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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

EMERGENCY ORDINANCE NO. 03-005

REVISING THE EXISTING URBAN GROWTH AREA FOR THE
CITY OF ARLINGTON; AMENDING AMENDED ORDINANCE
94-125, ORDINANCE 97-076, AND EMERGENCY ORDINANCE
00-050 PURSUANT TO CHAPTER 32.07 SCC, AND DECLARING
AN EMERGENCY

WHEREAS, the Growth Management Act, chapter 36.70A RCW (GMA) requires Snohomish County to designate an urban growth area (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

WHEREAS, the Snohomish County Council designated a Final UGA for Arlington (Amended Ordinance 94-120) 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 and Future Land Use map; and

WHEREAS, the Snohomish County Council amended the Final UGA for Arlington (Ordinance 97-076) on September 15, 1997 and (Emergency Ordinance 00-050) on July 26, 2000, in conformance with the requirements of the GMA; and

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

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

WHEREAS, eighteen proposals to amend the comprehensive plan and implementing development regulations, including a proposal to amend the boundary for the Arlington UGA, were submitted to the county for consideration for inclusion on the 2002 final docket; and

WHEREAS, the county council, after holding a public hearing, considered recommendations from the Snohomish County Department of Planning and Development Services (PDS), including the proposal to amend the Arlington UGA on

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the 2002 final docket of proposed amendments to the plan and development regulations; and

WHEREAS, county council Motion 02-173 established the final docket of proposed amendments to the GMA comprehensive plan and development regulations, including the proposal by Mike Davis to amend the Arlington UGA, for the 2002 annual docketing cycle.

WHEREAS, PDS staff, pursuant to the SCC 32.07.040, reviewed all proposals of the 2002 final docket and determined that eighteen of the proposals could be reviewed and analysis could be completed within the time frame of the 2002 final docket review cycle, including proposals to amend UGA boundaries, and forwarded a recommendation to the Snohomish County Planning Commission; and

WHEREAS, the 2002 final docket includes a proposal to amend the Arlington UGA, submitted by Mike Davis; and

WHEREAS, the planning commission held hearings on the 2002 consolidated docket, including proposals to amend UGA boundaries, on September 24, October 8 and October 22, 2002 and forwarded a recommendation to the county council; and

WHEREAS, the county council held a public hearing on December 11, December 16 and December 18, 2002 to consider the entire record and hear public testimony on Ordinance 02-093, adopting revisions to the Arlington UGA.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings of fact and conclusions regarding consideration of the 2002 final docket.

- A. The County Council considered the 2002 final docket at public hearings as described in the foregoing recitals. On December 18, 2002, the Council adopted Amended Ordinance Nos. 02-091, 02-092, 02-093, 02-094, 02-095, and 02-096. These ordinances approved nineteen separate proposals that were on the 2002 final docket.
- B. On January 3, 2003, the County Executive vetoed Amended Ordinance Nos. 02-091, 02-093, 02-094, 02-095, and 02-096. In his veto message the County Executive stated that he objected to only four of the 2002 final docket proposals that were approved by the County Council and would approve the remaining fifteen into law. The Executive urged the County Council to consider alternative ordinances, and pledged quick action to approve them.

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- C. The purpose of this ordinance is to bring the 2002 final docket process to a conclusion in a manner that is consistent with the Growth Management Act and the legislative prerogatives of the County Council and County Executive.
- D. The County Executive's veto of Ordinance Nos. 02-091, 02-093, 02-094, 02-095, and 02-096 would, in the absence of further Council action, preclude completion of the 2002 final docket process as to proposals that are concededly meritorious, would unnecessarily penalize innocent participants in the growth management process, and would frustrate implementation of the Growth Management Act in Snohomish County.
- E. Because of the need to complete the 2002 final docket process this ordinance is necessary for the support of county government and its existing public institutions within the meaning of Charter § 2.120.
- F. This ordinance constitutes an emergency action within the meaning of RCW 36.70A.130 and SCC 32.05.023.

Section 2. The county council makes the following findings of fact and conclusions:

- A. The county council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance 94-120, Amended Ordinance 94-125 and Ordinance 97-034.
- B. The proposal by Mike Davis to amend the FLU map of the GPP to expand the Arlington UGA to include 5.8 acres to be redesignated from Rural Residential and Rural Urban Transition Area to Urban Low Density Residential (4-6 DU/Acre) is consistent with GPP Policy LU 1.A.9 and meets all of the conditions in this policy for expansion of an individual UGA to include additional residential land.
- C. The proposed expansion of the Arlington UGA is consistent with the reasonable measures requirement of RCW 36.70A.215. The county adopted a list of interim reasonable measures as Appendix A to the Snohomish County 2002 Preliminary Buildable Lands Report. Reasonable measures were considered in this evaluation of the Arlington UGA expansion proposal. The type of reasonable measures on the list and used by the City of Arlington to provide the opportunity for urban infill inside the city include the provision of the planned unit development technique which allows a more efficient use of land where there are site development constraints such as critical areas.

