urban areas, under RCW 36.70A.020(1).

No designation of urban areas is proposed. Future development on the five-acre parcel newly designated by this amended Policy LU 6.A.7 will be required to preserve rural character, under the current requirements of the Policy.

b. Goal 2: Reduction of Sprawl.

The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of reducing sprawl, under RCW 36.70A.020(1). The Council hereby adopts its earlier detailed analysis of this goal, with respect to Warm Beach Senior Community, in its entirety, as set forth in Ord. No. 96-074. Sec. 2(C)(14).

- c. <u>Goal 3: Transportation</u>. Council adopts its earlier finding in 1996, that "additional development pursuant to Policy LU 6.A.7 will create no significant transportation impacts . . . " Ord. No. 96-074, Sec. 2(C)(14).
- d. Goal 4: Affordable Housing. The Warm Beach Health Care Facility/Senior Community is an existing facility which has maintained a rural character, while providing low cost senior housing and medical care in a rural environment. Council finds that the Warm Beach portion of this ordinance furthers the GMA's goal of encouraging the availability of affordable housing, by providing rental housing to senior citizens. This proposal will centralize the land to be developed as senior housing under Policy LU 6.A.7. A more centralized development will reduce site development costs, thus allowing more efficient use of land and reducing rural housing costs. This ordinance addresses a substantial unmet need for rental housing affordable to seniors on fixed incomes.

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- e. Goal 5: Economic Development. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of encouraging economic development consistent with the County's adopted comprehensive plan, under RCW 36.70A.020(5). By creating a more compact rural development, the Warm Beach Senior Community can develop its site more efficiently and cost effectively, thus maximizing the limited economic resources available to the senior community. Without the designation of the five-acre parcel under this docket item, Warm Beach is likely to incur substantially greater costs. Council finds that this action will encourage rather than impede the success of the senior community.
- f. Goal 6: Private Property Rights. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of protecting property rights, under RCW 36.70A.020(6). By allowing Warm Beach Senior Community to develop the proposed five-acre parcel in place of two other parcels, the County is protecting rural property rights. By requiring this new development to conform to the site planning requirements of Policy LU 6.A.7, this action allows protection of property rights while maintaining the rural character of Snohomish County.
- g. Goal 7: Timely Permit Processing. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of ensuring timely permit processing, under RCW 36.70A.020(7). Nothing in this proposal alters the basic requirement of Policy LU 6.A.7 for a PRD site plan approval, prior to future expansion. This goal requires the county to consider the property rights of landowners, consistent with the Attorney General's process outlined in RCW 36.70A.370. The county has used this process in considering this action.
- h. Goal 8: Natural Resource Lands. The Snohomish County
 Council concludes that this action and ordinance will further the GMA's
 goal of maintaining and enhancing natural resource –based industries,
 including conservation of productive agricultural and forest lands.
 ensuring timely permit processing, under RCW 36.70A.020(8). Nothing in
 this action approving rural senior housing adversely affects continued
 natural resource industries in the County.
- i. Goal 9: Open Space. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of encouraging the retention of open space, under RCW 36.70A.020(9). The county council has determined that compact rural development at the Warm Beach Senior Community and enhanced preservation of open space are in the public interest. As noted in its 1996 findings and conclusions, the council finds that "preservation of open space in the rural areas is critical to maintaining rural character in Snohomish County's rural lands." By requiring PRD approval, Policy LU 6.A.7, as amended by this action, mandates the retention of open space.

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j. Goal 10: Environment. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of protecting the environment, under RCW 36.70A.020(10). The amendment to plan policy LU 6.A.7 will protect the natural environment by concentrating planned development in a more compact area, thus reducing the total acreage to be developed under the current policy. Thus, this action complies with this planning goal.

