



CO00003474

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 04-125

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

WHEREAS, RCW 36.70A.130 directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements in chapter 36.70A RCW; and

WHEREAS, Snohomish County adopted the Snohomish County Growth Management Act Comprehensive Plan ("GMACP") on June 28, 1995; and

WHEREAS, in 2002 the Legislature amended RCW 36.70A.130 to extend the deadline for the initial compliance review to December 1, 2004 for several jurisdictions, including Snohomish County; and

WHEREAS, after initial adoption of the GMA, the State adopted RCW 36.70A.510 requiring adoption and amendment of comprehensive plan provisions and development regulations affecting public use airports subject to RCW 36.70.547; and

WHEREAS, RCW 36.70.547 states that the County shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to any airports operated for the benefit of the public; and

WHEREAS, Snohomish County owns and operates the Snohomish County Airport – Paine Field, located southwest of the City of Everett; and

WHEREAS, in addition to Paine Field, there exists four other public use airports within Snohomish County, including the City of Arlington Municipal Airport, Harvey Field (south of the City of Snohomish), the Darrington Municipal Airport, and Firstair Airport in Monroe; and

AMENDED ORDINANCE NO. 04-125

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

WHEREAS, the County must adopt policies and regulations pursuant to RCW 36.70.547 and RCW 36.70A.510 discouraging the siting of incompatible uses adjacent to any airports operated for the benefit of the public; and

WHEREAS, in the spring of 2003 the County provided general notice it was, pursuant to RCW 36.70A.130, undertaking "the seven-year review process," (hereinafter referred to as the "seven-year compliance review") along with the separate 10-year update process, through its widely disseminated *Focus on Tomorrow Newsletter* and through updates to the county website; and

WHEREAS, public open houses concerning the seven-year compliance review, as well as the 10-year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-year update with the public; and

WHEREAS, in April 2004, the County updated the public on the seven-year compliance review and 10-year update process through its widely disseminated *Focus on the Future Newsletter* and placed on the county website and through updates to the county website; and

WHEREAS, the County held public hearings concerning the seven-year compliance review and 10-year update in Arlington on June 1, 2004, and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event known as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-year update with the public; and

WHEREAS, Snohomish County Department of Planning and Development Services ("PDS") staff hosted public workshops on the seven-year compliance review and 10-year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the County Council and Planning Commission hearing was held in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-year update to the Planning Commission and the County Council Planning Committee; and

AMENDED ORDINANCE NO. 04-125

2

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

WHEREAS, based on the information and comment gained during the public process and on extensive internal review of the County's GMACP and GMA development regulations, PDS prepared a list of tasks to be taken in response to the seven-year compliance review required by RCW 36.70A.130, and forwarded the same to the County Council for consideration on July 27, 2004; and

WHEREAS, on July 28, 2004, the County Council scheduled a public hearing for August 11, 2004 to consider the scope of the seven-year compliance review based upon the recommended task list provided by PDS, which was advertised to the public; and

WHEREAS, at the public hearing on August 11, 2004, the County Council heard public testimony on the scope of review for the seven-year compliance review recommended by PDS and responded to written comments from the public; and

WHEREAS, following public testimony at the hearing on August 11, 2004, the County Council passed Amended Motion 04-329, which adopted the task list recommended by PDS as Exhibit A, with minor corrections to improve the accuracy of information contained in PDS list and attached exhibits; and

WHEREAS, among the action items included in the list adopted by Amended Motion 04-329 were amendments to the GMACP to discourage the siting of incompatible uses adjacent to public use airports; and

WHEREAS, the Planning Commission held public hearings for the GMA compliance review proposals on August 24, 2004 and September 21, 2004 including airport compatibility policies and forwarded a recommendation to the County Council; and

WHEREAS, the County Council held public hearings on November 17, 2004, to consider the entire record, including the Planning Commission's recommendations, and to hear public testimony on Ordinance 04-125, consisting of the text and policy amendments to the comprehensive plan that are designed to discourage incompatible uses with public use airports;

NOW, THEREFORE BE IT ORDAINED:

Section 1. The County Council makes the following findings:

- A. The County Council adopts and incorporates the foregoing recitals as findings and conclusions as if set forth fully herein.
- B. There are five public use airports located in Snohomish County: The Snohomish County Airport - Paine Field, Arlington Municipal Airport, Harvey Field, Firstair Field and Darrington Municipal Airport.