- D. The proposed expansion to the Arlington UGA is consistent with GPP Policies LU 1.A.3 and LU 2.C.3 which require that new development within UGAs are provided with adequate infrastructure and services, including sanitary sewers.
- E. The proposed UGA amendment is consistent with the following final review and evaluation criteria of SCC 32.07.080:
 - 1. The proposed amendment maintains consistency with other elements of the GMA comprehensive plan;
 - 2. All applicable elements of the GMA comprehensive plan support the proposed amendment;
 - 3. The proposed amendment meets the goals, objectives, and policies of the GMA comprehensive plan as discussed in the specific findings; and
 - 4. The proposed UGA amendment is consistent with the countywide planning policies.
- F. The amendment to the GMA comprehensive plan satisfies the procedural and substantive provisions of and is consistent with the GMA.
- G. The amendment maintains the GMA comprehensive plan's consistency with the multi-county policies adopted by the Puget Sound Regional Council and with the countywide planning policies for Snohomish County.
- H. Cities have been notified and consulted with regarding proposed amendments that affect UGAs or GPP FLUM designations within UGAs.
- I. There has been early and continuous public participation in the review of the proposed amendments.
- J. A Draft Supplemental Environmental Impact Statement (DSEIS) was issued on September 20, 2002 for seven 2002 final docket proposals including Mike Davis, Eddie Bauer, Harmsen/Kosters, Verbarendse, County Council proposal A, Echelbarger/Lewis and MacAngus Ranches, Inc. A Final SEIS, including response to comments on the DSEIS, was prepared following the 30-day comment period and was issued on December 4, 2002. The purpose of the SEIS was to analyze potential significant adverse environmental impacts of the proposals and any alternatives that were not previously identified in the two EIS documents and a series of addenda prepared for the Snohomish County GMA Comprehensive Plan – General Policy Plan and Transportation Element between 1994 and 2002.
- K. The recommended amendments are within the scope of analysis contained in the SEIS and associated adopted environmental documents and result in no new

significant adverse environmental impacts. The SEIS performs 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.

L. The SEPA requirements with respect to this proposed action have been satisfied by these documents.

M. The county council held a public hearing on December 11, December 16 and December 18, 2002 to consider the planning commission's recommendations.

Section 3. The county council bases its findings of facts and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

Section 4. The county council hereby amends Emergency Ordinance 00-050 as adopted on July 26, 2000, to modify Exhibits A and B which were therein incorporated. The county council hereby adopts two new exhibits for Amended Emergency Ordinance 00-050: (1) Exhibit A, Map 3 ("Proposed Comprehensive Plan Amendment, Davis") which is a map that depicts the modified UGA boundary for the Arlington UGA; and (2) Exhibit B which is a county assessor's map that accurately depicts the revised UGA boundary for the Arlington UGA. Exhibits A and B are attached hereto and incorporated herein by this reference.

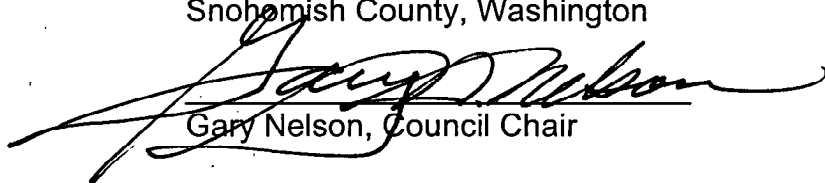
Section 5. The Future Land Use Map of the Snohomish County GMA Comprehensive Plan-General Policy Plan which was adopted as Map 4 to Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995, and last amended by Ordinance 02-012 on May 30, 2002 is amended to show the boundary of the Arlington UGA as depicted in Exhibit A, Map 3.

Section 6. 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.

Section 7. Effective date. This ordinance shall take effect immediately as provided in Charter § 2.120.

