

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



ORDINANCE NO. 03 -064

REVISING THE EXISTING URBAN GROWTH AREA FOR THE  
SOUTHWEST COUNTY; ADOPTING MAP AMENDMENTS  
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN  
PURSUANT TO CHAPTER 30.74 SCC;  
AMENDING AMENDED ORDINANCE NO. 94-123 AND  
AMENDING AMENDED ORDINANCE NO. 94-125

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 county council designated a Final UGA for the Cities of Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo and Woodway (Amended 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 (FLU) map;

WHEREAS, on September 9, 1998, the county council approved Amended Ordinance 98-071 which removed portions of Smith and Spencer Islands from the Southwest Cities UGA; 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 30.74 SCC to comply with the requirements of RCW 36.70A.130 and .470 to allow interested persons to propose amendments to the GMA comprehensive plan and/or development regulations; and

WHEREAS, Snohomish County Department of Planning And Development Services (PDS) staff, pursuant to the SCC 30.74.030, reviewed all proposals on the docket and determined that twenty-one of the proposals could be reviewed and analysis could be completed within the time frame of the 2003 final docket review cycle, including the proposal by the City of Everett to amend the Southwest County UGA boundary; and

WHEREAS, the 2003 final docket – Phase 1 includes proposals to amend the GPP FLU map submitted by Jerry Booker, City of Everett, Frank Heath, NORETEP, Snohomish County Department of Public Works, Dwayne Lane, Eddie Bauer, and Wellington Morris; and

WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and evaluation of the 2003 final docket – Phase 1, including the proposals to amend the map of the comprehensive plan, and forwarded a recommendation to the Snohomish County Planning Commission; and

WHEREAS, the planning commission held public hearings on Eddie Bauer and Wellington Morris proposals on September 24, October 8 and October 22, 2002; Dwayne Lane proposal on February 25 and March 4, 2003; and on the 2003 final docket for the remaining proposals (Jerry Booker, City of Everett, Frank Heath, NORETEP, and Snohomish County Department of Public Works), including the proposals to amend the map of the comprehensive plan, on April 22, 2003, and forwarded a recommendation to the county council; and

WHEREAS, the county council held a public hearing on July 9, 2003, continued to July 30, August 13, and September 10, 2003, to consider the entire record and hear public testimony on Ordinance 03-064, adopting revisions to the Southwest County UGA.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** 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 94-123, Amended Ordinance 94-125 and Ordinance 98-071.
- B. The proposed addition of 17.6 acres, owned by the City of Everett, to the Southwest County UGA with the retention of the Riverway Commercial Farmland (RCF) designation and Agricultural-10 Acre zoning on the subject acreage is consistent with the requirements of the GMA (RCW 36.70A.020) to designate and conserve agricultural lands and discourage incompatible uses.
- C. The proposal is consistent with the policies under Goal LU 7 in the GPP to conserve agricultural land. The City of Everett is committed to maintaining only a portion of the property for access and will not preclude the future use of the property for agricultural purposes. The city proposes to extend its Agricultural/Rural Shoreline plan designation and Agriculture (A-10) zoning to the property at the time of annexation in order to continue the property's viability as farmland of long-term commercial significance.
- D. The subject 17.6 acre property is entirely in public ownership (City of Everett) and is contiguous to other properties owned by the city, totaling 305 acres. The city's

commitment to permanently remove this publicly owned land from the possibility of urban development by agreeing to continue the County's Riverway Commercial Farmland designation and then apply the city's Agricultural/Rural Shoreline plan designation and A-10 zoning upon annexation meets the intent of a purchase of the development rights on this parcel. The proposal, therefore, is consistent with RCW 36.70A.060(4) and GPP Policy LU 1.A.6, which require that agricultural land located within urban growth areas shall not be designated agricultural land of long-term commercial significance within urban growth areas unless maintained as natural resource lands and a program authorizing transfer or purchase of development rights is enacted by the city or county.

