



CO00014013

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-076

REVISING THE EXISTING MALTBY URBAN GROWTH AREA
AND AMENDING ORDINANCE NO. 03-050

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.110 requires Snohomish County to designate urban growth areas (UGA) within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature (RCW 36.70A.110(1)) and (WAC 365-195-335(1)(a)); and

WHEREAS, the Snohomish County Council designated a Final UGA for Maltby (Ordinance No. 96-073) on December 12, 1996, which adopted GMA Comprehensive Plan policy and future land use map amendments responding to a Growth Management Hearings Board Remand for the Maltby area, in conformance with the requirements of the GMA; and

WHEREAS, the Snohomish County Council adopted Amended Ordinance No. 00-094 on January 6, 2001, and Amended Ordinance No. 03-050 on June 27, 2003, amending the Maltby UGA; and

WHEREAS, the planning goals of the GMA, which guide development of comprehensive plans and implementing ordinances, state that development shall be encouraged "in urban areas where adequate public facilities and services exist or can be provided in an efficient manner" (RCW 36.70A.020(1)), and that "the inappropriate conversion of undeveloped land into sprawling, low-density development" is to be reduced (RCW 36.70A.020(2)); and

WHEREAS, the GMA states that a UGA "may include territory that is situated outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth" (RCW 36.70A.110(1)); and

WHEREAS, the GMA states that "[u]rban growth should be situated first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources" (RCW 36.70A.110(3)) and (WAC 365-195-335(1)(e)); and

WHEREAS, the GMA requires that, based upon the population projection made for the county by the Washington State Office of Financial Management (OFM), the UGAs in the county "shall include areas and densities sufficient to permit the urban

growth that is projected to occur in the county for the succeeding twenty-year period" (RCW 36.70A.110(2)) and (WAC 365-195-335(1)(d)); and

WHEREAS, RCW 36.70A.110(2) requires that Snohomish County and its cities use the growth management population projection made for the county by the OFM as the basis for urban growth area determination; and

WHEREAS, OFM issued growth management population projections for Snohomish County in January 2002 that included a range for potential 2025 total county population that varied from a low of 795,725 to a high of 1,062,903; and

WHEREAS, Countywide Planning Policy UG-2 requires that the cities and the county engage in the cooperative planning process of Snohomish County Tomorrow (SCT) in order to establish a sub-county allocation of projected growth for coordination of growth management plans; and

WHEREAS, the Planning Advisory Committee (PAC) of SCT conducted a technical review of the preliminary 2025 growth target preferences for cities, unincorporated urban growth areas, unincorporated municipal urban growth areas, and the rural/resource area of Snohomish County and recommended by consensus an initial population and employment growth target allocation for the year 2025 targets to update Appendix B of the Countywide Planning Policies (CPPs); and

WHEREAS, the Snohomish County Council amended Appendix B of the CPPs (Ordinance No. 04-006) to include the 2025 initial growth targets as recommended by the SCT Steering Committee; and

WHEREAS, the territory added to the Maltby UGA herein is consistent with the requirements of RCW 36.70A.110(1) being characterized by urban growth or adjacent to territory already characterized by urban growth; and

WHEREAS, these Maltby UGA expansions provide an adequate amount of land to accommodate the twenty-year employment allocation (WAC 365-195-335(3)(e)(v)); and

WHEREAS, RCW 36.70A.130(3) directs counties planning under the GMA to take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure that the plan is capable of accommodating forecasted population growth for the succeeding 20-year period; and

WHEREAS, Snohomish County has amended its comprehensive plan several times since its adoption, most recently in December 2004 as part of the "seven-year compliance review" required by RCW 36.70A.130(1); and

WHEREAS, the county must also review its plan every ten years, pursuant to RCW 36.70A.130(3) to ensure that it is capable of accommodating projected population growth for the succeeding 20-year period; and