PASSED this 27 day of January, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Gary Nelson, Council Chair

ATTEST:


Clerk of the County Council, *asst*

- Approved
- Emergency
- Vetoed

Date _____

County Executive

ATTEST:

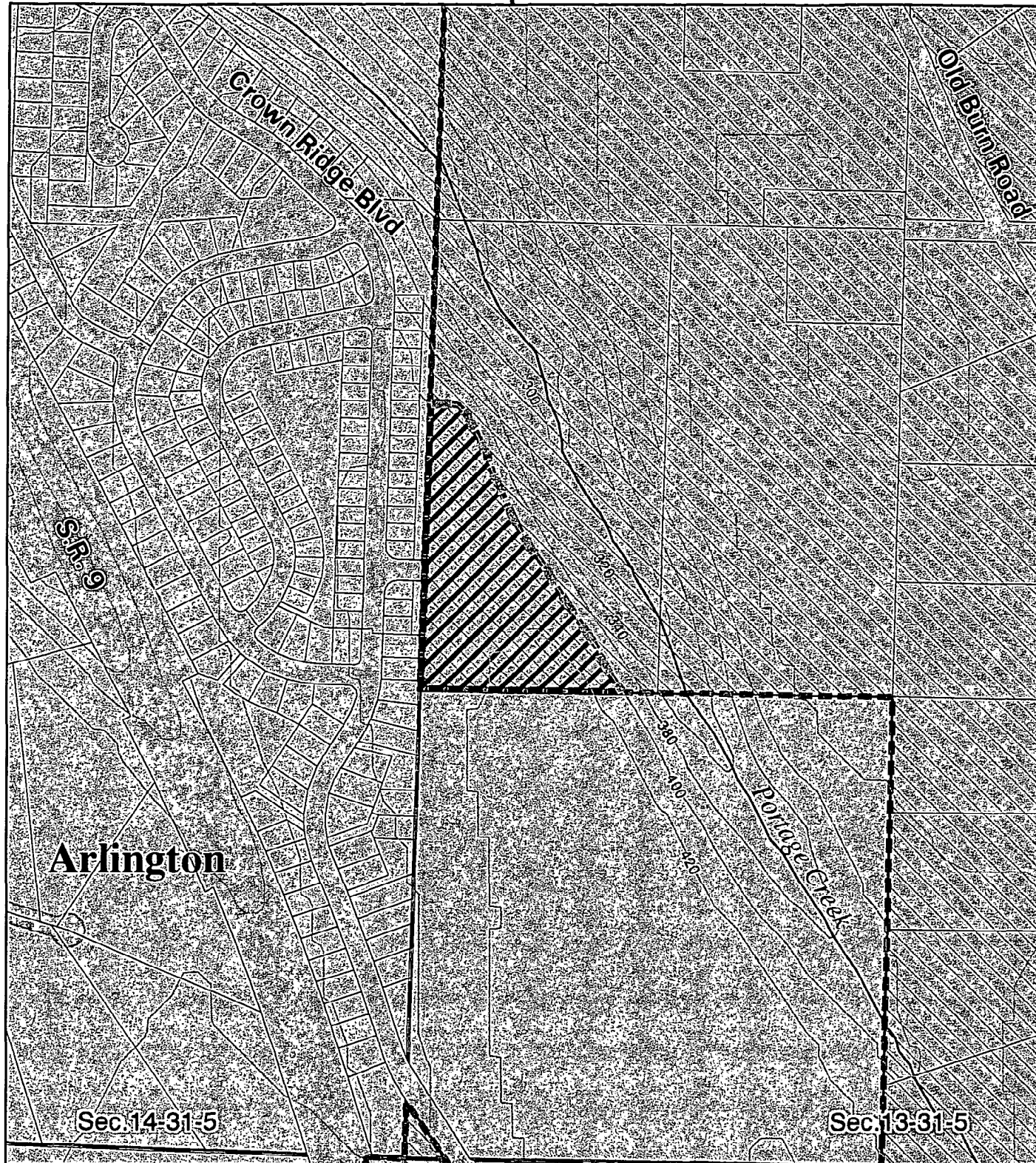
Approved as to form only:

Deputy Prosecuting Attorney

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D.2

Map 3



Snohomish County 2002 Docket
Proposed Comprehensive Plan Amendment
Davis



444
 Snohomish County

September 2002





LEGEND



Existing County Plan Designations

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

Proposed Plan Amendment

-  Davis: Redesignate Rural Residential (1 DU/5 Acres Basic) and Rural/Urban Transition Area to Urban Low Density Residential (4-6 DU/Acre).
-  Expand Arlington UGA.

Topography:
 20' Contour Interval

-  Incorporated Cities
-  Existing Urban Growth Area Bdy.

