



CO00003161

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 03-106

ADOPTING MAP AND TEXT AMENDMENTS
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN RELATING TO
THE NORTHERN CLEARVIEW LIMITED AREA OF MORE INTENSIVE RURAL
DEVELOPMENT (LAMIRD); AMENDING AMENDED ORDINANCE 94-125; ADOPTING
AN AREWIDE REZONE FOR THE NORTHERN CLEARVIEW LAMIRD.

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

WHEREAS, the Snohomish County Council adopted chapter 30.74 SCC to comply with the requirements of RCW 36.70A.130 and .470; and

WHEREAS, the Snohomish County Council, through the enactment of Amended Ordinance 97-082, further consolidated, simplified, and improved the procedure for interested persons to propose amendments to the GMA comprehensive plan and/or development regulations; and

WHEREAS, with Amended Motion No. 03-042, the Snohomish County Council conditionally approved twenty-one proposals for the final 2003 docket, which included comprehensive plan map designation and zoning changes that were requested for a wide variety of land use actions; 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 General Policy Plan (GPP) Future Land Use (FLU) map submitted by Jeff Cole, John Davis, Dean Essex, and Pacific Centers, as well as proposals initiated by the Snohomish County Council and PDS; and

WHEREAS, the Cole docket proposal requests the addition of approximately 6.5 acres to the northern Clearview Limited Area of More Intensive Rural Development (LAMIRD), centered at 164th St. SE and SR 9, and an areawide rezone of this 6.5-acre area from R-5 to Clearview Rural Commercial; and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation of the 2003 final docket – Phase 3, including the proposals to amend the map of the comprehensive plan and/or rezones to implement proposals to amend the comprehensive plan map and forwarded a recommendation to the Snohomish County Planning Commission; and

WHEREAS, the Planning Commission held public hearings on several Phase 3 docket proposals, including the Jeff Cole proposal, 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 recommendation of the Planning Commission, and to hear public testimony on Ordinance 03-106, adopting map and text amendments to the comprehensive plan and implementing development regulations;

NOW, THEREFORE BE IT ORDAINED:

Section 1. The County Council incorporates the foregoing recitals as findings and conclusions.

Section 2. The County Council makes the following additional findings and conclusions:

- A. The amendments to the Future Land Use (FLU) Map adopted by this ordinance add approximately 6.5 acres to the northern Clearview LAMIRD centered at 164th St. SE, which currently includes approximately 16.5 acres. The inclusion of this 6.5 acre area within the northern Clearview LAMIRD is achieved by redesignating the area from Rural Residential (1 DU/5 Acres Basic) to Clearview Rural Commercial (CRC). In order to implement the redesignation, this ordinance also rezones the 6.5-acre area added to the LAMIRD from R-5 to CRC.
- B. The 6.5-acre area added to the northern Clearview LAMIRD by this ordinance is located immediately to the north of 168th St. SE and to the west of SR 9. Including this area within the LAMIRD will help to further compliance with the GMA criteria for LAMIRD boundaries set forth at RCW 36.70A.070(5)(d)(iv). These criteria require the use of clear, regular boundaries delineated predominantly by the built environment and existing natural and manmade physical features, as well as preserving the character of natural neighborhoods.

