

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00003150

AMENDED ORDINANCE NO. 03-096

ADOPTING TEXT AMENDMENTS RELATED TO OPEN SPACE
IN THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN
PURSUANT TO CHAPTER 30.74 SCC, AMENDING AMENDED ORDINANCE 94-125

WHEREAS, RCW 36.70A.130 and 36.70A.470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to 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; and

WHEREAS, the 2003 final docket – Phase 3 includes proposals to amend the GMA Comprehensive Plan Future Land Use (FLU) map and proposals to amend goals, objectives and policies in the General Policy Plan (GPP) for urban growth area expansions and open space, submitted by Dean Essex (the “Essex proposal”); and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation of this proposal in the 2003 final docket – Phase 3, and forwarded a recommendation to the planning commission; and

WHEREAS, the planning commission held public hearings on the 2003 final docket for the Phase 3 proposals on June 10 and June 24, 2003 and forwarded a recommendation to the county council, which included no recommendation on the Essex proposal; and

WHEREAS, the county council held public hearings on August 13, and September 10, 2003, to consider the entire record and hear public testimony on Ordinance 03-096, adopting map and text amendments to the comprehensive plan and implementing development regulations.

NOW, THEREFORE BE IT ORDAINED:

Section 1. The county council makes the following findings of fact and conclusions regarding this proposal:

- A. The proposal by Dean Essex to amend the GPP to allow urban growth area (UGA) expansions that permanently preserve significant natural or cultural features as designated Parks/Open Space adjacent to the UGA boundary complies with RCW 36.70A.160, which requires the county to identify open space corridors within and between urban growth areas.

- B. The proposal by Dean Essex is consistent with GPP Objective LU 1.C regarding the establishment and maintenance of a UGA boundary that provides a distinct edge between urban and rural land uses.
- C. In general, the proposed GMA comprehensive plan text and FLU map amendments are consistent with the following final review and evaluation criteria of SCC 30.74.060(2):
 - 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 FLU map amendments are consistent with the countywide planning policies (CPPs).
- D. The amendments maintain the GMA comprehensive plan's consistency with the multi-county policies adopted by the Puget Sound Regional Council.
- E. The county has notified and consulted with cities regarding proposed amendments that affect UGAs or FLU map designations within UGAs.
- F. There has been early and continuous public participation in the review of the proposed amendments.
- G. The text amendments to the GPP are consistent with and implement recent amendments to countywide planning policy UG-14, providing for the expansion of urban growth areas in conjunction with the creation of open space corridors adjacent to new UGA boundaries.
- H. A Mitigated Determination of Nonsignificance was issued on June 10, 2003, for the Dean Essex docket proposal. PDS, as the lead agency, determined that this proposal does not have a probable, significant adverse impact on the environment. This threshold determination was reached on the basis of voluntary mitigation offered by the applicant. The offers were evaluated as part of this threshold determination and are considered necessary to reduce the overall level of impact below that which is probable, significant and adverse.
- I. SEPA requirements with respect to this proposed action have been satisfied by these documents.
- J. The county council held public hearings on August 13, and September 10, 2003 to consider the planning commission's recommendations.
- K. 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.
- L. 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 the planning commission and the county council, including all testimony and exhibits.

Section 3. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Ordinance No. 03-049 on June 4, 2003, is amended as indicated in Exhibit A (GPP Text Amendments - Citizen and County Initiated Amendments) which is attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 4. 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 10th day of September, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Gary Nelson, Council Chair

ATTEST:


Clerk of the Council, *asst*

- APPROVED
- EMERGENCY
- VETOED

DATE:  2003

Robert Drewel
Snohomish County Executive

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney

D.14

EXHIBIT A
GPP TEXT AMENDMENTS
CITIZEN INITIATED AMENDMENTS
(Dean Essex)

Add the following policy under Objective LU 1.C:

1.C.5 Encourage the permanent preservation of open space and greenbelts adjacent to the UGA boundary to separate urban and rural uses by allowing UGA expansions consistent with LU 1.A.9 and LU 1.A.11(7), where all of the following conditions are met:

1. The action will result in the creation of new greenbelt areas, open space or public parks prior to or contemporaneous with the expansion of a UGA under Countywide Planning Policy UG-14(d)(8);
2. The site proposed for expansion contains one or more significant natural or cultural features, or a proposed public park site, as determined by the respective legislative bodies of the county and the city or cities immediately adjacent to the proposed expansion area. Significant natural or cultural features may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archeological resources, unique wildlife habitat, and fish and wildlife conservation areas;
3. The site meets all of the criteria set forth in the Parks/Open Space (P/OS) Future Land Use Map classification;
4. To ensure that the proposal does not preclude future expansion of the UGA, the preservation of open space or a public park must be adjacent to the urban growth boundary and shall be located such that it will provide a permanent separation between the urban growth area and adjacent rural lands not appropriate for inclusion within an urban growth area (for example: floodplain, floodways, resource lands), or the open space or park boundary is defined by unique topographical and physical features described in LU Policy 1.C.1;
5. A conservation easement will be voluntarily recorded, indicating that the portion of the site proposed as open space or a public park may be utilized for all purposes authorized by underlying zoning and applicable federal, state and local permitting laws.