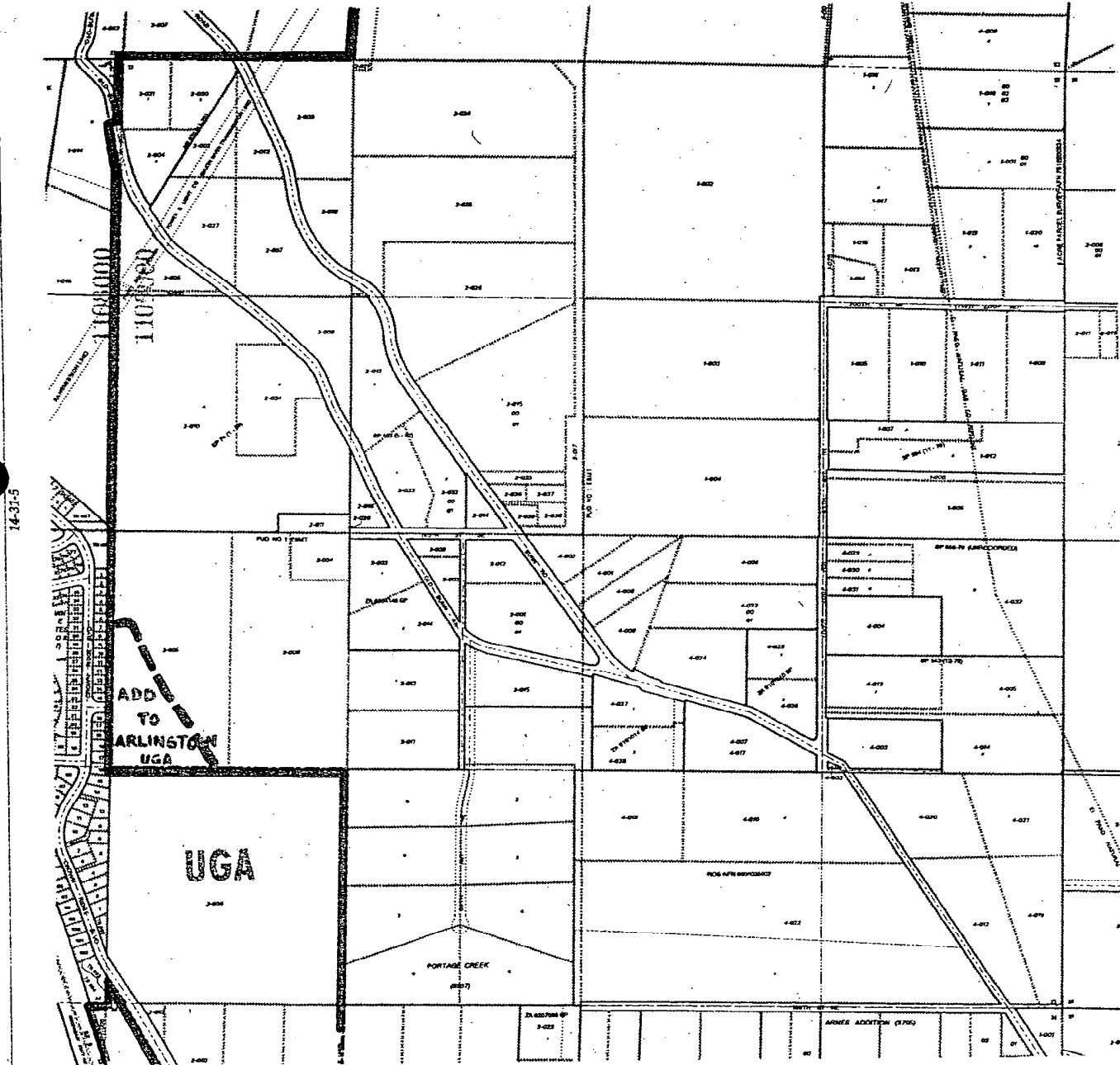
This map is a graphic representation derived from the Snohomish County Geographic Information System. It does not represent survey accuracy. Property lines are for illustrative purposes and depict only generalized parcels. Produced by Snohomish County Planning Div., GIS Team:cbl, s:/dock/dock02/davis-flu_jlr.aml

Scale in Feet
 0 200 400 800

QUARTER	SECTION	TOWNSHIP N.W.&L.	RANGE E.W.M.
ALL	13	31	5

A product of the Southwestern County Assessor's Office
Map produced on August 30, 2001

12-31-5



14-31-5

18-31-6

24-31-5