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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 04-052

RELATING TO GROWTH MANAGEMENT, REVISING THE COMPREHENSIVE PLAN  
MAP AND ZONING MAP RELATING TO THE URBAN GROWTH  
AREA FOR THE CITY OF GRANITE FALLS AND REPEALING SECTIONS OF  
ORDINANCE NO. 03-097

WHEREAS, on September 10, 2003, the County Council adopted Amended Ordinance Nos. 03-096 and 03-097 as elements of the 2003 docket process established pursuant to Chapter 30.74 SCC to implement a proposal submitted by Charles (Dean) Essex; and

WHEREAS, Amended Ordinance No. 03-096 adopted text amendments relating to open space in the General Policy Plan (GPP) element of the Growth Management Act comprehensive plan (GMACP), consisting of a new Land Use (LU) Policy 1.C.5 and amendments to text captioned "Parks/Open Space (P/OS)" on page LU-60 of the GPP as published by the County in March, 2003; and

WHEREAS, Amended Ordinance No. 03-097 revised the urban growth area (UGA) boundary for the City of Granite Falls, adopted map amendments to the GMACP, and adopted an area-wide rezone adding 27 acres of property owned by Charles and Judy Essex to the Granite Falls UGA and changing the zoning from Rural Residential-5 to Urban Low Density Residential (4-6DU/Acre), all of which would take effect only upon the recordation of a conservation easement and deed conveying the fee title as provided in Ordinance 03-096, Exhibit A; and

WHEREAS, the City of Granite Falls appealed the adoption of Amended Ordinance Nos. 03-096 and 03-097 to the Central Puget Sound Growth Management Hearings Board (Board) in City of Granite Falls v. Snohomish County, Case No. 03-3-0023, in which Charles and Judy Essex appeared as intervenors; and

WHEREAS, on March 8, 2004, the Board issued a Final Decision and Order in Community Trade and Economic Development Department v. Snohomish County, Case No. 03-3-0011 (CTED I), in which the Board ruled that an action to expand a UGA to preserve a land area containing a significant natural feature as open space adjacent to an UGA boundary that adds lands designated for residential development must be supported by a land capacity analysis adopted by the County Council pursuant to RCW 36.70A.110(2) and .210(3), and Countywide Planning Policy UG-14(d)-8; and

RELATING TO GROWTH MANAGEMENT, REVISING THE URBAN GROWTH  
AREA FOR THE CITY OF GRANITE FALLS, ADOPTING MAP AMENDMENTS  
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, ETC. -- 1

As amended and adopted by Council on 5/5/04

WHEREAS, in Case No. 03-3-0023, the City of Granite Falls has contended in its briefing that no such review or analysis was conducted to support expansion of the Granite Falls UGA as described in Amended Ordinance No. 03-097 prior to its adoption; and

WHEREAS, the GMACP amendments contained in Amended Ordinance No. 03-096 are related to and dependent upon expansion of the Granite Falls UGA as provided for in Amended Ordinance No. 03-097; and

WHEREAS, the Board has scheduled a hearing in Granite Falls v. Snohomish County for April 22, 2004; and

WHEREAS, the County Council intends by this ordinance and its companion ordinance to rescind the actions taken by Amended Ordinance Nos. 03-096 and 03-097 so that there will be no need for a hearing before the Board in Granite Falls v. Snohomish County; and

WHEREAS, there has not been a recordation of a conservation easement and deed conveying the fee title as provided in Ordinance No. 03-096, Exhibit A; and

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. Amended Ordinance Nos. 03-096 and 03-097 were adopted in the best interests of the citizens of Snohomish County with the intention of preserving 37 acres of open space outside the Granite Falls UGA for use as a park or open space area and adding 27 acres to the Granite Falls UGA.

B. Since the time the County took those actions two things have happened that bear particular relevance to this matter. First, the City of Granite Falls has let it be known clearly that it does not want the additional 27 acres within its UGA. Second, the Board ruled in Department of Community Trade and Economic Development v. Snohomish County, No. 03-3-0019c, Final Decision and Order, March 22, 2004 (CTED II), that no expansion of an UGA boundary to allow new residential development may occur without a land capacity analysis required by CPP UG-14(d)-8, RCW 36.70A.210(3), and 36.70A.110(2).

C. The City of Granite Falls has contended that no land capacity analysis has been performed which justifies expansion of the Granite Falls UGA as provided for in Amended Ordinance No. 03-097.

RELATING TO GROWTH MANAGEMENT, REVISING THE URBAN GROWTH AREA FOR THE CITY OF GRANITE FALLS, ADOPTING MAP AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, ETC. -- 2

As amended and adopted by Council on 5/5/04

D. Amended Ordinance No. 03-096 is dependent upon Amended Ordinance No. 03-097 because both ordinances concern the designation and use of contiguous properties owned by Charles and Judy Essex.

E. In light of the foregoing findings, it is in the best interests of Snohomish County and its residents to rescind the actions taken by Amended Ordinance Nos. 03-096 and 03-097 as provided herein.

F. A Mitigated Determination of Nonsignificance was issued on June 10, 2003, for the Dean Essex docket proposal culminating in the enactment of Ordinance Nos. 03-096 and 03-097. PDS, as the lead agency, determined that this proposal did 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 were considered necessary to reduce the overall level of impact below that which is probable, significant and adverse.

G. The requirements of Chapter 30.61 SCC and the State Environmental Policy Act, Chapter 43.21C RCW, with respect to this proposed action have been satisfied by this document.

H. A public hearing was held before the County Council on May 5, 2004, at 1:30 p.m., which meets state and local public participation requirements for an ordinance adopted under the authority of the GMA.

Section 3. The County Council bases its findings of fact and conclusions on the entire record of the Planning Commission and County Council, including testimony and exhibits, of this ordinance and Amended Ordinance Nos. 03-096 and 03-097.

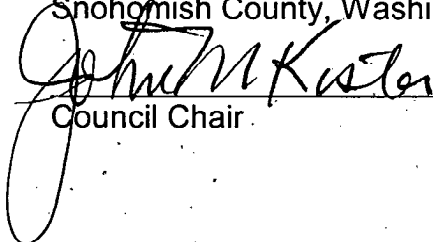
Section 4. The County Council repeals Section 1, Section 2, Section 3, Section 4 and Section 5 of Ordinance No. 03-097.

Section 5. The County will reconsider this proposal as part of its 2004 update to its comprehensive plan pursuant to RCW 36.70A.130(4)(a).

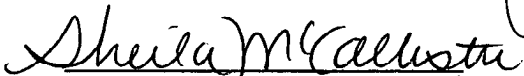
Section 6. Severability. If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided however, that if any provision of this ordinance is held invalid or unconstitutional, 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 5<sup>th</sup> day of May, 2004.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair

ATTEST:

  
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Asst. Clerk of the Council

APPROVED

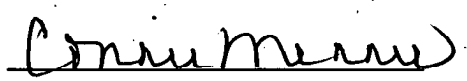
VETOED

EMERGENCY

DATE: 5.20.04

  
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Snohomish County Executive

ATTEST:

  
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Approved as to form only:

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Deputy Prosecuting Attorney

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