- C. By omitting the 6.5 acre area added to the northern Clearview LAMIRD by this ordinance, the current boundary (1) destroys the character of the natural neighborhood, which logically includes the properties owned by proponent Jeff Cole and his immediate neighbors; and (2) fails to utilize the existing physical boundary provided by 168th St. SE and SR 9, which are existing physical features.
- D. The 6.5-acre area added to the northern Clearview LAMIRD by these amendments is located within the existing area of commercial and residential uses that existed on or before July 1, 1990 at levels more intensive than typically found in rural areas. The southernmost property within this 6.5-acre area qualifies for inclusion in the LAMIRD because it was commercially developed on or before July 1, 1990 with commercial uses that were a part of the natural neighborhood of more intensive uses currently included within the northern Clearview LAMIRD. Including the properties located between this southernmost property and the current boundary of the northern Clearview LAMIRD is justified as infill under the GMA requirements for LAMIRDS.
- E. The 6.5-acre area added to the northern Clearview LAMIRD by these amendments satisfies the criteria contained in the GMACP, particularly General Policy Plan (GPP) Policy LU 6.I.5.
- F. The proposed amendments to the FLU Map will further harmonize the Rural Element with the planning goals contained in RCW 36.70A.020:
1. Urban growth. The proposed amendments to the FLU Map would not result in urban growth within the rural area. Growth within the 6.5-acre area added to the Northern Clearview LAMIRD will be limited to more intense rural uses and densities which can be supported by facilities and levels of service that are appropriate for rural areas. The Clearview Rural Commercial zone, which implements the LAMIRD designation, restricts building footprint and total square footage of buildings and includes additional landscaping and buffering requirements.
 2. Reduce sprawl. The proposed amendments to the FLU Map will limit and contain more intense rural development within the two compact geographic areas included within the two Clearview LAMIRDS, both of which are characterized by more intense rural uses.
 3. Transportation. The proposed amendments are consistent with the transportation element of the GMACP and will minimize the need for future transportation improvements. The inclusion of the 6.5-acre area adjacent to SR 9 and 168th St. SE within the northern Clearview LAMIRD will facilitate more efficient transit service.
 4. Housing. The proposed amendments to the FLU Map will protect existing residential neighborhoods and housing from redevelopment for other uses.

5. Economic development. The proposed amendments to the FLU Map will limit commercial uses in the rural area to a level which can be supported by existing public services and facilities, but which will still provide for employment opportunities and services to serve the surrounding rural population.
6. Property rights. The adoption of the proposed amendments to the FLU Map does not encourage the taking of private property for public uses without just compensation. By adding to the LAMIRD properties that are similarly situated with respect to existing uses as those that are currently included within the LAMIRD, the proposed amendments help to protect the property rights of Clearview citizens.
7. Permits. Because the properties added to the northern Clearview LAMIRD are similarly situated with respect to existing uses and physical features as those currently included within the LAMIRD, the proposed amendments to the FLU Map will provide needed clarity and predictability to the permit process.
8. Natural resource industries. By limiting and containing more intense rural development within existing developed areas, the County is protecting and conserving natural resources.
9. Environment. By containing more intense rural development within existing developed areas, the county is reducing impacts to air and water quality.
10. Citizen participation and coordination. Prior to adoption of the two existing Clearview LAMIRDs, the County designated a single LAMIRD that contained a much larger area than is included within the two existing LAMIRDs. During the preparation of the initial Clearview Rural Commercial amendments adopting the one larger LAMIRD in 2000-2001, the county held three public workshops/open houses, and one focus group session; and the Planning Commission and County Council each held one public hearing. The county held one hearing before the Planning Commission and one before County Council to consider these amendments, which add 6.5 acres into the northern Clearview LAMIRD.
11. Public facilities and services. The proposed amendments to the FLU Map are consistent with the capital facilities and transportation elements of the GMA Comprehensive Plan (GMACP) and will not decrease service levels below locally established minimum standards.
12. Historic preservation. There are no known lands, sites, or structures with historic or archaeological significance in the area proposed for addition to the Clearview Rural Commercial designation. The amendments will continue to allow commercial uses within an area that has historically been developed with small-scale commercial uses.

