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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 03-100

ADOPTING MAP AND TEXT AMENDMENTS
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN RELATING TO
THE ADOPTION OF A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AND RELATED
URBAN GROWTH AREA POLICIES 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 submitted by Snohomish County Department of Planning and Development Services (PDS) to amend the General Policy Plan (GPP) to establish a program related to Transfer of Development Rights (TDR); and

WHEREAS, it is the county council's legislative intent to allocate population to urban areas as part of the 2005 Comprehensive Plan planning process, and to also authorize additional population allocation that is in addition to and not part of the initial 2025 urban area allocation to be reserved for future UGA expansions specifically for TDR receiving areas; and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation of the 2003 final docket – Phase 3, including the TDR proposal, and forwarded a recommendation to the Snohomish County 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; and

WHEREAS, the county council held public hearings on August 13, and September 10, 2003, to consider the entire record, including the planning commissions recommendations, and to hear public testimony on Amended Ordinance 03-100, adopting map and text amendments to the comprehensive plan and implementing development regulations.

AMENDED ORDINANCE No. 03-100 – as amended and adopted by Council 9/10/03
ADOPTING MAP AND TEXT AMENDMENTS TO THE GMACP PURSUANT TO CHAPTER 30.74 SCC,
AMENDING AMENDED ORDINANCE 94-125 FOR TRANSFER OF DEVELOPMENT RIGHTS

NOW, THEREFORE BE IT ORDAINED:

Section 1. The county council adopts and incorporates the foregoing recitals as findings and conclusions.

Section 2. The county council makes the following additional findings and conclusions regarding proposals to amend the comprehensive plan on the 2003 final docket – Phase 3:

- A. The county council finds that the success of a TDR program depends on creating a viable market, which in turn requires that purchasers of TDRs receive value for their investment in the form of development potential that could not be achieved absent the purchase of TDRs. The county council bases this conclusion on the record before it, including *Saved by Development: Preserving Environmental Areas, Farmland and Historic Landmarks with Transfer of Development Rights* by Rick Pruetz, AICP, the most comprehensive guide to the development and implementation of TDR programs.
- B. The amendments adopted by this ordinance designate the Stillaguamish River Valley as a “sending area” on the Future Land Use map, which means that development rights may be purchased from landowners in the Stillaguamish River Valley and used to increase development potentials in “receiving areas” that will be identified through an areawide rezone process to be developed through implementing regulations. The comprehensive plan amendments adopted by this ordinance define the broad parameters of the TDR program, but implementation of that program will be achieved through subsequently adopted development regulations that will address, among other things, the identification of receiving areas throughout the County and the type and intensity of development to be allowed within receiving areas.
- C. The county council finds that the potential loss of farmland in the Stillaguamish River Valley to residential development poses a threat to the well being of this ecologically vital area and its role in Snohomish County as a rich source of farmland and valued open space.
- D. The review and evaluation criteria set forth in the county code for planning department review of docket proposals provide a useful framework for analyzing the comprehensive plan amendments adopted by this ordinance under the applicable GMA requirements. These amendments satisfy the review criteria, which are set forth at Snohomish County Code (SCC) Section 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 amendments are consistent with the countywide planning policies (CPPs).
 5. The proposed amendments are consistent with the requirements of the GMA, which explicitly authorizes adoption of a TDR program, and furthers several GMA goals, including but not limited to RCW 36.70A.020(2) (preserving undeveloped lands), RCW 36.70A.020(4) (encouraging the availability of affordable housing), RCW 36.70A.020(5) (encouraging economic development), RCW 36.70A.020(6) (encouraging protection of property rights), RCW 36.70A.020(8) (encouraging the maintenance and enhancement of natural resource-based industries), RCW 36.70A.020(9) (encouraging the retention of open space), RCW 36.70A.020(10) (encouraging the protection and the enhancement of the natural environment), and RCW 36.70A.020(13) (encouraging the preservation of historic sites).
- E. The amendments maintain the GMA comprehensive plan's consistency with the multi-county policies adopted by the Puget Sound Regional Council and with the CPPs for Snohomish County.
 - F. In addition to adopting a countywide TDR program, this ordinance adopts several separate omnibus amendments that revise related urban growth area policies and make formatting and stylistic revisions to the GMA comprehensive plan.
 - G. The county has notified and consulted with cities regarding proposed amendments that affect UGAs or FLU map designations within UGAs.
 - H. There has been early and continuous public participation in the review of the proposed amendments.
 - I. Addendum No. 38 to the Final EIS, issued on June 6, 2003, addresses this proposal. This Addendum adds 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 Addendum No. 38 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.
 - J. The recommended amendments are within the scope of analysis contained in the FEIS and associated adopted environmental documents, as well as the other relevant environmental documents. The addendum 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.
 - K. The county council held public hearings on August 13, and September 10, 2003, to consider the planning commission's recommendations.