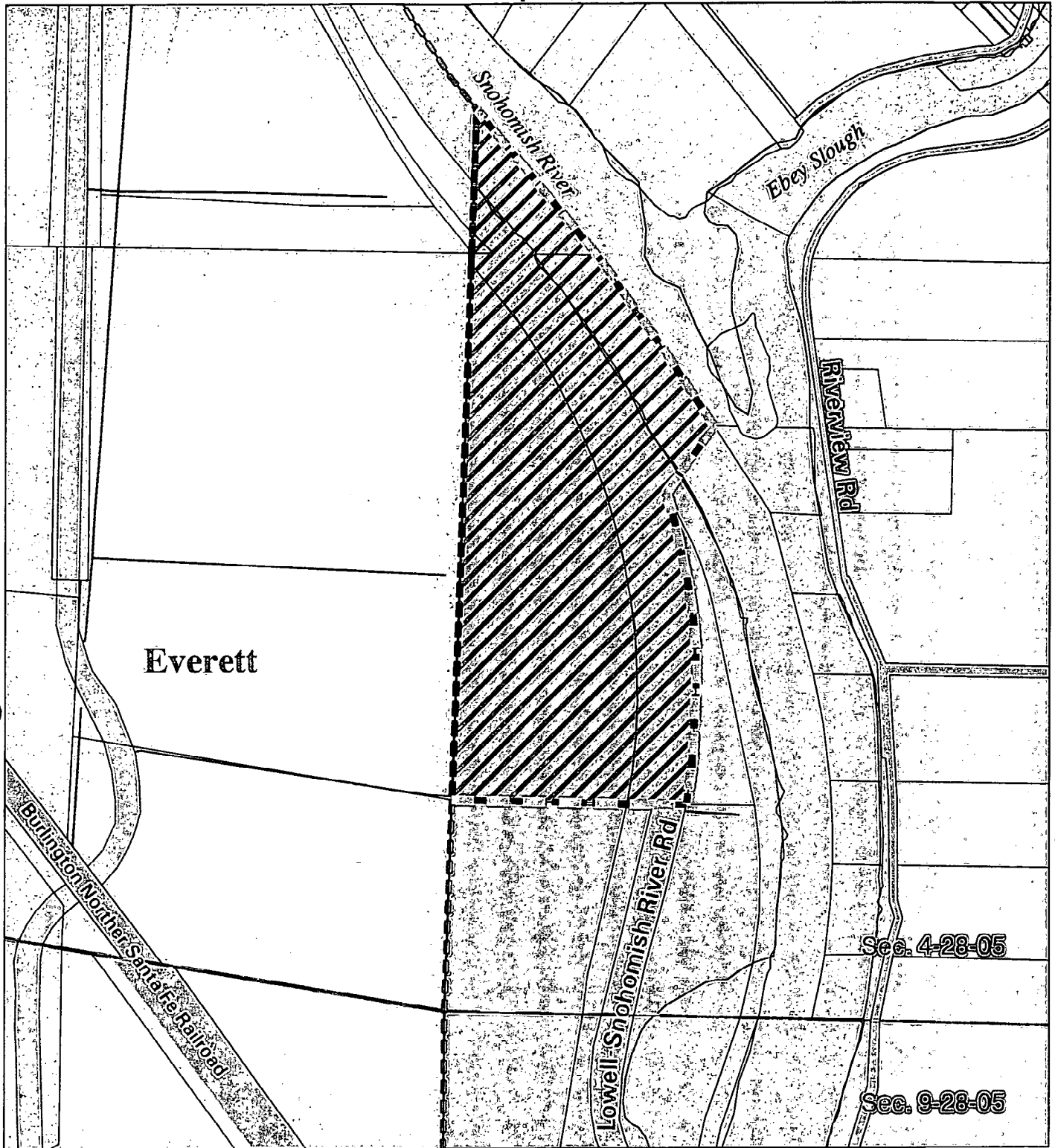
- E. The proposal by the City of Everett to expand the Southwest County UGA does not activate the buildable lands requirements of Countywide Planning Policy UG-14 because the expansion is not for residential, commercial or industrial uses. The proposed expansion involves the addition of land to the UGA, a portion of which will be used for public access to a park and the remainder will be maintained in open space to allow for continued viability as agricultural land of long-term commercial significance. The proposal is also consistent with GPP Policy LU 1.A.9 since the proposal does not expand the UGA boundary for residential, commercial or industrial purposes.
- F. The proposal to expand the Southwest County UGA is consistent with the policies under Goal LU 1 in the GPP regarding establishment or expansion of UGAs. The proposal is consistent with GPP Policy LU 1.A.7, which requires that forest and agricultural lands may be included within a UGA for public purpose only after impacts have been identified, mitigation of impacts have been assured and only the minimum amount of needed natural resource land has been included. The City of Everett is proposing to use only a portion of the subject property for public access. The entire property is included in the application because dividing the parcel to create a separate access parcel would result in smaller, less productive parcels for farming. The proposal has been previously reviewed for impacts under a programmatic Supplemental Environmental Impact Statement with recommended mitigation measures to apply at the time of project permit submittals.
- G. The proposed UGA amendment is consistent with the following final review and evaluation criteria of SCC 30.74.060:
  - 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.

