

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 05-084

AMENDING SNOHOMISH COUNTY CODE CHAPTER 30.42B RELATING TO  
PLANNED RESIDENTIAL DEVELOPMENT IN THE LAKE STEVENS URBAN  
GROWTH AREA, AS PART OF THE SNOHOMISH COUNTY TEN-YEAR GROWTH  
MANAGEMENT ACT COMPREHENSIVE PLAN UPDATE

WHEREAS, the Snohomish County Growth Management Act (GMA) Comprehensive Plan—General Policy Plan (GPP) Policy LU C.5 authorizes the use of a Development Phasing Overlay (DPO) as an optional regulatory tool for the purpose of restricting development in portions of urban growth areas (UGAs) that have been identified, in the GPP or a subarea plan, as lacking adequate public facilities; and

WHEREAS, with the passage of Amended Ordinance 01-077 on November 7, 2001, the county council adopted chapter 18.62 SCC, which contained DPO regulations for use in restricting development within UGAs where required by a subarea land use plan; and

WHEREAS, with the passage of Amended Ordinance No. 01-073 on November 7, 2001, the county council adopted the Lake Stevens Urban UGA Plan, which identified areas lacking adequate transportation and surface water facilities and required the prohibition of Planned Residential Developments (PRDs) in those areas; and

WHEREAS, with the passage of Amended Ordinance No. 01-075 on November 7, 2001, the county council adopted areawide rezones applying the DPO to those portions of the Lake Stevens UGA lacking adequate transportation and surface water facilities; and

WHEREAS, due to the application of the Development Phasing Overlay, rate increases and financial commitments, surface water management and transportation projects were taken care of; and

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

WHEREAS, beginning in the spring of 2003 the county provided general notice that it was undertaking the 10-year comprehensive plan update through the widely disseminated *Focus on Tomorrow Newsletter*, updates to the county websites, and a series of public forums and open houses; and

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WHEREAS, on May 24 and 26, and June 1 and 2, 2005, the Snohomish County Planning Commission and the Snohomish County Council held joint public hearings to receive public testimony concerning the amendments proposed for adoption as part of the 10-year update; and

WHEREAS, on June 7, 9, 14, 16 and 21, 2005, the Snohomish County Planning Commission deliberated on the PDS recommended package of amendments to the GMACP and development regulations 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 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 to consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan amendments, and to hear public testimony on this Ordinance No. 05-084;

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 adopts the foregoing recitals as findings and incorporates them herein as if set forth in full.

**Section 2.** The county council makes the following additional findings:

- A. Through the 10-Year Update of the county's GMA Comprehensive Plan, required by RCW 36.70A.130, it is recommended that the Lake Stevens UGA plan be repealed and relevant plan sections be incorporated into the General Policy Plan, making the update consistent with changes to the UGA plan.
- B. The GMA requires development regulations to be consistent with and implement the county's GMA Comprehensive Plan. Since repeal of the Lake Stevens UGA Plan will eliminate the plan policy requiring the prohibition of PRDs within the Lake Stevens UGA, chapter 30.42B SCC should be amended to eliminate that prohibition.
- C. Application of the DPO within the Lake Stevens UGA, coupled with repeal of the Lake Stevens UGA Plan and implementation of the countywide LOS, has remedied most of the previously identified transportation and surface water infrastructure deficiencies.
- D. Changes to the Planned Residential Development regulations over the past few years have lowered the achievable yields which necessitated the prohibition.

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- E. This ordinance is adopted as part of the ten-year comprehensive plan update required by the GMA. Environmental review for the ten-year update to the county's GMA Comprehensive Plan, which includes the Draft Environmental Impact Statement ("DEIS") issued on May 5, 2004 and the Final Environmental Impact Statement ("FEIS") issued on December 13, 2005, addressed the impacts of the amendment adopted by this ordinance.

**Section 3.** The county council makes the following conclusions:

- A. The amendment adopted by this ordinance is consistent with the requirements of the GMA, including but not limited to RCW 36.70A.020(12).
- B. The amendment adopted by this ordinance is consistent with and implements the county's GMA Comprehensive Plan, including but not limited to GPP LU 2.A.1.
- C. There has been early and continuous public participation in the review of the proposed amendments, consistent with the requirements of the GMA and chapter 30.73 SCC.
- D. The public hearings and related public notices before the planning commission and county council satisfy the public participation requirements of the GMA, chapter 30.73 SCC, and the Snohomish County Charter.
- E. The DEIS, FEIS, and associated public process satisfy the requirements of the State Environmental Policy Act, chapter 43.21C RCW, with respect to the amendments adopted by this ordinance.
- F. The amendments adopted by this ordinance are within the range of alternatives analyzed in the DEIS and the scope of additional analysis contained in the FEIS and related environmental documents issued for the ten-year update to the county's GMA Comprehensive Plan.
- G. This ordinance is adopted pursuant to the GMA, codified at chapter 36.70A RCW, the Snohomish County Charter, and the Washington State Constitution, art. XI, sec. 11.

**Section 4.** 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 related to this ordinance. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

**Section 5.** SCC 30.42B.020, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

**30.42B.020 Applicability.**

(1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones(~~(; except that a PRD shall not be permitted in the R-9,600 zone within the Lake Stevens UGA)).~~

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(2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.

(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.7 of the comprehensive plan.

(4) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.

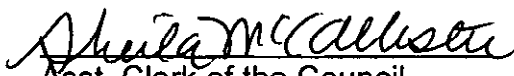
**Section 6. Effective Date.** The provisions of this ordinance shall take effect on February 1, 2006.

**Section 7.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected. If any section, sentence, clause or phrase of this ordinance shall be held 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 21<sup>st</sup> day of Dec, 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


ATTEST:

  
Asst. Clerk of the Council

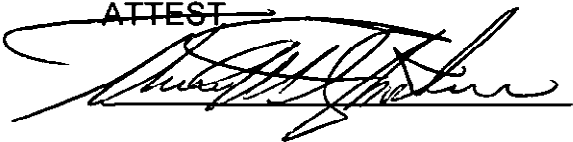
  
Council Vice-Chair

- APPROVED  
 EMERGENCY  
 VETOED

Date: 12/30/05

  
Aaron G. Reardon  
County Executive

ATTEST



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Approved as the form only:

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Brent D. Lloyd  
Deputy Prosecuting Attorney

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