- L. 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.
- M. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.
- N. It is the legislative intent that the reserve population allocation for Transfer of Development Rights (TDRs) be in addition to, and not part of, the 2025 population allocations.

Section 3. 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 4. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan 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 Ordinance No. 03-049 on June 4, 2003, is amended as indicated in Exhibit A (map individually identified as Map 16) which is attached hereto and incorporated by reference into this ordinance as if set forth in full. This map amendment shows the designated sending area for the TDR pilot program that may be developed through subsequently adopted implementing regulations.

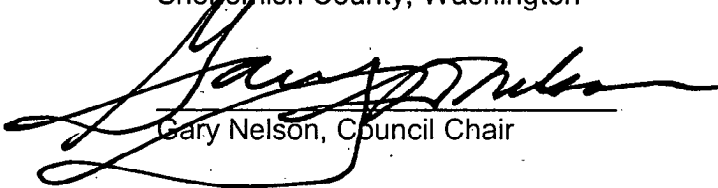
Section 5. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan – General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance 94-125 on June 28, 1995, and last amended by Ordinance No. 03-049 on June 4, 2003, is amended as indicated in General Policy Plan Amendments Creating A Transfer of Development Rights Program, which is attached hereto as Exhibit B and incorporated by reference into this ordinance as if set forth in full.

Section 6. 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 94-125 on June 28, 1995 and last amended by Ordinance No. 03-049 on June 4, 2003, is amended as indicated in General Policy Plan Amendments to Urban Growth Area Policies, which is attached hereto as Exhibit C and incorporated by reference into this ordinance as if set forth in full.

Section 7. 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



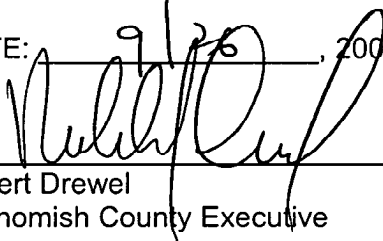
Gary Nelson, Council Chair

ATTEST:


Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 9/10, 2003



Robert Drewel
Snohomish County Executive

ATTEST:



Approved as to form only:

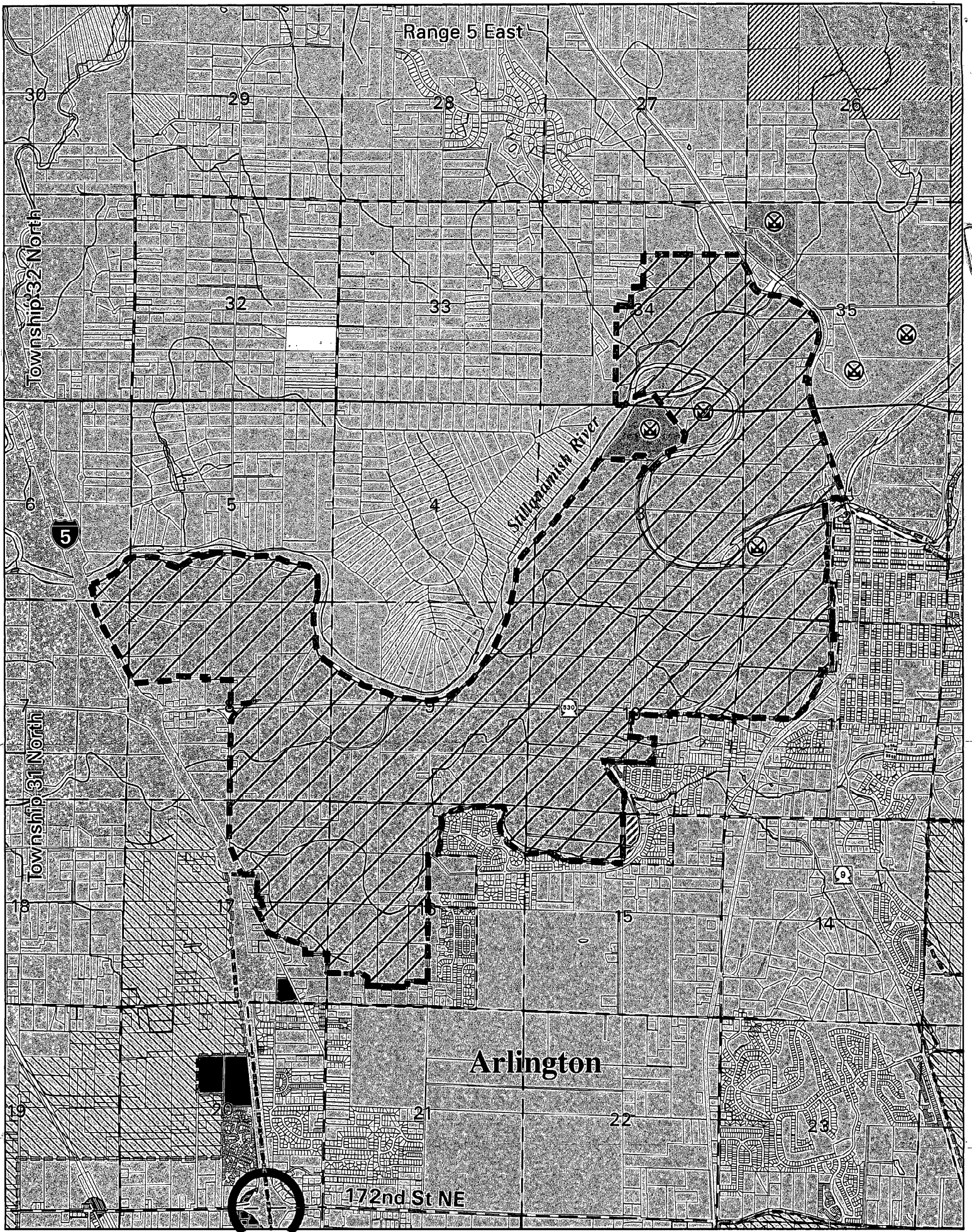
Deputy Prosecuting Attorney

D-14

EXHIBIT A

**GPP FUTURE LAND USE MAP AMENDMENTS
CITIZEN AND COUNTY INITIATED AMENDMENTS**

AMENDED ORDINANCE No. 03-100 – as amended and adopted by Council 9/10/03
ADOPTING MAP AND TEXT AMENDMENTS TO THE GMACP PURSUANT TO CHAPTER 30.74 SCC,
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Snohomish County 2003 Docket

TDR Sending Area

Map 16



Snohomish County

Adopted by Council
September 6, 2003

LEGEND

Existing County Plan Designations:

- Riverway Commercial Farmland
- Commercial Forest
- Commercial Forest - Forest Transition Area
- Rural Low Density Residential (1 DU/20 Acres)
- Rural Residential-10 (1DU/10 Acres)
- Rural Residential-5 (1 DU/5 Acres)
- Rural Residential (1 DU/5 Acres Basic)
- Urban Low Density Residential (4 - 6 DU/Acre)
- Parks/Openspace Arlington UGA Only)

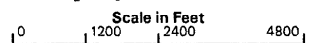
- Rural Freeway Service
- Urban Commercial
- Rural Industrial
- Urban Industrial
- Other Land Uses
- Rural/Urban Transition Area
- Tribal Trust
- Mineral Lands
- Centers Designation