AMENDED ORDINANCE NO. 04-125

3

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

- C. The managers of Paine Field, Arlington Municipal Airport and Harvey Field have made recommendations regarding policies necessary to discourage incompatible uses adjacent to public use airports. Their recommendations include the following general guidance:
- Ensure land use designations near airports do not allow incompatible uses.
 - Require disclosure of airport impacts on property title reports for new development within the airport influence area.
 - Discourage the siting of uses that would cause hazards to aviation within the airport influence area.
 - Require proof of an airspace analysis before issuing permits for certain projects within the airport influence area as required by federal law.
 - Encourage economic development opportunities and infrastructure investments that support aviation.
- D. Public use airports in Snohomish County vary in size, runway capacity, complexity of airspace, and sophistication of airport improvements. One example is Paine Field, the only airport in the County with a permanent air traffic control tower. The aircraft approach slopes vary by airport. Additionally, Snohomish County's public use airports vary in location from urban to rural. The scope and extent of what amounts to an incompatible land use adjacent to an airport varies from airport to airport depending upon the size and scope of airport activities. One way to identify incompatible land uses adjacent to an airport is through the planning process. The Washington State Department of Transportation (WSDOT) and the Federal Aviation Administration (FAA) have published documents providing different criteria for protecting public use airports from adjacent incompatible land uses.
- E. Consistent with state and federal guidance, Paine Field and Arlington Municipal Airport have recently completed updates of their airport master plans. The Paine Field and Arlington Municipal Airport planning process included airport user groups for review and recommendations and used WSDOT and FAA guidance to prepare their plans. To comply with FAA requirements, the County passed Motion 02-491 adopting an updated Airport Master Plan for Paine Field in December 2002. Paine Field has also implemented a Noise Compatibility Program pursuant to 14 CFR Part 150. Arlington Municipal Airport adopted an updated Airport Master Plan in June 2002 which contains recommendations regarding land use compatibility adjacent to Arlington Municipal Airport.
- F. The airport master planning process is just beginning for Harvey Field and should be completed in late 2004.

AMENDED ORDINANCE NO. 04-125

4

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

- G. Darrington Municipal Airport is a modest operation, managed by a volunteer. Master planning for the Darrington airport is high on the city's list, but lacks funding.
- H. The Firstair airfield in Monroe was for sale at the time this Ordinance was considered and the status of master planning is unknown.
- I. The Puget Sound Regional Council ("PSRC") adopted multi-county policies in its 2001 publication *Destination 2030* to preserve and maintain the existing airport system infrastructure with strategic investments in airport improvements and by discouraging incompatible land uses adjacent to airports. These policies are based upon the *2001 Regional Airport System Plan* developed by the PSRC.
- J. As required by RCW 36.70.547, the County formally consulted with officials representing the general aviation airports in Snohomish County and has filed the amendments to the GPP contained in Exhibit A to this ordinance with the Aviation Division of WSDOT.
- K. The County has sent the draft GPP airport compatibility amendments to affected cities for review. The City of Arlington, the only city to respond, provided minor comments which have been incorporated into the amendments to the GPP contained in Exhibit A to this ordinance.
- L. The Planning Commission held a public hearing on September 21, 2004 to consider the proposed ordinance; and
- M. The County Council held public hearings on November 17, 2004 to consider the Planning Commission's recommendations.
- N. 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.

Section 2. The County Council makes the following conclusions regarding the proposal to amend the comprehensive plan to include policies that discourage incompatible uses adjacent to public use airports to comply with the Growth Management Act:

- A. The review and evaluation criteria set forth in the county code for Department of Planning and Development Services 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 comply with the GMA.
- B. 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.
- C. The amendments comply with the requirements of RCW 36.70A.510 and RCW 36.70.547.
- D. There has been early and continuous public participation in the review of the proposed amendments.
- E. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

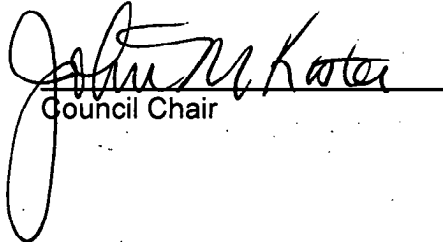
Section 3. The County Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusions which should be deemed a finding, is hereby adopted as such.

Section 4. 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 Emergency Ordinance 04-057 on May 24, 2004 is amended as indicated in General Policy Plan Amendments to Land Use Policies, which is attached hereto as Exhibit A and incorporated by reference into this ordinance as if set forth in full.

Section 5. 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.

PASSED this 17th day of November, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

ATTEST:

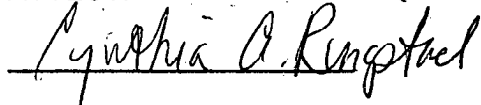

Clerk of the Council, *asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 11/30, 2004


Snohomish County Executive

ATTEST:



Approved as to form only:

Jason Cummings
Deputy Prosecuting Attorney

AMENDED ORDINANCE NO. 04-125

7

D-18

AN ORDINANCE RELATING TO AIRPORT COMPATIBILITY; ADOPTING TEXT AND POLICY AMENDMENTS TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING AMENDED ORDINANCE 94-125 PURSUANT TO RCW 36.70A.130, THE SEVEN-YEAR COMPLIANCE REVIEW REQUIRED UNDER THE GROWTH MANAGEMENT ACT

EXHIBIT A

General Policy Plan Amendments Discouraging Incompatible Uses adjacent to Public Use Airports