- k. <u>Goal 11:</u> <u>Public Participation</u>. The Snohomish County Council concludes that this action and ordinance will further the GMA's goal of encouraging public participation, under RCW 36.70A.020(11). The council adopts the following findings and conclusions related to RCW 36.70A.020(11):
 - Prior to both the planning commission hearings and council hearings, citizens, interest groups, agencies, cities/towns and the press were notified of the planning commission's and county council's public hearings by means of published legal notices, and display ads in Snohomish County weekly newspapers, among other means. A public comment period was held following issuance of SEPA documents concerning the Warm Beach Senior Community, including SEPA Addendum No. 25 in 2001.
 - ii. Addenda No. 25 (July 25, 2001) to the Final Environmental Impact Statement (FEIS) for the Snohomish County comprehensive plan was prepared to satisfy SEPA requirements. This addendum describes the proposed amendment and analyzes its impacts. The amendment adopted by council is within the range of alternatives and scope of analysis contained in the FEIS. The addenda performed the function of keeping the public apprised of the refinement of the original comprehensive plan proposal by adding new information. The council concludes that SEPA compliance has been satisfied by this document.
 - iii. The County has met and exceeded the public participation requirements of the GMA and Snohomish County Code.
- I. Goal 12: Adequate Public Facilities/Concurrency. The Snohomish County Council concludes that this ordinance and action will further the GMA's goal of ensuring adequate public facilities, under RCW 36.70A.020(12). The council finds that the required PRD site plan approval will ensure that future development shall comply with all county regulations and policies related to concurrency and adequacy of infrastructure.
- 12. This amendment to the GMA comprehensive plan satisfies the procedural and substantive provisions of RCW 36.70A and is consistent with the GMA.
- J. The proposed GMA comprehensive plan text and FLUM amendments are consistent with the following final review and evaluation criteria of SCC 32.07.080:

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- 1. The proposed amendments maintain consistency with other elements of the GMA comprehensive plan;
- 2. All applicable elements of the GMA comprehensive plan support the proposed amendments;
- 3. The proposed amendments more closely meet the goals, objectives and policies of the GMA comprehensive plan as discussed in the specific findings; and
- 4. The proposed GMA comprehensive plan text and FLUM amendments are consistent with the countywide planning policies.
- K. The amendments to the GMA comprehensive plan satisfy the procedural and substantive requirements of and are consistent with the GMA.
- L. The amendments maintain the GMA comprehensive plan's consistency with the multicounty policies adopted by the Puget Sound Regional Council and with the countywide planning policies for Snohomish County.
- M. The County has notified and consulted with cities regarding proposed amendments that affect UGAs or GPP FLUM designations within UGAs.
- N. There has been early and continuous public participation in the review of the proposed amendments.
- O. Addendum No. 25 to the Final EIS was issued on July 25 2001 for this non-project action. The purpose of this Addendum was to add information and analysis of previously identified significant impacts and alternatives to the county's GMA Comprehensive Plan/General Policy Plan EIS dated April 11, 1994 (Draft EIS) and June 21, 1995 (Final EIS) for eleven 2001 final docket proposals (Assemblies of God NW District Council, Atlantic Pacific Corporation, Keith Orr, Craig Pierce, George Ross, Mike Schmidt Construction, Seattle-Snohomish Mill, David Sennett, Mark Verbarendse, Warm Beach Senior Community, and Scott Wilson). The information in Addendum No. 25 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 original EIS were expected to occur.
- P. Addendum No. 19 to the Final EIS was issued on September 8, 2000 for eight 2000 final docket proposals including the proposal by the Snohomish County Council now under consideration as part of the 2001 final docket. The purpose of this Addendum was to add information and analysis of previously identified significant impacts and alternatives to the county's GMA Comprehensive Plan/General Policy Plan EIS dated April 11, 1994 (Draft EIS) and June 21, 1995 (Final EIS). The information in the Addendum 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 original EIS were expected to occur.

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- R. The recommended amendments are within the scope of analysis contained in the FSEIS and associated adopted environmental documents. The addenda perform the function of keeping the public apprised of the refinement of the original GMA comprehensive plan proposal by adding new information but does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- S. The SEPA requirements with respect to this proposed action have been satisfied by these documents.
- T. The county council held public hearings on December 5, 12, and 19, 2001 to consider the planning commission's recommendations.

Section 2. The county council bases its findings of facts and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits.

Section 3. Based on the foregoing findings and conclusions, the Snohomish County Growth Management Act Comprehensive Plan - General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995, and last amended by Amended Ordinance No. 01-073 on November 7, 2001 is amended as indicated in General Policy Plan (GPP) Amendments (Citizen and County Initiated Amendments to the Text and Map of the GPP), which is attached hereto as Exhibit A and incorporated by reference into this ordinance as if set forth in full

Section 4. Based on the foregoing findings and conclusions, the Snohomish County GMACP Future Land Use Map adopted as Map 4 of Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Amended Ordinance No. 01-074 on November 7, 2001 is amended as indicated in Exhibit B (maps individually identified as 1, 2, and 4) which are attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. Severability. 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 December, 2001.