WHEREAS, in the spring of 2003 the county provided general notice it was, pursuant to RCW 36.70A.130, undertaking a review of its comprehensive plan as part of 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 and 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 July 22, 2003, the county council and planning commission conducted a joint public meeting in Everett concerning the seven-year compliance review and 10-year update; 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, the county council and planning commission conducted a joint public hearing 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

WHEREAS, on October 12, 2004, PDS unveiled its "preferred alternative" future land use map at an advertised public meeting before the planning commission; and

WHEREAS, on October 14 and 20, 2004, PDS held public open houses to facilitate public knowledge of, and to receive public input concerning the "preferred alternative" future land use map; and

WHEREAS, on November 3, 4, 9 and 18, 2004, PDS held public workshops with city and county planning commissioners to discuss key policy issues related to the comprehensive plan, including infrastructure challenges for transportation, parks and drainage, economic development, resource land preservation, fully-contained communities, and others; and

WHEREAS, on April 19, 21 and 28, 2005, PDS held public open houses on the department's recommended package of comprehensive plan amendments for the 10-Year update, including amendments to the GPP, the Transportation Element, the Capital Facilities Plan, the Comprehensive Park and Recreation Plan, the Future Land Use Map, the county zoning map, and selected sections of the code; and

WHEREAS, on May 24 and 26, and June 1 and 2, 2005, the planning commission and the county council held joint public hearings to receive public testimony concerning the proposed amendments to the comprehensive plan; and

WHEREAS, on June 7, 9, 14, 16 and 21, 2005, the planning commission deliberated on the PDS recommended package of comprehensive plan amendments at an advertised public hearing; and

WHEREAS, at the conclusion of the public hearing the planning commission voted to recommend adoption of the proposed package of comprehensive plan amendments, with certain modifications as enumerated in its recommendation letter of July 26, 2005; and

WHEREAS, the county council held public hearings on October 3, 4, 5 and 6, 2005, and December 7, 2005, to consider the entire record, including the planning commission's recommendations and executive alternatives on the full package of comprehensive plan amendments, and to hear public testimony on this Amended Ordinance No. 05-076; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on October 10, 11, 12, 17, 18, 19, 20 and 31, 2005, and November 3 and 9, 2005, and December 14, 19 and 21, 2005.

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 as if set forth fully herein.

- B. The county council hereby adopts and incorporates by reference the findings and conclusions adopted and the legislative records developed in adopting Amended Ordinance No. 96-073, Amended Ordinance No. 94-074, Amended Ordinance No. 00-094 and Amended Ordinance No. 03-050.
- C. These expansions to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, are consistent with applicable GPP Policies, particularly those contained in the Population and Employment and Land Use sections including Goal LU 1, "Establish compact, clearly defined UGAs" and Goal LU 2 "Establish development patterns that use urban land more efficiently."
- D. These expansions to the Maltby UGA are consistent with the following final review and evaluation criteria of Chapter 30.73 SCC:
1. This amendment maintains consistency with other elements of the GMA comprehensive plan;
 2. All applicable elements of the GMA comprehensive plan support this amendment;
 3. This amendment meets the goals, objectives, and policies of the GMA comprehensive plan as discussed in the specific findings; and
 4. This UGA amendment is consistent with the CPPs.
- E. This scale of expansion to this UGA is necessary to accommodate the employment growth forecasts for the year 2025, and to provide additional economic development opportunities through new jobs-creation. Initial UGA-level growth targets were determined through the growth allocation process conducted through SCT in 2003. Adjusted UGA-level growth targets were determined through the 10-year update process. These adjusted growth targets, set forth in Appendix D to the GPP, are within the range of growth management population projections provided for Snohomish County by OFM in January 2002.
- F. The Brightwater Wastewater Treatment facility is expected to eliminate approximately 100 acres of existing commercially designated properties within this UGA. This is a logical expansion to the Maltby UGA to areas already characterized with commercial or industrial uses.
- G. Snohomish County, conducted a review and evaluation program of the densities and uses being achieved in urban areas and the land use policies of the GPP as required by RCW 36.70A.215.
- H. The "Buildable Lands Report" completed in January 2003 evaluated development in the Maltby UGA and concluded that urban densities and uses are being achieved within the Maltby UGA. The urban densities and uses being achieved within the Maltby UGA are consistent with the policies contained within the county GPP and CPPs.