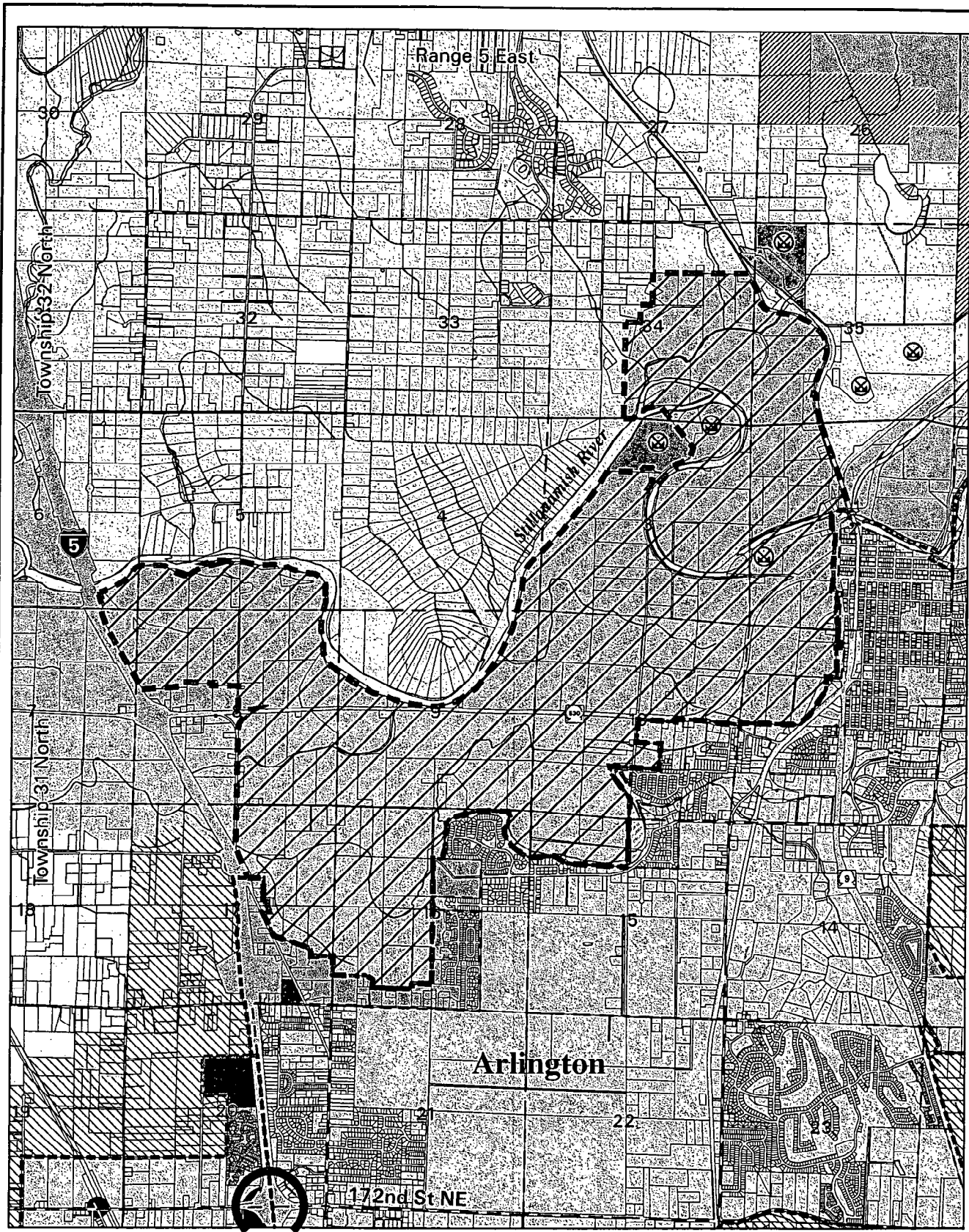
Proposed Plan Amendment:

- Proposed TDR Sending Area

- Existing Urban Growth Area Boundary
- Incorporated City

This map is a graphic representation derived from the Snohomish County Geographic Information System. It does not represent survey accuracy.
Produced by Snohomish County Planning Div., GIS Team: cblc/tdr_sending0403.aml





Snohomish County 2003 Docket

TDR Sending Area

Map 16



Adopted by Council
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- Urban Commercial
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- Urban Industrial
- Other Land Uses
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Proposed Plan Amendment:

- Proposed TDR Sending Area

- Existing Urban Growth Area Boundary
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Produced by Snohomish County Planning Div., GIS Team
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Scale in Feet

Exhibit B

**General Policy Plan Amendments Creating A Transfer of Development Rights
Program**

AMENDED ORDINANCE No. 03-100 – as amended and adopted by Council 9/10/03
ADOPTING MAP AND TEXT AMENDMENTS TO THE GMACP PURSUANT TO CHAPTER 30.74 SCC,
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EXHIBIT B

General Policy Plan Amendments Creating A Transfer of Development Rights Program

The portion of the chapter entitled "Land Use" that follows the text captioned "7.D.8" and precedes the section heading "Forest Lands" and which appears on page LU-40 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new objective captioned "LU 7.E" and policies captioned "LU 7.E.1," "LU 7.E.2," "LU 7.E.3," "LU 7.E.4," "LU 7.E.5," "LU 7.E.6," "LU 7.E.7," "LU 7.E.8," and "LU 7.E.9":

Objective LU 7.E Permanently preserve lands with countywide public benefit, encourage higher densities in appropriate areas and reduce residential development capacity in designated resource lands through the development and implementation of a Transfer of Development Rights (TDR) program.