A new section titled "Airport Compatibility", with related goals and objectives as set forth below, is added to the "Land Use" chapter of the General Policy Plan following the Cultural Resources Goal and related Objectives and preceding the Future Land Use Map Narrative Section located on page LU 56 of the *Snohomish County GMA Comprehensive Plan General Policy Plan*, dated March 2003 ("GMACP GPP"). The GMACP GPP is amended as follows:

Airport Compatibility

Aviation is important to the economic health of Snohomish County and the quality of life of its citizens, businesses and visitors. One of the major challenges is to balance aviation needs with the needs of local communities. The Growth Management Act requires that every county discourage within its jurisdiction the siting of incompatible land uses adjacent to public use airports. The GMA also identifies airports as essential public facilities and requires jurisdictions to adopt a process for siting such facilities. Public use airports such as Arlington Municipal Airport and Harvey Field are transportation facilities key to the County's economic vitality. Paine Field is one of the most important public facilities in the region, state and nation, providing crucial support to the local aerospace industry. Both Paine Field and Harvey Field are FAA designated reliever airfields for SEATAC International Airport.

Public Use Airports in Snohomish County are:

- The Snohomish County Airport - Paine Field, southwest of Everett
- The City of Arlington Municipal Airport
- Harvey Field, just south of the City of Snohomish
- The Darrington Municipal Airport
- Firstair Field, Monroe

Protection of these facilities is of importance to both the economic viability and the quality of life in Snohomish County. With the population and development increases experienced in Snohomish County, airports are coming under increasing pressure from encroaching development. State law requires every city and county having a general aviation airport in its jurisdiction to discourage the siting of land uses that are incompatible with the airport.

Public use airports in Snohomish County vary in size, runway capacity, complexity of airspace, and sophistication of airport improvements. One example is Paine Field, the only airport in the County with a permanent air traffic control tower. Aircraft approach slopes vary by airport. Additionally, Snohomish County's public use airports vary in location from urban to rural. The scope and extent of what amounts to an incompatible land use adjacent to an airport varies from airport to airport depending upon the size and scope of airport activities. Both the FAA and the Washington State Department of Transportation, Aviation Division have identified criteria for evaluating land use compatibility adjacent to public use airports. In the course of planning and conducting operations, public use airports have evaluated specific land use compatibility issues for areas adjacent to the respective airports. One area is called the Airport Influence Area (AIA), which is defined as the property within the environs of the airport where land uses are either influenced by, or will influence, the operation of the airport in a positive or negative manner. An additional area adjacent to an airport to be addressed is that where height restrictions on new construction should be required to prevent potential conflicts with air operations. To ensure compatibility with airport operations, proof of an airspace analysis should be required for any structure to be constructed adjacent to a general use airport in accordance with 14 CFR Part 77. The configuration and extent of these areas differ depending on the size and configuration of the airport and its airfields.

Paine Field is owned and operated by Snohomish County, and additional policies regarding this facility are set forth in the Capital Facilities Chapter of the GPP.

The following goals and policies are intended to guide the development of regulations that will protect each of the County's public use airports and the adjacent properties from conflicts that can arise between incompatible uses. Also included are policies that encourage actions that support the economic health of airports.

GOAL LU 12 Protect public use airports in the County from nearby incompatible land uses and developments.

Objective LU 12.A Discourage incompatible uses in the vicinity of public use airports

LU Policies 12.A.1 The County shall work with the owners and managers of public use airports to identify and designate criteria identifying incompatible land uses in the vicinity of public use airports and how they should be discouraged through the adoption of zoning and development regulations.

12.A.2 The County shall work with the owners and managers of public use airports to identify and designate areas on the Future Land Use Map where incompatible uses should be discouraged.

12.A.3 When adopting amendments to the comprehensive plan the County shall consider the compatibility of the amendments with public airport uses.

Objective LU 12.B **Notify surrounding properties of proximity to public use airports.**

LU Policy 12.B.1 **The County shall develop a process to notify property owners within Airport Influence Areas that their property is located adjacent to a public use airport and may experience impacts from airport operations.**

Objective LU 12.C **Discourage development in areas adjacent to public use airports that may negatively impact airport operations**

LU Policies 12.C.1 **The County shall discourage the siting of uses that attract birds, create visual hazards, discharge any particulate matter in the air that could alter atmospheric conditions, emit transmissions that would interfere with aviation communications and/or instrument landing systems, or otherwise obstruct or conflict with aircraft patterns within airport influence areas.**

12.B.2 **The County shall consult with stakeholders to develop regulations that require proof of an airspace analysis pursuant to Federal Aviation Administration regulations before issuing permits for projects that are developed adjacent to public use airports.**

GOAL LU 13 **Recognize and support County public use airports as essential public facilities and significant economic resources.**

Objective LU 13.A **Support actions that make public use airports economically viable**

LU Policies 13.A.1 **The County shall encourage economic development opportunities and aviation-related uses adjacent to airports in urban growth areas.**

13.A.2 **The County shall promote the efficient, region-wide mobility of goods and services consistent with the economic development element of the Snohomish County GMA Comprehensive Plan and the regional transportation strategy developed by the Puget Sound Regional Council.**