- I. The "Buildable Lands Report" determined that urban level densities and uses are being achieved within the UGA and that the density and uses are consistent with the policies contained within the GPP. It was therefore determined that consideration of "Reasonable Measures" was not required under RCW 36.70A.215.
- J. SCT with a consultant, ECONorthwest, developed a Phase II report titled "Recommended Method for Evaluating Local Reasonable Measures Programs" in June of 2003.
- K. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the Maltby UGA. The methodology recommended in the ECONorthwest report for evaluating Reasonable Measures was used in evaluating the Snohomish County effort to implement Reasonable Measures as documented in the 2005 report.
- L. The "Reasonable Measures Report" concluded that Snohomish County has implemented a wide range of Reasonable Measures including permitting accessory dwelling units, providing housing tax credits and allowing density bonuses to developers, encouraging economic development and industrial/commercial development.
- M. Consideration of Reasonable Measures, prior to consideration of expansion of the UGA is required by CPP, CPP UG-14b. A list of Reasonable Measures to increase population, commercial or industrial capacity was included in the adopted CPPs as "Appendix C" and was considered. The "Buildable Lands Report" revealed no inconsistency between actual and planned for growth, so implementation of reasonable measures is not a condition to UGA expansions. However, pursuant to countywide planning policies, the county has nonetheless implemented several reasonable measures and considered additional reasonable measures, as documented in the "Snohomish County Reasonable Measures Background Report".
- N. Snohomish County self certified its compliance with reasonable measures requirements under RCW 36.70A.215.
- O. Snohomish County conducted a land capacity analysis for the entire county, culminating in a report entitled the "Snohomish County UGA Land Capacity Analysis Technical Report", consistent with RCW 36.70A.110 and CPP-14d.
- P. The "UGA Land Capacity Analysis Report" concluded that the land capacity of the existing UGA, even with expected increases in residential densities anticipated through changes to land use designations and other measures undertaken by the city and the county to increase land capacity, will not be sufficient to meet these growth forecasts.
- Q. The "UGA Land Capacity Analysis Report" concluded that with the UGA modifications, the county as a whole can accommodate the population and employment growth projected through 2025 consistent with GPP LU1.A.1.

- R. These expansions to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, provides opportunities for additional economic development to an area with good transportation and rail access, adequate public water and sewer, limited critical areas, and larger parcel sizes.
- S. These expansions to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, includes areas contiguous with the existing boundary and adjacent to areas characterized by urban growth and that have relatively few development constraints.
- T. These expansions to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, includes areas that can be reasonably served with public services and facilities and that are generally supported by the city for inclusion within its UGA.
- U. The proposal has been broadly disseminated and there has been early and continuous public participation in the review of this expansion to the Maltby UGA as part of the 10-Year Update process.
- V. Following an extended scoping period that included a public scoping meeting held on July 22, 2003, a draft environmental impact statement (DEIS) was prepared and issued in May 2004. The DEIS analyzed the environmental impacts of three alternative growth and land use scenarios to address the state forecasts of population and employment growth to the year 2025.
- W. A final environmental impact statement (FEIS) was prepared and issued on December 13, 2005 that provided responses to 382 comments on the DEIS received during the 60-day comment period and which provided supplemental analysis and information relating to the preferred alternative land use plan.
- X. Population, employment and housing elements are analyzed for the Maltby UGA expansion in Appendix A of the DEIS/FEIS.
- Y. These industrial expansions to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, are supported by the UGA Land Capacity Analysis Technical Report, the Snohomish County "Reasonable Measures Report" written pursuant to CPP UG-14b, and an assessment, based on data from the Snohomish County Planning and Development Services April 2001 parcel inventory, that concludes that there is a deficiency of larger parcels within the UGAs available for larger businesses looking to locate or expand within Snohomish County. These expansions are also needed to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3) and CPP UG-14d condition 4.
- Z. The commercial expansion to the Maltby UGA, as depicted in Exhibit A to this ordinance which is attached hereto, is necessary to better and more efficiently serve the nearby existing and future residential neighborhoods of Maltby and Snohomish County.