LU 7.E Policies

7.E.1 A Transfer of Development Rights (TDR) program based on free market principles may, at the option of the county, be developed for the purpose of permanently preserving specified natural resource lands, which shall be referred to as "sending areas" and designated on the FLU map. Policies 7.E contain general parameters for the operation of a TDR program and specific requirements for using TDRs to expand UGAs. However, the specific operational requirements for a TDR program, including but not limited to the creation of receiving areas, should be developed through subsequently adopted implementing regulations. If adopted, TDR implementing regulations will authorize and govern the transfer of development rights from the designated sending areas to "receiving areas" created through an areawide rezone process similar to that typically used for zoning overlays.

7.E.2 All unincorporated areas of the county except natural resource lands as defined in RCW 36.70A.170 shall be eligible for consideration as receiving areas pursuant to a TDR areawide rezone process governed by TDR implementing regulations. Incorporated areas may also be considered identification as a receiving area, provided that an interlocal agreement exists between the county and the city addressing issues related to development within the receiving area.

- 7.E.3 TDR implementing regulations shall permit development intensities within receiving areas that exceed the intensities allowed under county code for areas that are not identified as receiving areas pursuant to a TDR areawide rezone process. The extent of additional development intensities for receiving areas shall be governed by the TDR implementing regulations.
- 7.E.4 TDR implementing regulations for receiving areas located within rural areas and Rural Urban Transition Arcas may allow for increased development densities and a wider range of land uses than allowed in areas of a rural area or RUTA which are not identified as receiving areas pursuant to a TDR areawide rezone process.
- 7.E.5 TDR implementing regulations for receiving areas located within UGAs may allow for a greater range of densities or intensities and land uses than allowed in areas of a UGA which are not identified as receiving areas pursuant to a TDR areawide rezone process.
- 7.E.6 The operation of a TDR program within rural areas, RUTAs, and existing UGAs shall be governed by TDR implementing regulations, subject to the general requirements contained in Policies 7.E.1- 5. The use a TDR program to expand a UGA, however, is directly governed by policy LU 7.E.7.
- 7.E.7 A UGA may be expanded to include an area identified as a TDR receiving area pursuant to an areawide rezone process without satisfying the requirements of Policy LU 1.A.9 only if all of the following conditions are met:
1. A TDR receiving area added to a UGA pursuant to this policy shall not include designated agricultural or forest lands of long-term commercial significance;
 2. A TDR receiving area added to a UGA pursuant to this policy must be adjacent to an existing UGA boundary;
 3. Jurisdictions adjacent to areas added to a UGA pursuant to this policy must consulted regarding location and size of the proposed TDR receiving area; and
 4. The expansion area is designated as a TDR receiving area on the FLU map and development regulations limit development within the receiving area to rural densities and uses until development rights sufficient to increase the density from the rural density to the density permitted in the underlying urban zone are transferred to the site from a TDR sending area.

5. Population may be reserved for use in connection with TDR-based UGA expansions , provided the reservation does not decrease the population allocated to portions of UGAs not located within a TDR receiving area.

7.E.8 The county will review the performance of the pilot program and conduct necessary studies to evaluate the potential for the designation of other sending and receiving areas.

7.E.9 Following or concurrent with the acquisition of development rights from a sending site, a certificate shall be issued by the county documenting the number of development rights acquired, deed restrictions documenting the acquisition shall be recorded, and notice placed on the sending site parcel. A conservation easement shall be recorded and shall be documented by a map indicating the portion of the sending site permanently reserved for agricultural uses. The exact process for carrying out these steps may be developed through implementing regulations.

7.E.10 To promote transfers of development rights for the pilot program, by buying and selling development rights, Snohomish County may at its option establish a TDR "bank" for purposes of the pilot program only. This TDR "bank" shall sunset following sale of all TDRs purchased during the pilot program from the pilot program sending area.

