



CO00003151

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 03-097

REVISING THE EXISTING URBAN GROWTH AREA
FOR THE CITY OF GRANITE FALLS; ADOPTING MAP AMENDMENTS
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN;
AND ADOPTING COUNTY-INITIATED AREA-WIDE REZONES
PURSUANT TO CHAPTER 30.74 SCC; AND AMENDING
AMENDED ORDINANCE 94-115, AND AMENDED ORDINANCE 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 Snohomish County Council designated a Final UGA for the City of Granite Falls on June 28, 1995 (Amended Ordinance 94-115) 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 (FLU) map; 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; and

WHEREAS, the 2003 final docket includes the proposal to amend the General Policy Plan (GPP) FLU map submitted by Dean Essex; and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation of the 2003 final docket including this proposal to amend the map of the comprehensive plan and rezone to implement proposals to amend the comprehensive plan map and forwarded a recommendation of approval to the Snohomish County Planning Commission; and

WHEREAS, the planning commission held a public hearing on the Dean Essex proposal, on June 10 and June 24, 2003 and forwarded the proposal to the county council without a recommendation; and

WHEREAS, the county council held a public hearing on August 13, and September 10, 2003, to consider the entire record and hear public testimony on Ordinance 03-097, 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:

- A. The county council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance 94-115 and Amended Ordinance 94-125.
- B. The proposal by Dean Essex to expand the Granite Falls UGA to include approximately 27 acres to be redesignated from Rural Residential-5 to Urban Low Density Residential (4-6 DU/Acre) and redesignate approximately 37 acres, to remain outside the UGA, from Rural Residential-5 to Parks/Open Space is consistent with and meets all of the conditions of the following GPP Policies:
 1. GPP Policy LU 1.A.9 as amended by companion Ordinance 03-100, for expansion of an individual UGA to include residential land;
 2. new GPP Policy LU 1.A.11(7), set forth in Exhibit A in companion Ordinance 03-100, and adopted herewith, for expansion of an individual UGA to permanently preserve significant natural features as open space adjacent to a revised UGA boundary, and/or
 3. new GPP Policy LU 1.C.5, set forth in Exhibit A in companion Ordinance 03-096, and adopted herewith, for the permanent preservation of open space and greenbelts adjacent to the UGA boundary to separate urban and rural uses.
- C. The proposed expansion to the Granite Falls 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.

- D. The proposed UGA amendment is consistent with the following final review and evaluation criteria of SCC 30.74.04:
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.
- E. The amendment to the GMA comprehensive plan satisfies the procedural and substantive provisions of and is consistent with the GMA.
- F. 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.
- G. Cities have been notified and consulted with regarding proposed amendments that affect UGAs or GPP FLU map designations within UGAs.
- H. The amendment is appropriate because the land abuts the existing city limits for the City of Granite Falls and is adjacent to area already characterized by urban growth, served by public water and sanitary sewer.
- I. The Essex property is currently located within the Rural Urban Transition Area designated by the FLU map of the GPP, and is therefore appropriately considered as an area for possible expansion of the urban growth area.
- J. Based on updated 2003 population projections issued by the Office of Financial Management in July 2003, there is substantial evidence to support the conclusion that population growth within the City of Granite Falls in the year 2003 has now consumed over fifty percent (50%) of the available 2012 residential land capacity, as described in the Snohomish County Buildable Lands Report.
- K. Under this amendment, over sixty percent (60%) of the entire Essex ownership within this docket proposal will be designated as Parks/Open Space, including at least 11 acres that would otherwise be developable for residential use under existing County zoning, shoreline management policies and regulations, and the County's critical areas ordinance.