AA. Criteria used in establishing an area's suitability to be included in the UGA are a compilation of applicable state laws (RCWs and WACs), the CPPs, the GPP policies and input from public meetings. The criteria used to evaluate intensification or expansion of UGAs was included in a 2004 document titled "Summary Evaluation of Geographical Areas Under Consideration for Urban Intensification or Expansion in the 10 Year Update." Specific areas to be added to the Maltby UGA were evaluated using these criteria and are appropriate for urban land use designations, based on criteria from the UGA expansion evaluation sheets, for the following reasons:

1. First priority is given to areas that are characterized by urban growth and have existing public facility and service capacities to serve such development.
2. Second priority is given to areas adjacent to areas already characterized by urban growth and that will be served by existing and planned public facilities and services.
3. Consideration is given to the ease of extending utilities to the area.
4. Consideration is given to the adequacy of the transportation network to serve the area.
5. Consideration is given to areas that do not require conversion of farmland.
6. Consideration is given to expansions that are supported by the City.
7. Consideration is given to expansions that do not create illogical boundaries.
8. Consideration is given to expansions that do not impact habitat for threatened or endangered species.
9. Consideration is given to expansions that are supported by the affected property owner.
10. Consideration is given to expansions that provide retail and commercial use in more locations to better serve the residential neighborhoods of the Maltby UGA and Snohomish County.
11. Consideration is given to expansions that provide a large industrial site to support employment expansion.
12. Consideration is given to expansions that do not impact environmentally sensitive areas including wetlands, areas with high water table or steep slopes.

BB. The following areas will be added to the Maltby UGA:

1. An area of 18 acres located north of Maltby Road and west of 87th Ave SE bordering the existing Maltby industrial area is being added to the UGA for employment capacity. The area is appropriate for addition to the UGA and re-designation from Rural Residential (RR) to Urban Industrial because the land can help replace the loss of industrial land due to the new Brightwater

Wastewater Treatment site. There is adequate water and sewer service to the area and impact to critical areas is minimal.

2. An area of 40 acres located generally north of 206th St SE between 87th Ave SE and Broadway Ave. bordering the existing Maltby industrial area is being added to the UGA for employment capacity. The area is appropriate for addition to the UGA and re-designation from Rural Residential (RR) with an Urban Reserve Overlay to Urban Industrial (UI) because the land can help replace the loss of industrial land due to the new Brightwater Wastewater Treatment site. There is adequate water and sewer service to the area and impact to critical areas is minimal.

3. An area of 17 acres located east of State Rte 522 and north of Paradise Lake Road bordering the existing Maltby industrial area is being added to the UGA for employment capacity. The area is appropriate for addition to the UGA and re-designation from Rural Residential (RR) to Urban Commercial (UC) because the impact to the drainage basin will be minimal with adequate storm water and sewer system, this is a logical expansion of boundaries to area already provided with good access, adequate water and sewer service, and provides economic development opportunities near existing industrial development.