- G. The proposed FLU Map amendments and areawide rezone will discourage strip development generally north of the intersection of 164th/SR 9 and south of the intersection of 184th/SR 9 by limiting future commercial development to areas between and adjacent to two distinct existing commercial nodes.
- H. The proposed FLU Map amendments and areawide rezone are consistent with Countywide Planning Policy RU-5, which requires guidelines to limit commercial development outside of Urban Growth Areas while still allowing recreation and limited convenience commercial development for the daily needs of the rural residents. The proposed amendments will allow limited infill with development restrictions and contain development within the outer boundaries of existing areas characterized by more intense rural development.
- I. The proposed FLU Map amendments and areawide rezone are consistent with the Countywide Planning Policies for Snohomish County and all elements of the GMACP.
- J. The hearings held before the Planning Commission and the County Council, as well as the notices for those hearings, meet and exceed the requirements of county code and state law for public participation, including RCW 36.70A.020(11), RCW 36.70A.035, RCW 36.70A.130, and RCW 36.70A.140.
- K. The proposed FLU Map amendments and areawide rezone satisfy the procedural and substantive requirements of and are consistent with the GMA.
- L. The amendments to the FLU Map and the areawide rezone adopted by this ordinance are consistent with the State Environmental Policy Act, Chapter 43.21C as implemented by Title 30 of the Snohomish County Code. The proposed 6.5-acre CRC redesignation and rezone falls within the range of alternatives analyzed in the Clearview Commercial Study, which was issued as a draft Supplemental Environmental Impact Statement (SEIS) to the final EIS for the GMACP on July 20, 2000 and as a final SEIS on November 28, 2000.
- M. The areawide rezone adopted by this ordinance is necessary to implement the GMACP, including the FLU Map amendments adopted by this ordinance.
- N. Prior to both the Planning Commission and County Council public hearings, citizens, interest groups, public agencies, and the media were notified by means of published legal notices and mailed notices to all property owners within and adjacent to the proposed rezone area.
- O. At the public hearings on August 13, and September 10, 2003, the County Council received, reviewed and considered oral and written testimony from citizens, interest groups and public and private agencies, and this testimony is all part of the council's hearing record.

P. The proposed FLU Map amendments and areawide rezone are consistent with the Vision 2020 regional growth and transportation plan, the multi-county policies adopted in March 1993 by the Puget Sound Regional Council for King, Kitsap, Pierce and Snohomish Counties and as amended thereafter.

Section 3. The Snohomish County Council bases its findings of facts and conclusions on the entire record before the Planning Commission and the County Council, including all testimony and exhibits.

Section 4. Based on the foregoing findings and conclusions, the Snohomish County GMACP 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. 03-001 on January 27, 2003, is amended as indicated in Exhibit A to this ordinance, which is entitled "Map 12" and captioned "Snohomish County 2003 Docket Proposed Comprehensive Plan Amendment, Jeff Cole." This document is attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. Based on the foregoing findings and conclusions, the County Council hereby adopts the areawide rezone mapped in the following documents, which are attached as exhibits hereto and incorporated by reference into this ordinance as if set forth in full:


Exhibit B. "Map 12a" captioned "Snohomish County 2003 Docket Implementing Rezone, Jeff Cole" rezoning 6.5 acres from R-5 to Clearview Rural Commercial.

Exhibit C Assessor map depicting Council initiated areawide rezone from R-5 to CRC for parcel nos. 2-015, 2-015, 2-018, and 2-025.

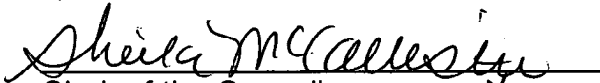
Section 6. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality 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.

PASSED this 10th day of September, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst.*

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: 9/24/03

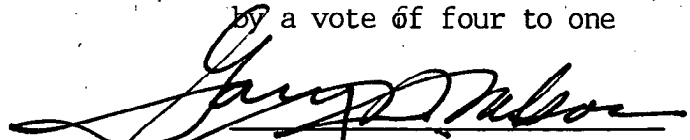
Snohomish County Executive

ATTEST: 

Approved as to form only:

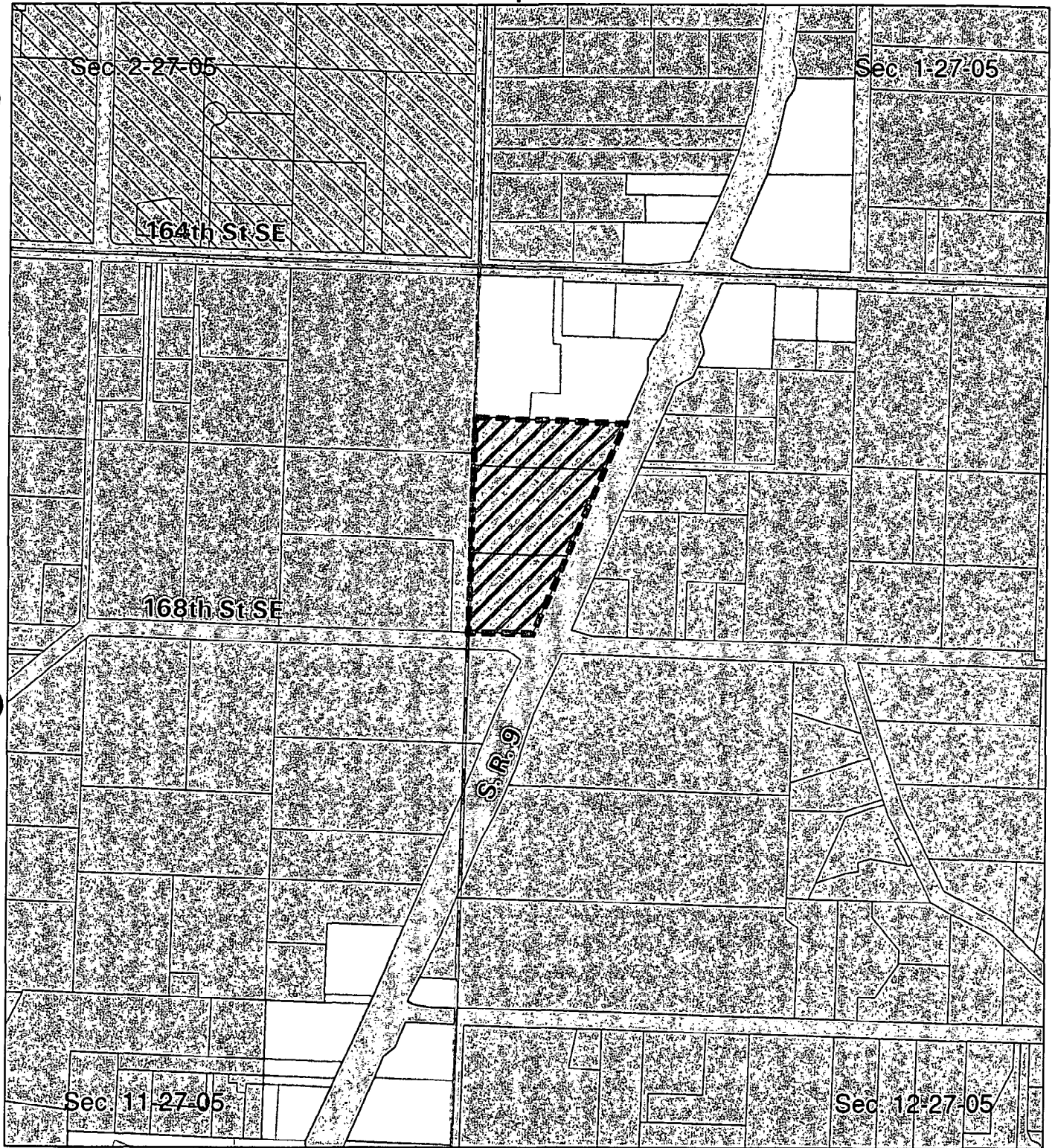
Deputy Prosecuting Attorney

Veto Overridden on Oct. 22, 2003
by a vote of four to one


Chair


Clerk of the Council

Map 12



Snohomish County 2003 Docket
Proposed Comprehensive Plan Amendment
Jeff Cole



May 2003

LEGEND

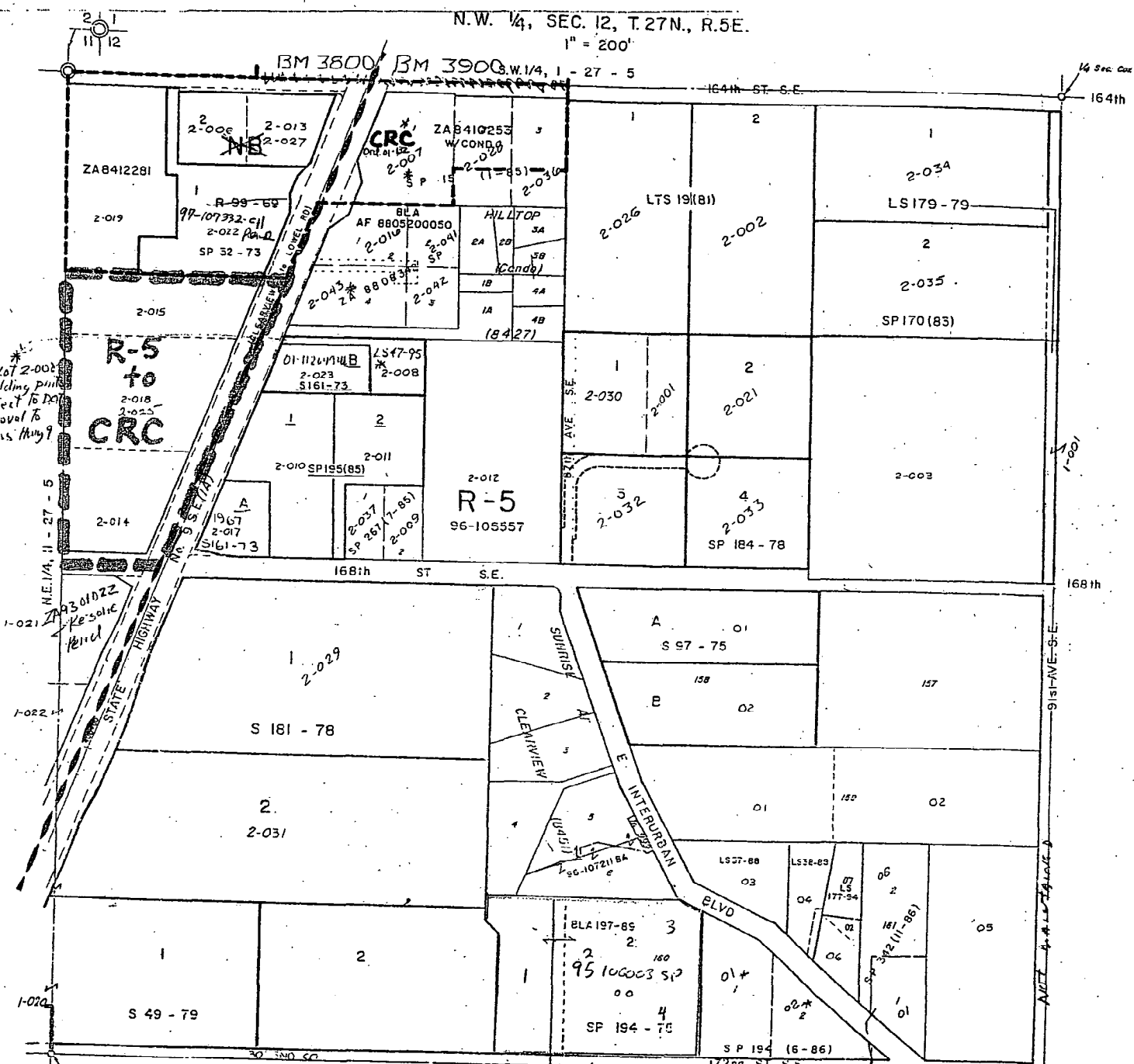
- Existing County Plan Designations**
- Rural Residential (1 DU/5 Acres Basic)
 - Clearview Rural Commercial
 - Rural/Urban Transition Area

- Proposed Plan Amendment**
- Cole:
 Redesignate
 Rural Residential
 (1 DU/5 Acres Basic)
 to Clearview Rural Commercial.

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; c:\dock\dock03\cole_ftu.aml