- L. The county council finds that the City of Granite Falls' development regulations contain reasonable measures, as defined in countywide planning policy UG-14 and Appendix C thereto.
- M. Upon the recording of a conservation easement by the applicant, the Parks/Open Space designation will foster permanent preservation of a substantial land area that includes approximately one-half mile of river bank, along the South Fork of the Stillaguamish River.
- N. The area of the South Fork of the Stillaguamish River to be permanently preserved under this deed restriction contains areas of primary association for threatened species under the Endangered Species Act, including bull trout and Chinook salmon. The area is inhabited by bald eagles on an annual basis.
- O. The County Council finds that the amendment of the FLU map to designate over fifty percent (50%) of the property as Parks/Open Space will create a long-term open-space corridor between the urban area and the rural area.
- P. It is the intent of the county council to adopt this ordinance as the first step in a two-phased planning action for the Granite Falls Thoroughbred Farm. The council intends and hereby directs PDS to commence preparation of an ordinance at the earliest possible date, and in any event no later than the county's next annual docket cycle, sufficient to complete phase two of this planning action. Phase two of this action shall provide for future use of the Essex conservation easement area under city jurisdiction, either by:
1. including the area within the Granite Falls UGA and redesignating the area with a public facilities designation; or
 2. entering into an interlocal agreement with the City of Granite Falls establishing the city as the agency with jurisdiction for permitting uses within the conservation easement area under the applicable county laws and standards, and authorizing the city to collect and receive all revenues associated with any future public use of that area.
- Q. As reflected in the record, this amendment is consistent with the legislative programs adopted by Snohomish County and the City of Granite Falls, through their respective shoreline management master programs, critical area ordinances, and comprehensive plans, already identifying the South Fork of the Stillaguamish River and its shorelines as a significant regional river, providing unique wildlife habitat, fish and wildlife conservation areas, and unique recreational opportunities.
- R. There has been early and continuous public participation in the review of the proposed amendments.

- S. The GMA requires the county to adopt development regulations, including zoning maps that are consistent with the county's adopted GMA comprehensive plan.
- T. The proposed area-wide rezone (Exhibit C, Map 14a) is consistent with the following initial criteria for rezone requests in SCC 30.74.040:
 1. Where applicable, the proposed rezone is necessary because an amendment to the future land use map of the GPP has also been proposed that meets the initial evaluation criteria listed in SCC 30.74.030.
 2. Public facilities and services necessary for development are available or programmed to be provided to the site of the proposed rezone, consistent with the GMA comprehensive plan or development regulations as determined by applicable service providers.
 3. The proposed rezone does not require a concurrent site plan approval because there is an absence of special site conditions and applicable GPP or subarea policies.
- U. The proposed area-wide rezone is consistent with the GMA comprehensive plan and consistent with the provisions of the GMA.
- V. The county council concludes that the proposed area-wide rezone implements the county's GMA comprehensive plan.
- W. The county council concludes that the proposed area-wide rezone bears a substantial relationship to the public health, safety and welfare:
- X. 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 mitigation offered voluntarily by the applicant. The voluntary offers submitted 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.
- Y. The SEPA requirements with respect to this proposed action have been satisfied by this document.
- Z. The county council held public hearings on the proposed action on August 13 and September 10, 2003.
- AA. 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.

BB. 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 94-115, adopted on June 28, 1995, to modify Exhibits A and B which were therein incorporated and hereby adopts two new exhibits: (1) Exhibit A, Map 14 ("Proposed Comprehensive Plan Amendment, Essex") which is a map that depicts the modified UGA boundary for the Granite Falls UGA; and (2) Exhibit B which is a county assessor's map that accurately depicts the revised UGA boundary for the Granite Falls UGA. Exhibits A and B are attached hereto and incorporated herein by this reference. This amendment shall take effect only upon the recording of the conservation easement and deed conveying the fee title as provided in Ord. 03-096, Exhibit A.

Section 4. The FLU 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 03-049 on June 4, 2003, is amended to show the boundary of the Granite Falls UGA as depicted in Exhibit A, Map 14 which is attached hereto and incorporated by reference into this ordinance as if set forth in full. This amendment shall take effect only upon the recordation of the conservation easement and deed conveying the fee title as provided in Ord. 03-096, Exhibit A.