SNOHOMISH COUNTY COUNCIL Snohomish County, Washington

Chairperson

DATE: 12/24/01

Fary Weikel Deputy Executive

ATTEST:

(X) APPROVED () EMERGENCY () VETOED

Asst. Clerk of the Council

ATTEST: Laura Kelson

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Approved as to form only:

Deputy Prosecuting Attorney

D.20

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EXHIBIT A

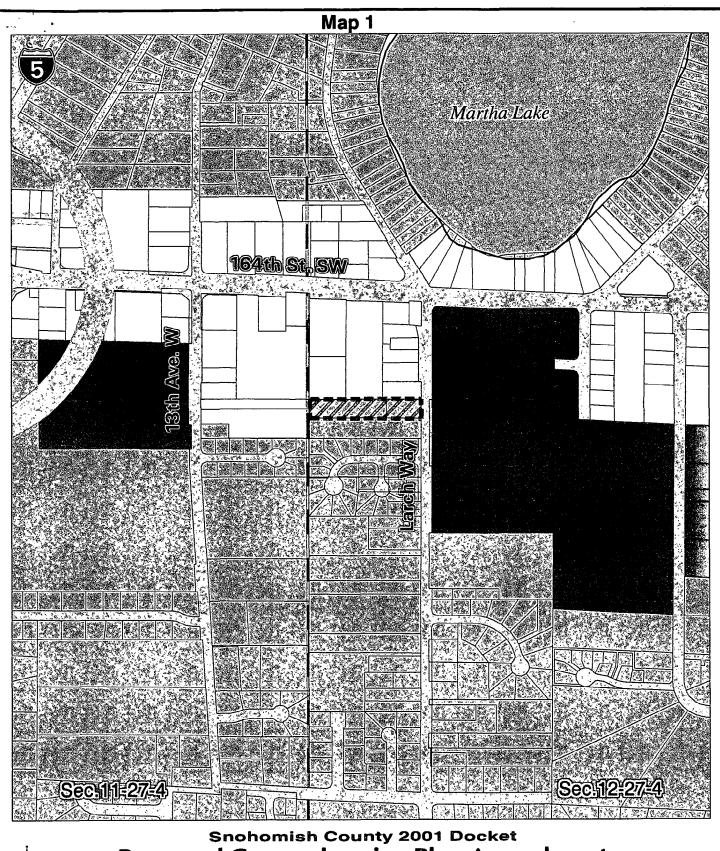
Proposed General Policy Plan (GPP) Amendments Citizen and County Initiated Amendments to the Text and Map of the GPP

Please Note: Underline and strike-out text indicated amendments to the GPP text. All page references are to page numbers in the GPP that has been in effect since January, 2001

1. Citizen Initiated Amendments (Warm Beach Senior Community)

Amend Policy LU 6.A.7 on page LU-23 to read:

- 6.A.7 The Warm Beach Health Care Center/Senior Community may be expanded into an area that includes parcels with the following tax account numbers: 183104-1-002, 2-002, 2-007, 2-008, 2-009, 2-018, 2-019, and 2-022. Densities within the expansion area may exceed the density allowed by the GPP Future Land Use Map and/or the zoning classification for these parcels but may not exceed 2 dwelling units per acre, provided that a planned residential development (PRD) consistent with this density allowance is approved for the site prior to the issuance of building permits, The official site plan required by the PRD shall meet applicable requirements of the zoning code. The following additional requirements shall be met:
 - (a) no new lots are created;
 - (b) housing shall be limited to rental housing units for senior citizens;
 - (c) senior housing does not unduly disrupt or alter the visual character of rural uses in the immediate vicinity; and
 - (d) impacts concerning traffic, sewage disposal, water supply, and nearby wells are mitigated consistent with county code and policies.





Proposed Comprehensive Plan Amendment Assemblies of God NW District Council

LEGEND

Existing County Plan Designations

Urban Low Density
Residential
(4 - 6 DU/Acre)