Amend the first paragraph of the first column on page LU-60 to read as follows and move to before the first paragraph of the first column on page LU-59:

Arlington UGA Designations:

Parks/Open Space (P/OS). The Parks/Open Space designation is intended to be applied to publicly or privately owned areas that contain one or more significant

natural or cultural features, or a proposed public park site. Significant natural or cultural features may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archeological resources, unique wildlife habitat, and fish and wildlife conservation areas. The purpose of the designation is to preserve extensive areas of critical areas natural and culturally significant areas, including wildlife habitat, as well as scenic and water resource lands, and as undeveloped open space that will provide separation between urban and rural areas or to that will eventually provide recreational opportunities important to enhance community life.

This designation will only be applied to private property if for which the owner has requested the designation and voluntarily agrees to donate, sell or provide appropriate open space or conservation easements.

There are no specific implementing zones for this designation since zoning will vary from site to site. Generally, implementing zoning will be consistent with surrounding zones. is the A-10 zone, which will restrict significant development and provide open space areas inside the UGA. A new implementing zone for the Parks/Open Space designation will be studied as part of the detailed Phase 2 planning for the Arlington UGA.

The following uses shall be prohibited permanently within lands designated Parks/Open Space, unless otherwise expressly allowed elsewhere in this policy:

- extension of new, private residential lot lines into the designated open space area;
- construction of new structures of any kind within the open space area for residential or commercial uses;
- construction of cell towers, advertising, lighting or permanent sound systems within the designated open space area, except where associated with a public park and permitted by law;

The conservation easement shall not require public access, nor serve as the basis for new setbacks or buffers on adjacent land owned by the landowner at the time he or she grants the easement, nor shall it prohibit the following:

- use for public or private park, public or private recreation, farming or forestry (as permitted by applicable law);
- repair, maintenance, or expansion of existing structures or roadways (as permitted by applicable law);
- installation of utilities underground through the open space area (as permitted by applicable law);
- continued use of existing septic systems or water rights authorized by law.

A conservation easement shall be required indicating that the portion of the site proposed as open space is permanently restricted from future development other than limited uses consistent with the Parks/Open Space designation, as defined above. The conservation easement shall include a map documenting the conservation area which is suitable for recording. The conservation easement shall include each criterion set forth in the Parks/Open Space policies of the GPP. The current landowner or its successor in interest must record the conservation easement with the County Auditor and must file a copy of the easement with the Clerk of the County Council.

Pending additional review during the County's ten-year comprehensive plan update in 2004-2005, this designation may only be applied to the following tax parcels:

30061200300500

30061200401100

30061200400300

30061300100300

In addition to the conditions set out above, the following conditions apply to any Parks/Open Space areas designated for these four tax parcels:

- the conservation easement must be recorded within eighteen months of the effective date of the ordinance adopting the associated rezone;
- simultaneous with recording the conservation easement, the current landowner or its successor in interest also records a deed conveying without cost the fee for the easement area for use by the public to:
 - the City of Granite Falls; or
 - another public or non-profit entity, including any of the following:
 - Snohomish County;
 - the State of Washington;
 - the United States Government; or
 - a non-profit conservation organization approved by the Planning Director
- the current landowner or its successor in interest shall provide the City of Granite Falls with a written notice offering the first opportunity to accept dedication of the fee in writing, which notice shall include a provision allowing the City thirty days to accept the dedication in writing or to document in writing its intent to accept the dedication.
- if, within thirty days of receiving the written offer, the City does not respond to the written offer, or does not accept the dedication, or does not document its intent to accept the dedication, the current landowner or its successor in interest may dedicate the fee to one of the other public or non-profit entities identified above.
- the recording of a deed conveying the fee must be accompanied by the recording of an official document evidencing the receiving entity's acceptance of or an intent to accept the dedication

In the event any of the above conditions precedent are not satisfied with respect to the Parks/Open Space designation on any of the above four parcels, the potential Parks/Open Space designation, and the accompanying potential urban land use designation and potential urban rezone become automatically null and void without the need for further legislative action. The Planning Director shall certify the end of the eighteen-month period.

Nothing herein shall preclude the processing and approval of an application for preliminary plat based on the potential Parks/Open Space designation described hereinabove, and the rezoning authorized in Ord. 03-097, provided the application and approval include a precondition that requires recordation of the conservation easement and conveyance of the fee as required by Ord. 03-096, Exhibit A.