Section 5. Based on the foregoing findings and conclusions, the county council hereby adopts the area-wide rezones as mapped in the following documents which are attached hereto and incorporated by reference into this ordinance as if set forth in full:

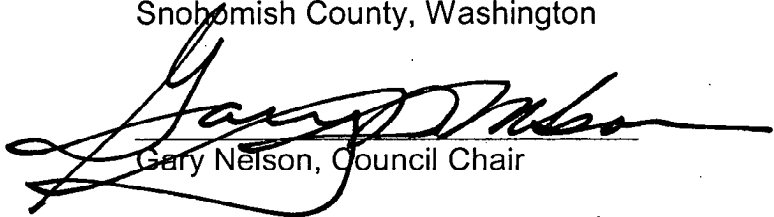
- A. Assessor maps showing the rezones incorporated herein as Exhibit B; and
- B. Map 14a and incorporated herein as Exhibit C.

This amendment shall take effect only upon the recordation of the conservation easement and deed conveying the fee title as provided in Ord. 03-096, Exhibit A.

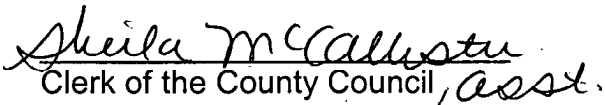
Section 6. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or 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.

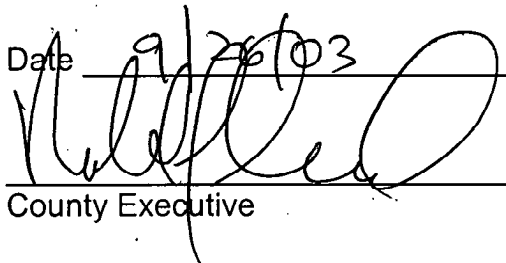
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Gary Nelson, Council Chair

ATTEST:


Clerk of the County Council, *asst.*

- Approved
- Emergency
- Vetoed

Date 9/26/03

County Executive

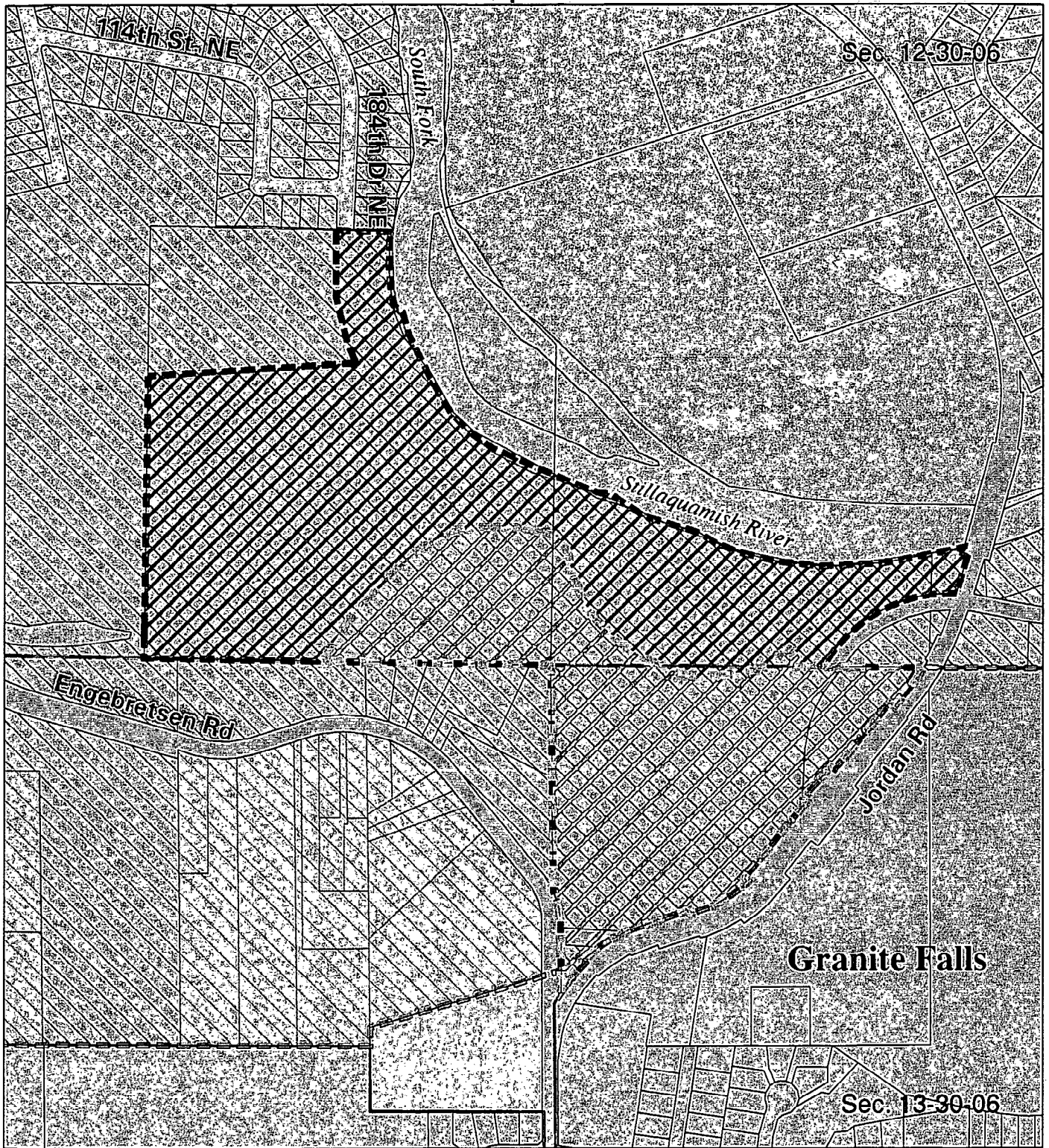
APPROVAL AS TO FORM ONLY

Deputy Prosecuting Attorney

ATTEST:

 Date 9/26/03

Map 14



Snohomish County 2003 Docket
Proposed Comprehensive Plan Amendment
Essex



June 2003

LEGEND

Existing Subarea Plan Designations

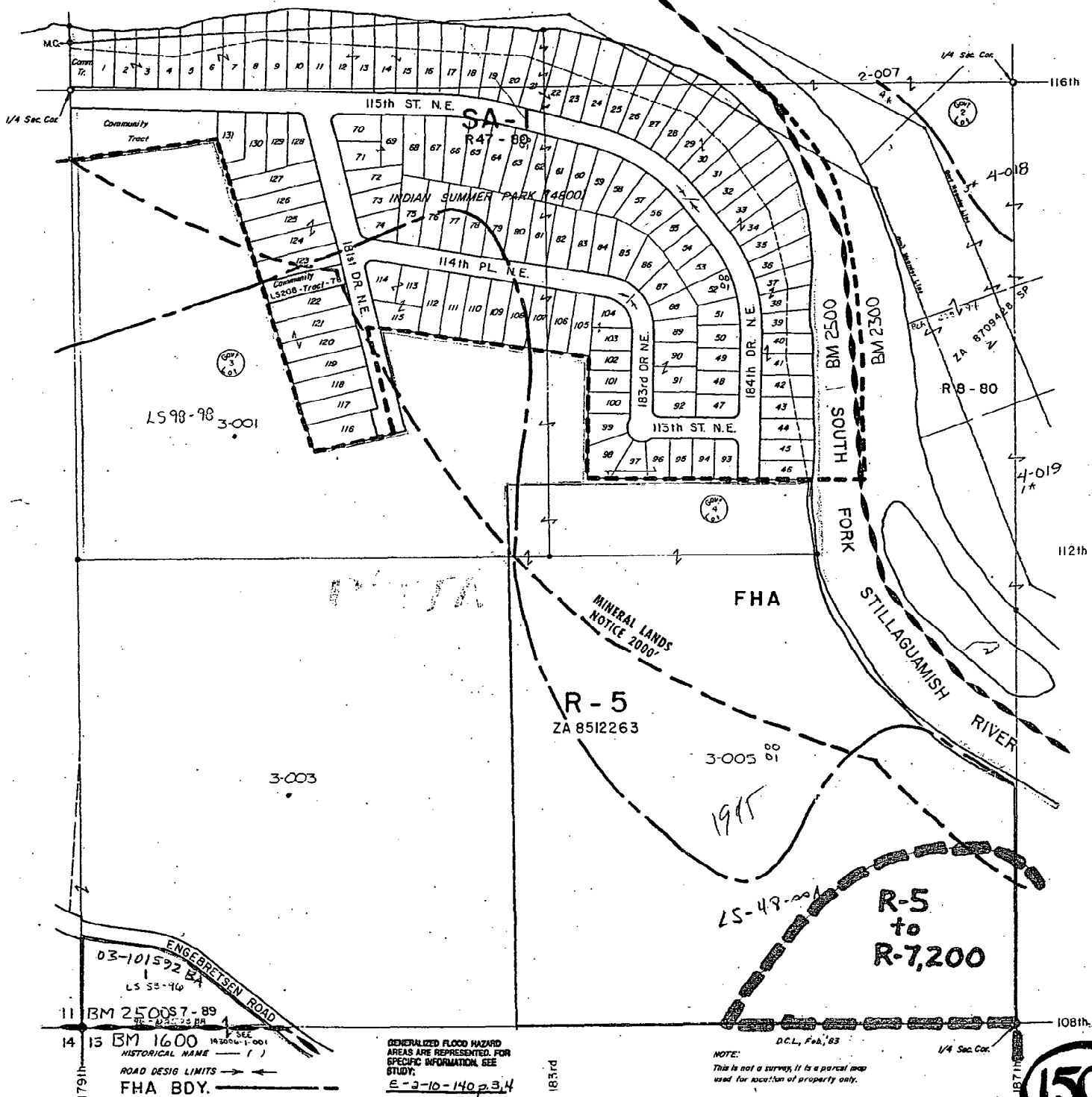
- Low Density Rural Residential (1 DU/20 Acres)
- Rural Residential-5 (1 DU/5 Acres)
- Rural Residential (1 DU/5 Acres Basic)
- Urban Low Density Residential (4-6 DU/Acre)
- Rural/Urban Transition Area

Proposed Plan Amendment

- Proposal Area Boundary
- Proposed Redesignation to Parks/Open Space, (37.86 Acres).
- Proposed Redesignation to Urban Low Density Residential (4-6 DU/Acre).
- Proposed UGA Expansion, (27.49 Acres).

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; cbl; c:/dock/dock03/essex-flu_081303.aml
 Scale in Feet 1250 500

1" = 200'



ARLINGTON C.P.
GRANITE FALLS C.P.