Centers Designation

Urban Commercial

Centers Designation

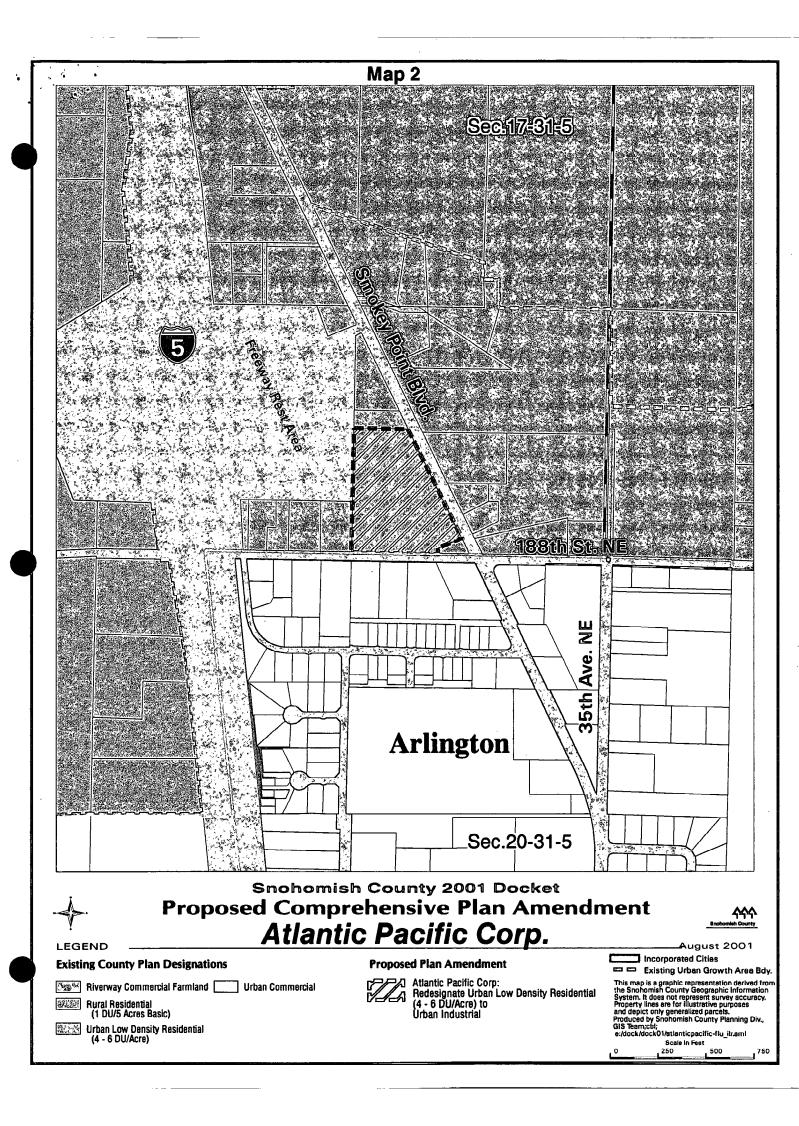
Proposed Plan Amendment

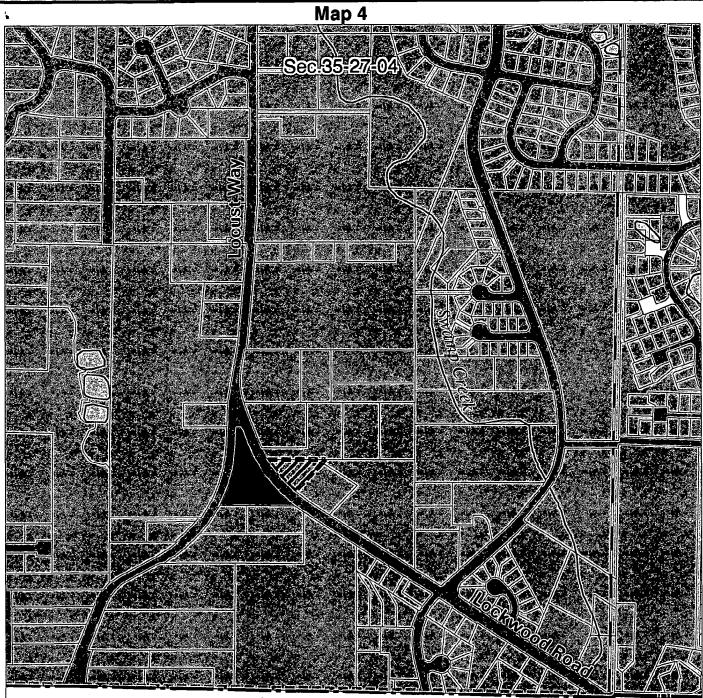
Assemblies: Redesignate Urban
Low Density Residential (4 - 6 DU/Acre)
to Urban Commercial

Incorporated Cities Existing Urban Growth Area Bdy

This map is a graphic representation derived fro the Snohomish County Geographic Information System. It does not represent survey accuracy. Property lines are for illustrative purposes and depict only generalized percels. Produced by Snohomish County Planning Div., GIS Team: cbl:

bl; k01/assemblies-flu_ilr.aml Scale in Feet 250 500





King County



Snohomish County 2001 Docket Proposed Comprehensive Plan Amendment Wilson

Existing County Plan Designations

Urban Low Density Residential (4 - 6 DU/Acre)

Urban Commercial

Proposed Plan Amendment

Wilson: Redesignate
Urban Low Density Residential
(4 - 6 DU/Acre) to
Urban Commercial

August 2001

Existing Urban Growth Area Bdy This map is a graphic representation derived fro the Snohomish County Geographic Information System. It does not represent survey accuracy. Property lines are for illustrative purposes and depict only generalized parces.

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