The portion of the chapter entitled "Land Use" that follows the paragraph captioned "Agricultural Designations" and precedes the paragraph beginning "Local Commercial Farmland (LCF)" on page LU-63 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

Transfer of Development Rights (TDR) Sending Areas. This designation is applied to agricultural resource lands to allow for voluntary transfer of development rights from these areas to sending areas designated pursuant to a TDR areawide rezone process governed by implementing regulations. The sending area does not limit or otherwise affect development rights or zoning.

The portion of the chapter entitled "Glossary – Appendix E" that follows the paragraph beginning "Conservation" and precedes the paragraph beginning "Consistency" on page E-4 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

Conservation Easement: A non-possessory interest of a holder in real property imposing limitations or affirmative obligations in perpetuity on the use of real property, the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting historic resources, maintaining or enhancing air or water quality, preserving the historical, architectural, archeological, or cultural aspects of real property.

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The portion of the chapter entitled "Glossary – Appendix E" that follows the paragraph beginning "Development regulations" and precedes the paragraph beginning "Drift" on page E-5 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

Development Right: The quantified right to improve a parcel of property measured in residential dwelling units or square footage of commercial, light industrial or office space based on the zoning classification of the parcel.

The portion of the chapter entitled "Glossary – Appendix E" that follows the paragraph beginning "Purchase of development rights (PDR):" and precedes the paragraph beginning "Regional service" on page E-10 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

Receiving site: A parcel of land located within an area identified as a receiving area pursuant to an areawide rezone process governed by implementing regulations. Development rights may be transferred to and used on a receiving site, as allowed through TDR implementing regulations.

The portion of the chapter entitled "Glossary – Appendix E" that precedes the paragraph beginning "Sensitive species:" on page E-12 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

Sending site: A parcel of land that contains development rights as a part of the ownership, and that meets applicable criteria to qualify. Sending sites may transfer their development rights to a receiving site parcel or a TDR Bank. When development rights are sold or transferred, a conservation easement is placed on the parcel.

The portion of the chapter entitled "Glossary – Appendix E" that follows the paragraph beginning "Transfer of development rights (TDR)" and precedes the paragraph beginning "Transit centers" on page E-13 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new paragraph:

TDR Bank: An agency, non-profit or financial institution designated by the county to hold TDR development rights that have been purchased by the county, until such time as they are sold.

EXHIBIT C

General Policy Plan Amendments to Urban Growth Area Policies

AMENDED ORDINANCE No. 03-100 – as amended and adopted by Council 9/10/03
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EXHIBIT C

General Policy Plan Amendments to Urban Growth Area Policies

The portion of the chapter entitled "Land Use" that follows the sentence beginning "The plan also provides for the designation of urban reserves..." and precedes the sentence beginning "Urban reserve areas are intended to set aside a supply of land for employment and mixed land uses..." on page LU-2 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a new sentence:

This plan promotes the use of innovative techniques, such as transfer of development rights and urban reserve designations, to encourage the preservation of rural and resource lands and the efficient use of urban land.

The portion of the chapter entitled "Land Use" that is captioned "LU Policies 1.A.1" and follows the text captioned "Objective LU 1.A" on page LU-2 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

- LU Policies 1.A.1** UGAs shall contain sufficient land capacity for a variety of land uses and densities, including green belts and open space, in suitable locations to accommodate the county's 20-year population projection allocated to the urban area. The total additional population capacity within the Snohomish County composite UGA as documented by both City and County comprehensive plans shall not exceed the total 20-year forecasted UGA population growth by more than 15 percent. A portion of the 20-year forecast UGA population may be reserved for allocation to TDR receiving areas and Fully Contained Communities (FCC). An additional population allocation that is in addition to and not part of the initial 2025 urban area allocation may be reserved for future UGA expansions specifically for TDR receiving areas. Following the initial establishment of the UGAs in the General Policy Plan, subsequent recalculation of the percent by which additional population capacity exceeds the 20-year forecasted population growth shall occur following the adoption of all UGA plans or at the time of the mandatory 5-year comprehensive re-evaluation of UGA remaining capacity as required by Policy LU 1.A.9.