CC. These expansions to the Maltby UGA are within the scope of analysis contained in the DEIS and FEIS.

DD. Other areas considered for potential expansion of the Maltby UGA in the DEIS alternatives and/or through property owner or developer request for adjustments to the preferred alternative were not included because they were inconsistent with the GMA, county GPP or CPPs or the areas were less suitable for urban land use and development than the areas that have been included for one or more of the following reasons: they contained sensitive areas including wetlands, and/or high water table; they would create a less logical boundary; they have inferior road access and/or higher road improvement costs; they would be more difficult to serve with urban utilities or services or are not supported by the affected city; and/or they include more land than is necessary to accommodate projected growth.

Section 2. The county council makes the following conclusions, based on its findings of facts and on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

A. These expansions to the Maltby UGA represent an appropriate response to the population and employment growth targets for this UGA for the year 2025 as adopted by county council and as reflected in Appendix D to the General Policy Plan (GPP).

B. These expansions to the Maltby UGA are consistent with the requirements of the GMA and the planning goals set out in RCW 36.70A.020 (1) and (2).

C. These expansions to the Maltby UGA maintain the GPP's consistency with the CPPs for Snohomish County.

- D. These expansions to the Maltby UGA achieve the objectives specified for the 10-year update requirements in the GMA of accommodating projected growth for the succeeding 20-year period.
- E. These expansions to the Maltby UGA are consistent with the Future Land Use Map and all other elements and components of the 10-year update.
- F. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.
- G. These expansions to the Maltby UGA retain the overall direction and growth management strategy of the original GMA comprehensive plan adopted in 1995 and as amended since then in response to changing conditions and to specific directives from various orders and decisions of the Central Puget Sound Growth Management Hearings Board regarding the plan's consistency with the GMA.
- H. The scoping, environmental analysis and public involvement activities associated with the DEIS issued on May 5, 2004, and the FEIS issued on December 13, 2005, satisfy the requirements of the State Environmental Policy Act (SEPA).
- I. These expansions to the Maltby UGA are within the range of the alternatives analyzed in the DEIS and the scope of additional analysis contained within the FEIS and related environmental documents adopted by the county.
- J. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA and consistent with Chapters 30.73 and 30.74 SCC.
- K. Consistency and coordination of the UGA with the city's GMA-based comprehensive plans is addressed and ensured by the continuing joint city/county planning process established in the CPPs, interlocal planning agreements between the county and the cities and the city and county comprehensive plans.
- L. The county council hereby adopts the amendment to the Maltby UGA as shown on Exhibit A (attached).

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 conclusion 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 No. 94-125 on June 28, 1995, and last amended by Ordinance No. 04-118 on November 23, 2005, including the appendices and maps contained therein, is hereby amended as indicated on Exhibit A attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. Effective Date. The provisions of this ordinance shall take effect on February 1, 2006.

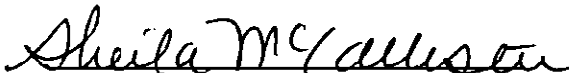
Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity 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 21st day of December, 2005.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Vice-Chair

ATTEST:


Asst. Clerk of the County Council

- () Approved
() Emergency
() Vetoed

Date 12/30/05


County Executive

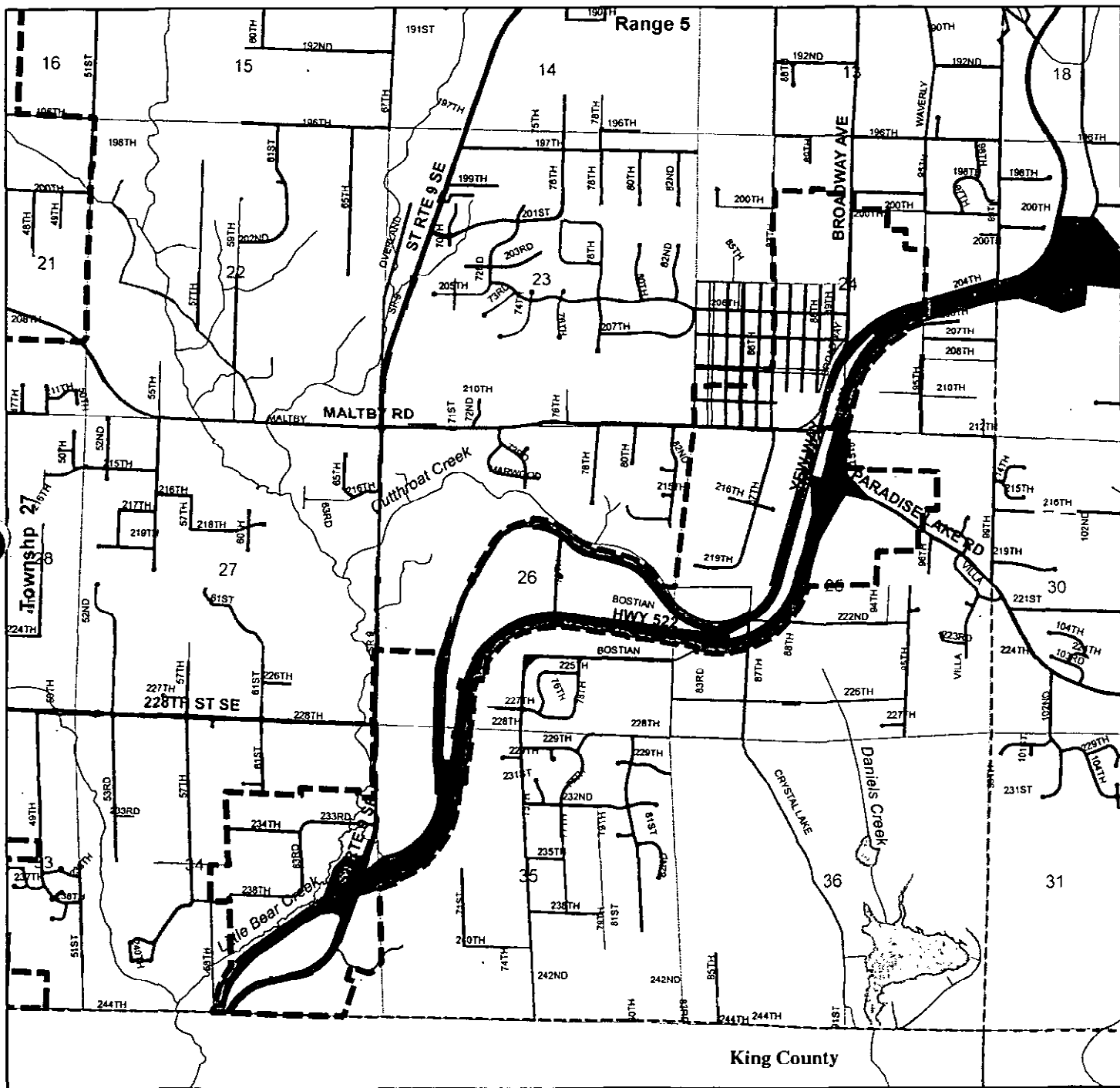
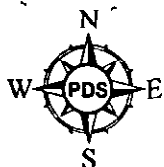
APPROVAL AS TO FORM ONLY

ATTEST:


Deputy Prosecuting Attorney Date 12/30/05 D-20

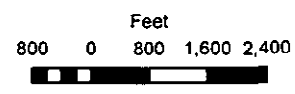
GMA Comprehensive Plan

Maltby UGA Urban Growth Area



Legend

- Urban Growth Area Boundary
- Township-Range Grid
- Unincorporated UGA
- Section Grid
- Incorporated Cities



Adopted: December 21, 2005
Effective Date: February 1, 2006

W:\p\g\carto\l\utenup\prefal6\uga_maps_locator\Maltby UGA.mxd

Snohomish County disclaims any warranty of merchantability or warranty of fitness of the map for any particular purpose, either expressed or implied. No representation or warranty made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this map.