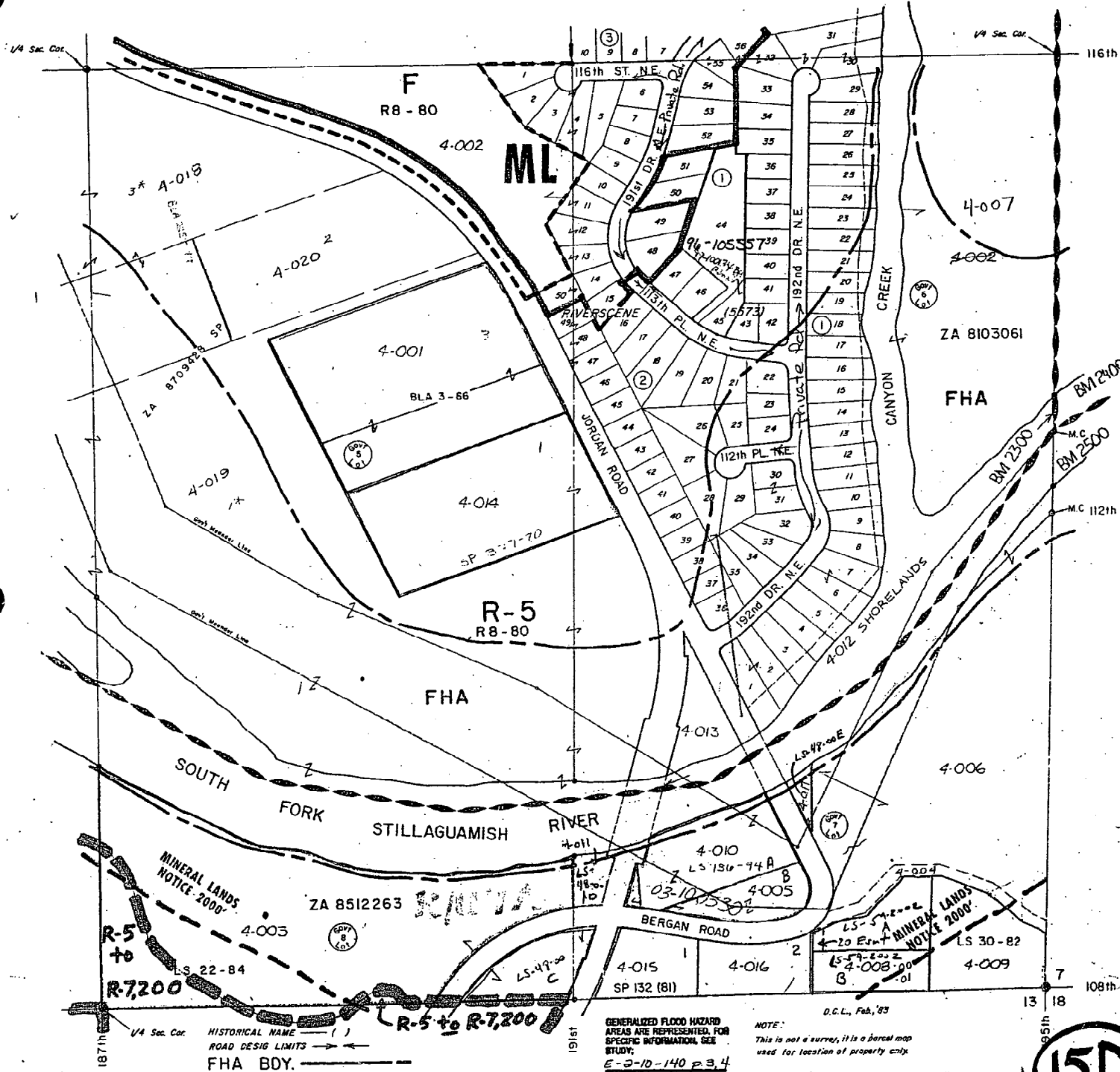
SHORELINE ENVIRONMENT

Scale 1" = 200'
S.W. 1/4, 12 - 30 - 6



MAR 09 1980

1" = 200'



ARLINGTON C.P.
GRANITE FALLS C.P.