The portion of the chapter entitled "Land Use" that is captioned "1.A.9" and appears on pages LU-3 and LU-4, following the text captioned "1.A.8," of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

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1.A.9 UGA boundaries shall be re-evaluated at least every five years to determine whether or not they are capable of meeting the county's 20-year population and employment projections. This re-evaluation shall be consistent with Snohomish County's "buildable lands" review and evaluation program requirements established in Countywide Planning Policy UG-14. ~~Expansion of the boundary of an individual UGA to include additional residential, commercial and industrial land shall not be permitted unless it complies with the Growth Management Act, and one of the following four conditions are met:~~

- ~~1. The expansion is a result of the five year buildable lands review and evaluation required by RCW 36.70A.215.~~
- ~~2. The expansion is a result of the review of UGAs at least every ten years to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).~~
- ~~3. All of the following conditions are met for expansion of the boundary of an individual UGA to include additional residential land:
 - ~~(a) Population growth within the UGA (city plus unincorporated UGA combined) since the start of the twenty year planning period, equals or exceeds fifty percent of the additional population capacity estimated for the UGA at the start of the planning period, as documented in the annual Snohomish County Tomorrow Growth Monitoring Report;~~
 - ~~(b) An updated residential land capacity analysis conducted by city and county staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions; and~~
 - ~~(c) The county and the city or cities within the UGA consider reasonable measures adopted as an appendix to the Countywide Planning Policies pursuant to Countywide Planning Policy UG 14(b) that could be taken to increase residential capacity inside the UGA without expanding the boundaries of the UGA.~~~~
- ~~4. Both of the following conditions are met for expansion of the boundary of an individual UGA to include additional commercial and industrial land capacity:
 - ~~(a) The county and the city or cities within that UGA document that commercial or industrial land consumption within the UGA (city plus unincorporated UGA combined) since the start of the twenty year planning period, equals or exceeds fifty percent of the developable commercial or industrial land supply within the UGA at the start of the planning period. In UGAs where this threshold has not yet been reached, the boundary of an individual UGA may be expanded to include additional commercial or industrial land~~~~

capacity if the expansion is based on an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA. Other parcel characteristics determined to be relevant to the assessment of the adequacy of the remaining commercial or industrial land base, as documented in the Procedures Report required by Countywide Planning Policy UG 14 (a), may also be considered as a basis for expansion of the boundary of an individual UGA to include additional commercial or industrial land; and

- (b) ~~The county and the city or cities within the UGA consider reasonable measures adopted as an appendix to the Countywide Planning Policies pursuant to Countywide Planning Policy UG 14 (b) that could be taken to increase commercial or industrial land capacity inside the UGA without expanding the boundaries of the UGA.~~

The portion of the chapter entitled "Land Use" that is captioned "1.A.10," "1.A.11," on page LU-5 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

- 1.A.10 ~~Land use and capital facilities within the UGA shall be evaluated at least every 5 years to determine whether or not zoning ordinances, efficiency of facility operations, etc., can be modified to more adequately meet the projected needs of the UGA. Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures and guidelines for review contained in Appendix C of the Countywide Planning Policies to evaluate all UGA boundary expansions proposed pursuant to LU 1.A.11.1 through LU 1.A.11.4.~~
- 1.A.11 ~~Urban growth areas which are located within the floodplain, as identified in Title 27 of the SCC, shall comply with all provisions of that title, except that airports, and uses directly related to airports and sawmill storage yards, should be allowed in density fringe areas through a code amendment when located adjacent to existing airport or sawmill uses. Annexation agreements shall ensure the continued implementation of this policy. Expansion of the boundary of an individual UGA to include additional residential, commercial and industrial land shall not be permitted unless it complies with the Growth Management Act, and includes consultation and coordination with appropriate jurisdictions in the UGA or MUGA. In addition, one of the following eight conditions must be met, provided that conditions six and seven do not apply to the Southwest UGA:~~