Scale in Feet 250 500



**C.M.C. COMP PLAN
COMP PLAN SITE SENSITIVE SECTION**

N.W. 1/4, 12 - 27 - 5
 Scale 1" = 200'
 FEB 05 1988
 Zoning Annex

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

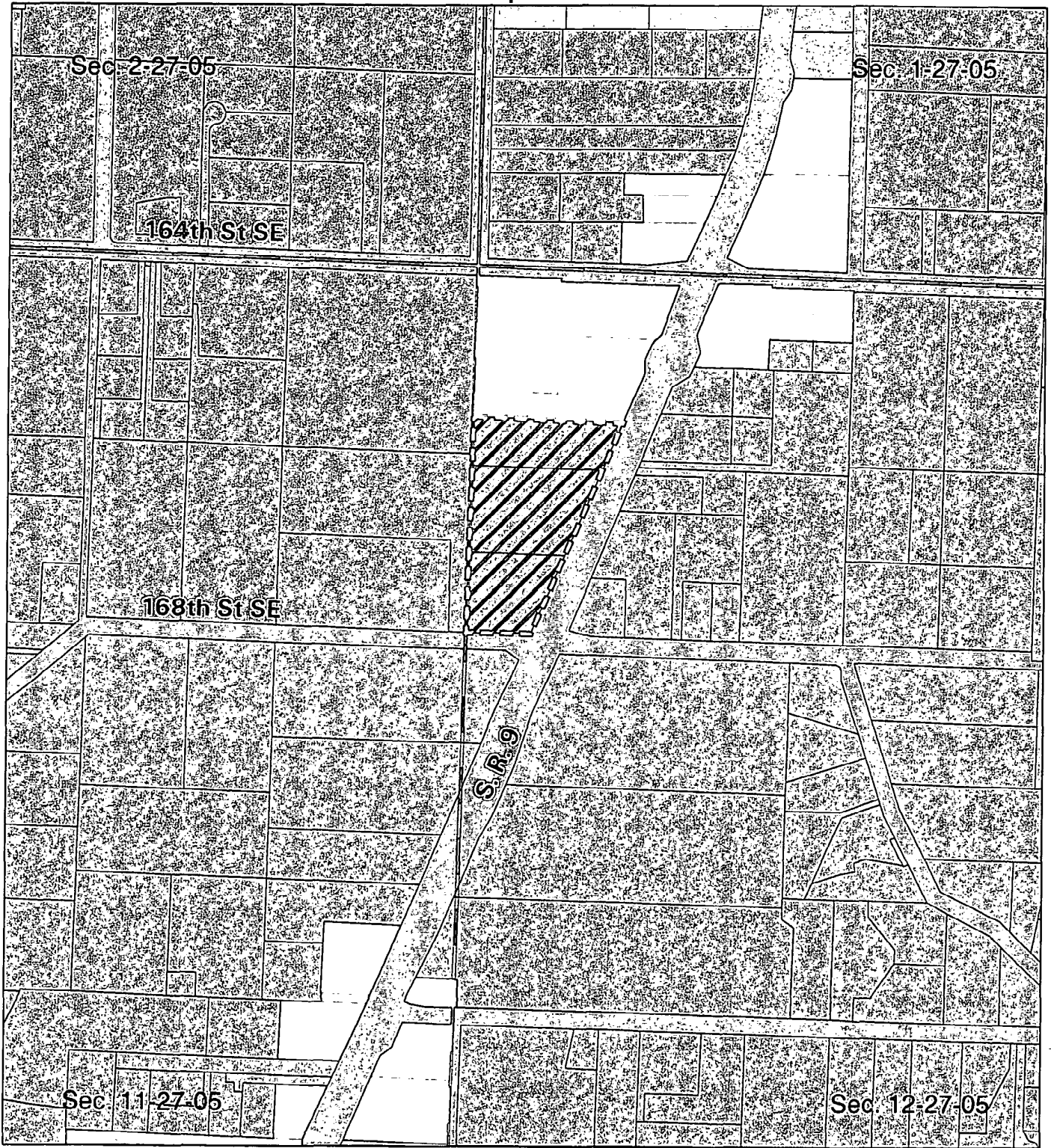
FLAT OF CATHCART DIV. No. 1 (4039)
 P.A.M., April, '71

HISTORICAL NAME - ()
 ROAD DESIGN LIMITS

Lot 2-002
 Building permit
 subject to DOT
 Approval to
 Access Hwy 9

41
 Zoning Annex

Map 12a



Snohomish County 2003 Docket
 Implementing Rezone
 Jeff Cole



LEGEND

Existing Zoning:

- Rural - 5 Acre
- Clearview Rural Commercial
- Rural Conservation
- Suburban Agriculture - 1

Proposed Rezone:

- Cole:
Rezone:
Rural - 5 Acre to
Clearview Rural Commercial.

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/cole_rez.ami

Scale in Feet 0 250 500

May 2003

Snohomish County