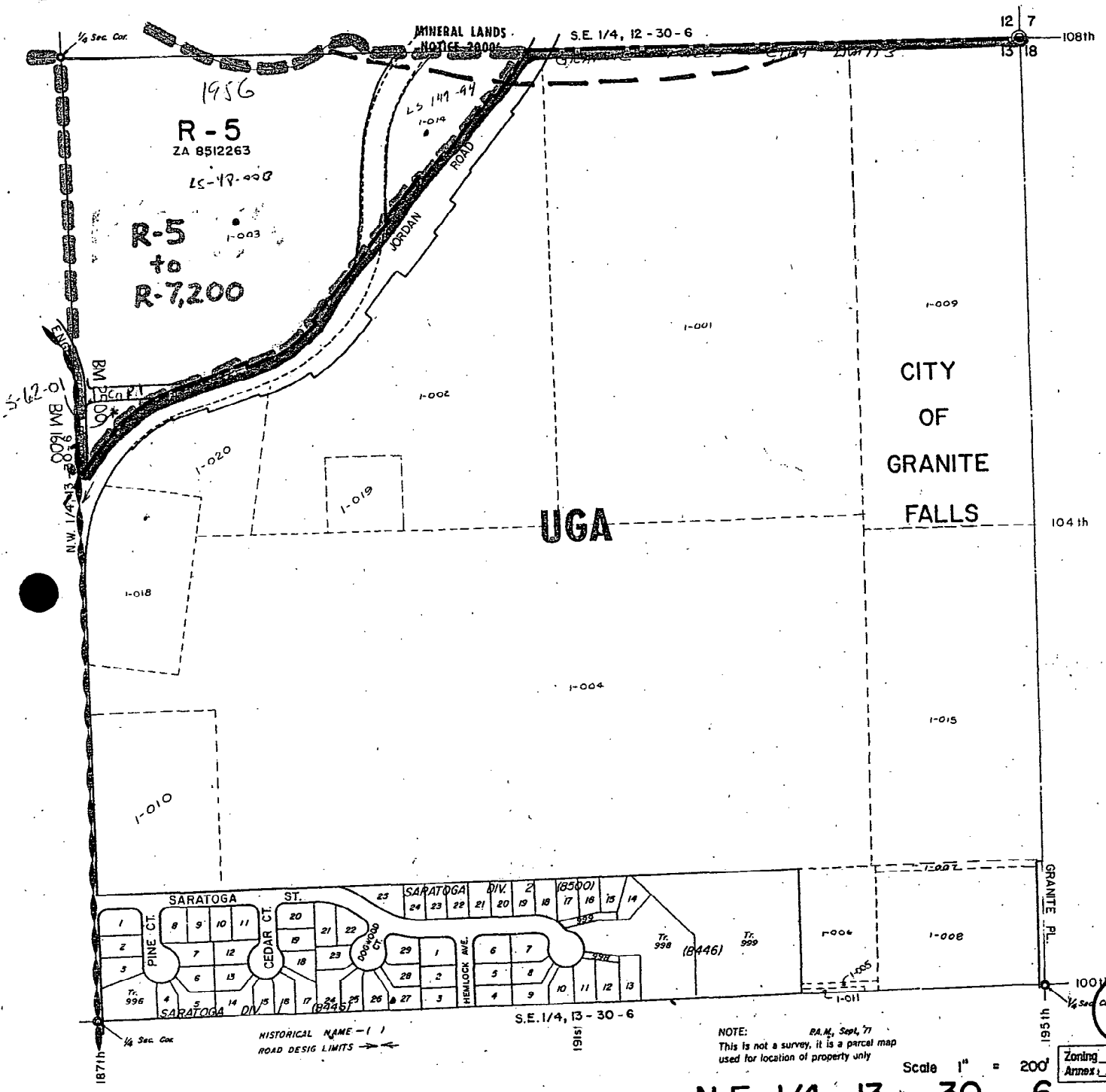
SHORELINE ENVIRONMENT

Scale 1" = 200'
S.E. 1/4, 12-30-6

15D

MAR 09 1983

N.E. 1/4, SEC. 13, T. 50N., R. 6E.
1" = 200'