1. The expansion conforms with the findings of the most recent buildable lands review and evaluation conducted required by RCW 36.70A.215 and described in UG 14(a) through (d).
2. The expansion is a result of the review of UGAs at least every ten years to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).
3. Both of the following conditions are met for expansion of the boundary of an individual UGA to include additional residential land:
 - (a) Population growth within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty percent of the additional population capacity estimated for the UGA at the start of the planning period, as documented in the Snohomish County Tomorrow Growth Monitoring Report; and
 - (b) An updated residential land capacity analysis conducted by city and county staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions.
4. For expansion of the boundary of an individual UGA to include additional commercial and industrial land, the county and the city or cities within that UGA document that commercial or industrial land consumption within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty percent of the developable commercial or industrial land supply within the UGA at the start of the planning period. In UGAs where this threshold has not yet been reached, the boundary of an individual UGA may be expanded to include additional commercial or industrial land if the expansion is based on an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA. Other parcel characteristics determined to be relevant to the assessment of the adequacy of the remaining commercial or industrial land base, as documented in the Procedures Report required by UG-14(a), may also be considered as a basis for expansion of the boundary of an individual UGA to include additional commercial or industrial land.
5. The expansion is necessary to make technical corrections to a UGA boundary to be more consistent with Countywide Planning Policy UG-1, which requires a UGA to have identifiable physical boundaries such as natural features, roads, or special purpose districts, where feasible. Provided that such expansions shall not increase total residential capacity by more than by the lesser of 0.5% or 20 acres, nor employment capacity by any significant amount, of

an individual UGA in any given year, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report.

6. The expansion will result in the realization of a significant public benefit by requiring Transfer of Development Rights (TDR) to the entire expansion area from Agriculture resource lands designated as TDR sending areas consistent with Objective LU 7.E.
7. The expansion will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space adjacent to the revised UGA boundary and will provide separation between urban and rural areas consistent with policy LU 1.C.5.

The portion of the chapter entitled "Land Use" that is captioned "1.A.12" on page LU-5 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

- 1.A.12 ~~Snohomish County shall ensure a no net loss of housing capacity that preserves the County's ability to accommodate the 2012 growth targets, while pursuing compliance with Endangered Species Act requirements and other GMA development regulations.~~ Land use and capital facilities within the UGA shall be evaluated at least every 5 years to determine whether or not zoning ordinances, efficiency of facility operations, etc., can be modified to more adequately meet the projected needs of the UGA.

The portion of the chapter entitled "Land Use" that follows the text captioned "1.A.12" on page LU-5 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a policy captioned "1.A.13":

- 1.A.13 Urban growth areas which are located within the floodplain, as identified in Title 27 of the SCC, shall comply with all provisions of that title, except that airports, and uses directly related to airports and sawmill storage yards, should be allowed in density fringe areas through a code amendment when located adjacent to existing airport or sawmill uses. Annexation agreements shall ensure the continued implementation of this policy.

The portion of the chapter entitled "Land Use" that precedes the text captioned "Objective LU 1.B" on page LU-5 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows to add a policy captioned "1.A.14":

- 1.A.14 Snohomish County shall ensure a no net loss of housing capacity that preserves the County's ability to accommodate the 2012 growth targets, while pursuing compliance with Endangered Species Act requirements and other GMA development regulations.

The portion of the chapter entitled "Land Use" that is captioned "7.D.3" on page LU-40 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

- ~~7.D.3 The transfer of development rights (TDR) and purchase of development rights (PDR) studies shall be completed to determine the extent to which these techniques should be used to help conserve designated farmland. Analysis shall include:~~
- ~~(a) applicability of these techniques to the different farmland classes;~~
 - ~~(b) plan policies, zoning code amendments, and a budget to establish a TDR program including sending and receiving area designations and related TDR implementation tasks;~~
 - ~~(c) bond issue size and timing to provide funding for a purchase transfer of development rights program; and~~
 - ~~(d) methods to gain cooperation of cities to establish and maintain TDR receiving areas within incorporated areas.~~

The portion of the chapter entitled "Land Use" that is captioned "7.D.4," "7.D.5," "7.D.6," "7.D.7," and "7.D.8" on page LU-40 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 and published by Snohomish County, is amended as follows:

- 7.D.43 . Methods for mitigating future redesignation of designated farmlands to other designations shall be studied.
- 7.D.54 Incentives for agricultural industry enhancement such as improved permit processing for designated farmlands and value assessment of farm residences in designated farmland areas at farm rates shall be investigated.
- 7.D.65 The transition area policies of the 1982 Agricultural Preservation Plan shall be studied for their effectiveness in protecting designated farmlands.
- 7.D.76 Criteria and procedures should be investigated that allow minor adjustments (ten acres and less) to the boundaries between Riverway Commercial farmland and rural designations.
- 7.D.87 The impacts of siting public facilities such as schools, fire stations, and community centers adjacent to designated farmland should be studied and, if necessary, plan and code amendments should be initiated.