- H. The amendment to the GMA comprehensive plan satisfies the procedural and substantive provisions of and is consistent with the GMA.
- I. 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.
- J. Cities have been notified and consulted with regarding proposed amendments that affect UGAs or GPP FLU map designations within UGAs.
- K. There has been early and continuous public participation in the review of the proposed amendments.
- L. A Draft Supplemental Environmental Impact Statement (DSEIS) was issued on September 12, 2000, for this non-project action. A Final SEIS, including response to comments on the DSEIS, was prepared following the 30-day comment period and was issued on November 28, 2000. 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 1999.
- M. The recommended amendments are within the scope of analysis contained in the FSEIS and associated adopted environmental documents.
- N. The SEPA requirements with respect to this proposed action have been satisfied by this document.
- O. The county council held a public hearing on July 9, 2003, continued to July 30, August 13, and September 10, 2003, to consider the planning commission's recommendations.
- P. The public was notified of the public hearings held by the planning commission and the county council by means of published legal notices in The (Everett) Herald and local newspapers.
- Q. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

**Section 2.** 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 3.** The county council hereby amends Amended Ordinance No. 94-123, last amended by Amended Ordinance No. 98-071 on September 9, 1998, to modify Exhibits A and B which were therein incorporated. The county council hereby adopts two new

Map 2



Snohomish County 2003 Docket  
**Proposed Comprehensive Plan Amendment**  
**City of Everett**



