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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-012

RELATING TO GROWTH MANAGEMENT; REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; 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 EMERGENCY ORDINANCE 03-001 AND AMENDED EMERGENCY ORDINANCE 03-002; AND REPEALING EMERGENCY ORDINANCE 03-005

WHEREAS, on September 15, 1997, the Snohomish County Council adopted Ordinance 97-076, adopting a final urban growth area for the City of Arlington; and

WHEREAS, on May 29, 2002, the Snohomish County Council adopted Motion 02-173, establishing the final docket of proposed amendments to the GMA comprehensive plan and development regulations, including the proposal by Mike Davis to amend the Arlington UGA, for the 2002 annual docketing cycle; and

WHEREAS, on January 27, 2003, the Snohomish County Council adopted Amended Emergency Ordinance No. 03-001 amending the County's Future Land Use Map (FLUM) and General Policy Plan (GPP) to adopt certain proposals included in the 2002 final docket, including the proposal by Mike Davis; and

WHEREAS, on January 27, 2003, the Snohomish County Council adopted Amended Emergency Ordinance No. 03-002 adopting county-initiated area-wide rezones for certain proposals included in the 2002 final docket, including the proposal by Mike Davis; and

WHEREAS, on January 27, 2003, the Snohomish County Council adopted Emergency Ordinance No. 03-005 revising the urban growth area for the City of Arlington, as proposed by Mike Davis;

WHEREAS, on September 22, 2003, the Central Puget Sound Growth Management Hearings Board (Board) issued its Final Decision and Order in *Hensley, et al. v. Snohomish County*, CPSGMHB 03-3-0009c, holding that the County's adoption of the Mike Davis 2002 final docket proposal failed to comply with the requirements of the Growth Management Act (GMA); and

WHEREAS, the Board set a deadline of March 11, 2004, for the County to take appropriate action to achieve compliance with the goals and requirements of the GMA; and

WHEREAS, although the County has appealed the Board's Final Decision and Order to Snohomish County Superior Court (cause number 03-2-12871-4), it is the desire and intent of the Snohomish County Council to comply with the Board's order, while still pursuing the superior court appeal; and

WHEREAS, in the event the County prevails in its appeal of the Board's Final Decision and Order, the Snohomish County Council may consider repealing this ordinance; and

WHEREAS, the Board's compliance deadline requires an emergency action by the County Council pursuant to SCC 30.73.090(1); and

WHEREAS, on February 11, 2004, following public notice pursuant to SCC 30.73.090 and consideration of the legislative record before the Council upon adoption of Amended Emergency Ordinance Nos. 03-001 and 03-002 and Emergency Ordinance 03-005, the County Council held a public hearing to consider the entire record and hear public testimony regarding proposed Ordinance 04-012.

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The County Council adopts and incorporates the foregoing recitals as findings of fact and conclusions.

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

- A. In enacting legislation in response to the Board's order, the County is required under the GMA to provide for public participation that is appropriate and effective under the circumstances.
- B. The amendments to the FLUM, the rezone amendments, and the amendments to the Arlington UGA satisfy the procedural and substantive requirements of the GMA.
- C. A Draft Supplemental Environmental Impact Statement (DSEIS) was issued on September 20, 2002, for seven 2002 final docket proposals, including Mike Davis. A Final SEIS, including a response to comments on the DSEIS, was prepared following the 30-day comment period and was issued on December 4, 2002. 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 2002.

- D. The amendments are within the scope of analysis contained in the SEIS and associated adopted environmental documents and result in no new significant adverse environmental impacts.
- E. The SEPA requirements with respect to this proposed action have been satisfied by these documents.

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

Section 4. The County Council hereby repeals in its entirety Emergency Ordinance 03-005 as adopted on January 27, 2003.

Section 5. The County Council hereby repeals Section 2.B of Amended Emergency Ordinance 03-001 and amends Section 5 of Amended Emergency Ordinance 03-001 to read:

Section 5. 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. 02-012 on May 30, 2002, is amended as indicated in Exhibit B (maps individually identified as Maps ((3,)) 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16 and 17) which is attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 6. The County Council hereby amends Exhibit B of Amended Emergency Ordinance 03-001 by deleting Map 3 (Davis Proposed Comprehensive Plan Amendment).

Section 7. The County Council hereby repeals Section 2.C of Amended Emergency Ordinance 03-002 and amends Section 4 of Amended Emergency Ordinance 03-002 to read:

Section 4. 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. Maps individually identified as Maps 2a, ((3a,)) 4a, 5a, 6a, 7a, 9a, 10a, and 11a, and incorporated herein as Exhibit A; and

B. Assessor maps showing the rezones incorporated herein as Exhibit B.

Section 8. The County Council hereby amends Section 2.M of Amended Emergency Ordinance 03-002 to read:

- M. The proposed area-wide rezones (Exhibit A, Maps 2a, (~~3a~~)4a, 5a, 6a, 7a, 9a, 10a, and 11a) are consistent with the following initial criteria for rezone requests in SCC 32.07.080:
1. Where applicable, the proposed rezones are 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 32.07.040.
 2. Public facilities and services necessary for development are available or programmed to be provided to the sites of the proposed rezones, consistent with the GMA comprehensive plan or development regulations as determined by applicable service providers.
 3. The proposed rezones do not require a concurrent site plan approval because there is an absence of special site conditions and applicable GPP or subarea policies.

Section 9. The County Council hereby amends Section 2.N of Amended Emergency Ordinance 03-002 to read:

- N. The proposed area-wide rezones (Exhibit A, Maps 2a, (~~3a~~)4a, 5a, 6a, 7a, 9a, 10a, and 11a) are consistent with the GMA comprehensive plan and consistent with the provisions of the GMA.

Section 10. The County Council hereby amends Section 2.O of Amended Emergency Ordinance 03-002 to read:

- O. The county council concludes that the proposed area-wide rezones (Exhibit A, Maps 2a, (~~3a~~)4a, 5a, 6a, 7a, 9a, 10a, and 11a) implement the county's GMA comprehensive plan.

Section 11. The County Council hereby amends Section 2.P of Amended Emergency Ordinance 03-002 to read:

- P. The county council concludes that the proposed area-wide rezones (Exhibit A, Maps 2a, (~~3a~~)4a, 5a, 6a, 7a, 9a, 10a, and 11a) bear a substantial relationship to the public health, safety and welfare.


Section 12. The County Council hereby amends Exhibit A of Amended Emergency Ordinance 03-002 by deleting Map 3a (Davis Proposed Implementing Rezone).

Section 13. The County Council hereby amends Exhibit B of Amended Emergency Ordinance 03-002 by deleting that assessor map depicting parcel number 31051300300300500.

Section 14. 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.

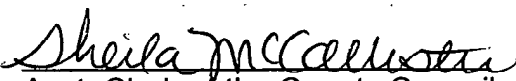
PASSED this 10th day of March, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair


ATTEST:



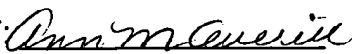
Asst. Clerk of the County Council

- Approved
- Emergency
- Vetoed

DATE: March 22, 2004



County Executive

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney

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