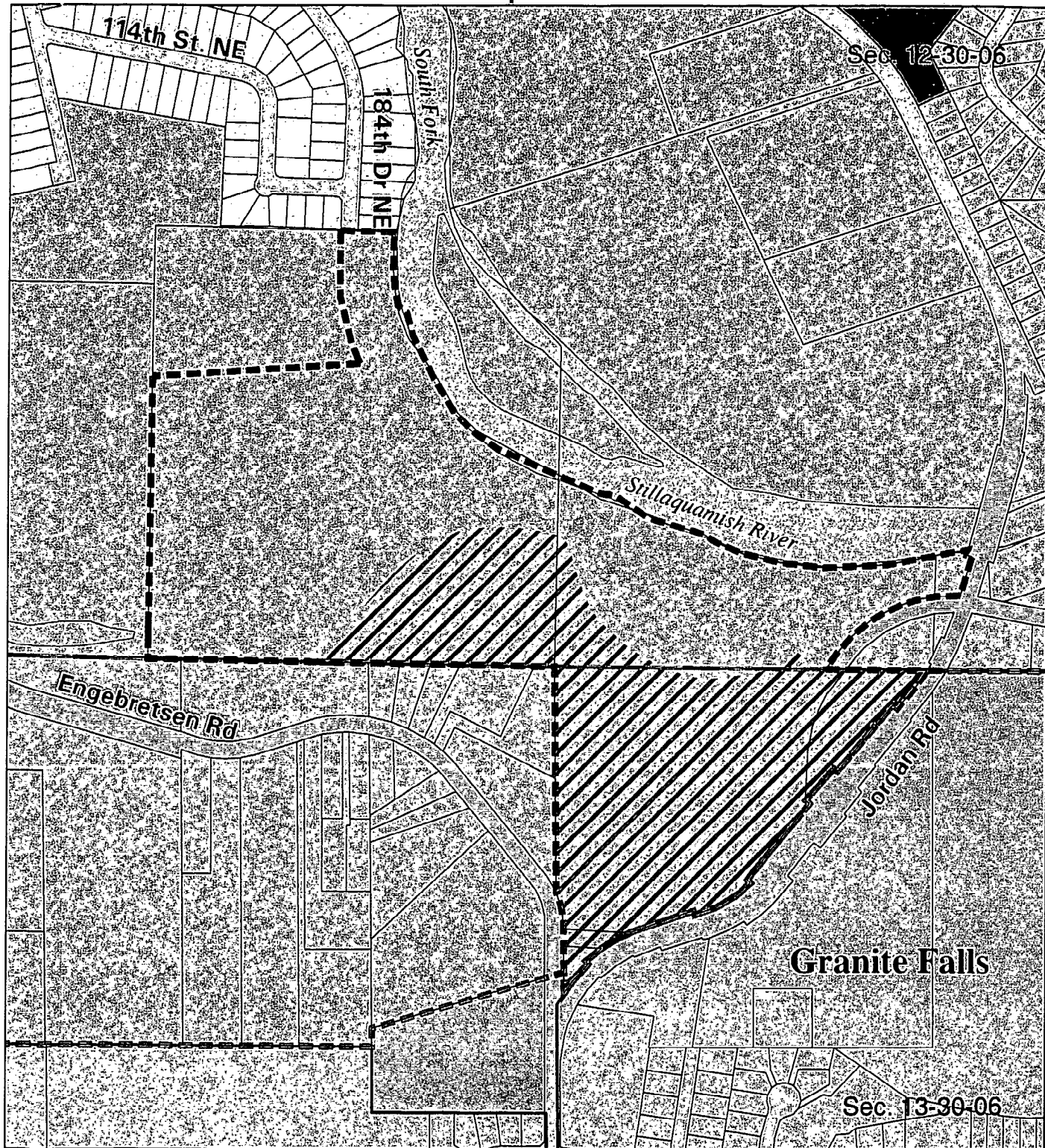


GRANITE FALLS C.P.

N.E. 1/4, 13 - 30 - 6

Zoning
 Annex 2/73
 MAR 09 1996

Map 14a



Snohomish County 2003 Docket
Implementing Rezone
Essex



June 2003

LEGEND

Existing Zoning:

- Foresty
- Rural-5 Acre
- Suburban Agriculture - 1
- Residential 9,600

Proposed Rezone:

- Proposal Area Boundary
- Essex:
Rezone from Rural-5 Acre to
Residential 7,200, (27.49 Acres).

- Incorporated Cities
- Existing Urban Growth Area Bdy.

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Scale in Feet 0 250 500