April 2003

LEGEND

Existing County Plan Designations  
 Riverway Commercial Farmland

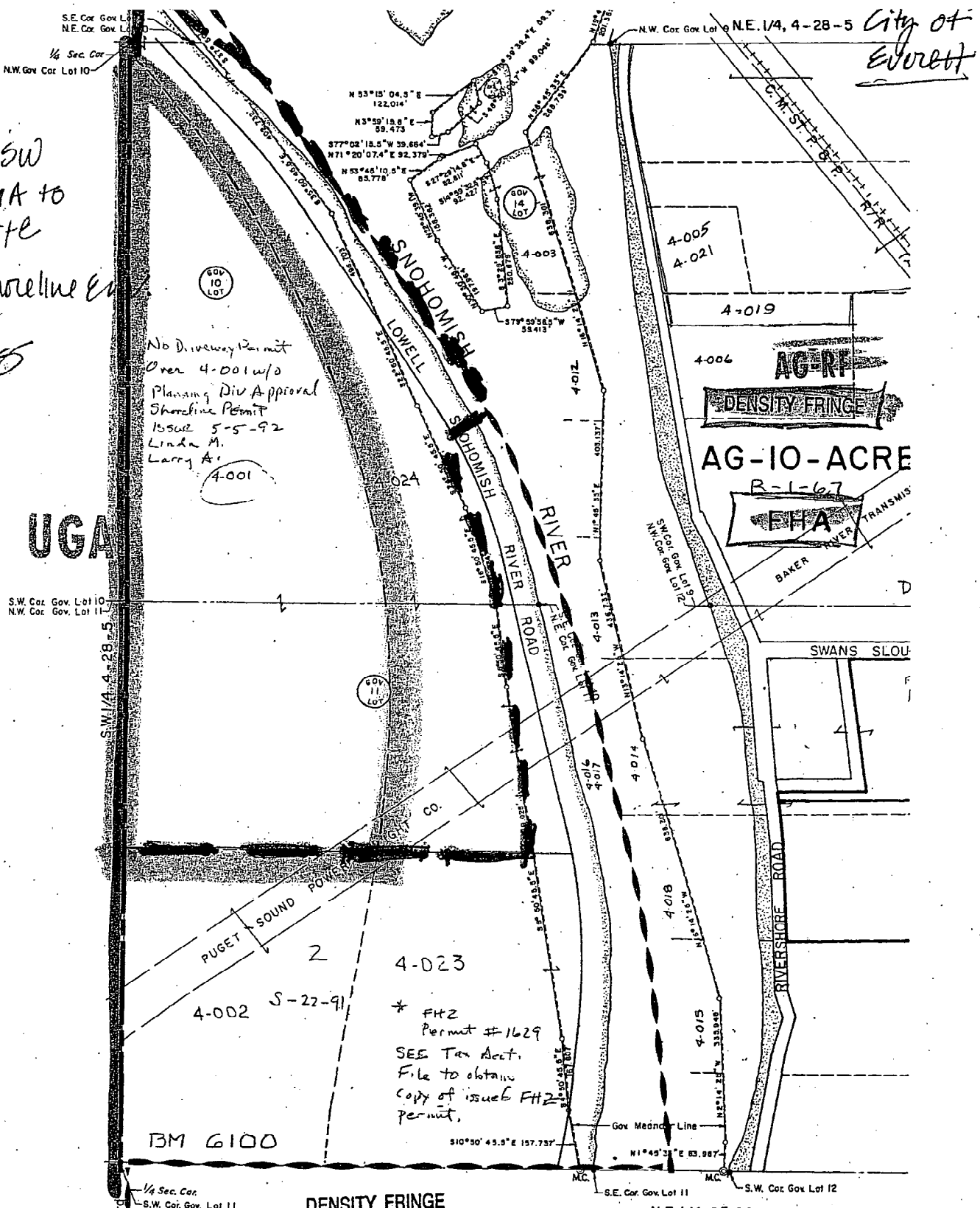
Proposed Plan Amendment

City of Everett:  
 Retain  
 Riverway Commercial Farmland

Expand Southwest UGA.

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. Open water bodies: aerial photo update 1998.  
 Produced by Snohomish County Planning Div., GIS Team; cbi; c:/dock/dock03/everett\_flu.aml

Scale in Feet 0 250 500



and SW  
 county UGA to  
 include site  
 Rural Shoreline Env  
 18 Acres

No Driveway Permit  
 Over 4-001 w/o  
 Planning Div Approval  
 Shoreline Permit  
 Issue 5-5-92  
 Linda M.  
 Larry A.  
 4-001

UGA

S.W. Cor. Gov. Lot 10  
 N.W. Cor. Gov. Lot 11

S.W. 1/4, 4-28-5

PUGET SOUND POWERS  
 2  
 4-002 S-22-91

4-023  
 \* FH2  
 Permit #1629  
 SEE Tax Act.  
 File to obtain  
 copy of issued FH2  
 permit.

BM 6100

1/4 Sec. Cor.  
 S.W. Cor. Gov. Lot 11

DENSITY FRINGE

HISTORICAL NAME ( )  
 ROAD DESIGN LIMITS

SHORELINE ENVIRONMENT.  
 AG PRESERVATION  
 SNO-LK. STEVENS C.P.

N.E. 1/4, 95 28 - 5

NOTE:  
 This is not a survey, it is a  
 used for location of property.

S.I

City of  
 Everett

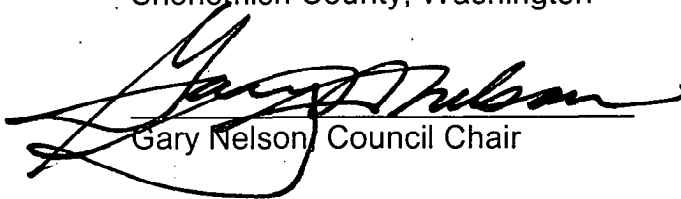
exhibits for Amended Ordinance 94-123: (1) Exhibit A, Map 2 ("Proposed Comprehensive Plan Amendment – City of City of Everett") which is a map that depicts the modified UGA boundary for the Southwest Cities UGA; and (2) a new map labeled Exhibit B, attached hereto and incorporated herein, is a county assessor's map that accurately depicts the revised boundary of the Southwest County UGA.

**Section 4.** The Future Land Use map of the Snohomish County GMA Comprehensive Plan-General Policy Plan, which was 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. 03-001 on January 27, 2003, is amended to show the boundary of the Southwest County UGA depicted as Exhibit A, Map 2 ("Proposed Comprehensive Plan Amendment – City of Everett").

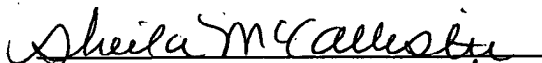
**Section 5.** Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

Passed this 10<sup>th</sup> day of September, 2003

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

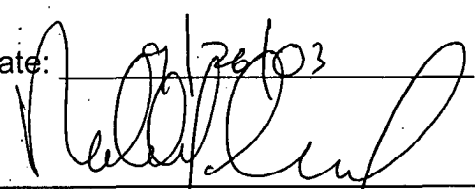
  
Gary Nelson, Council Chair

ATTEST:

  
Clerk of the Council, *asst.*

- APPROVED
- VETOED
- EMERGENCY

Date:

  
Robert Drewel  
Snohomish County Executive

APPROVED AS TO FORM

\_\_\_\_\_  
Deputy Prosecuting Attorney

ATTEST:

  
\_\_\_\_\_  
Laura Nelson