



CO00014027

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-142

RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA FOR THE CITY OF ARLINGTON; CONDITIONALLY REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; ADOPTING ZONING MAP AMENDMENTS IMPLEMENTING THE RECEIVING AREA DESIGNATION; AND AMENDING ORDINANCE NO. 04-012

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 Arlington (Ordinance 94-120) on June 28, 1995, after holding public hearings from April 19, 1994, through January 18, 1995, in conformance with the requirements of the GMA; and

WHEREAS, on June 28, 1995, the county council approved Amended Ordinance 94-125 which adopted a GMA Comprehensive Plan including a General Policy Plan (GPP) and Future Land Use map; and

WHEREAS, the Snohomish County Council amended the Final UGA for Arlington on September 15, 1997 (Ordinance 97-076), September 9, 1998 (Ordinance 98-068), December 16, 1998 (Ordinance 98-114), July 26, 2000 (Ordinance 00-050), July 23, 2001 (Ordinance 01-047), January 27, 2002 (Ordinance 03-005), September 10, 2003 (Ordinance 03-063), March 10, 2004 (Ordinance 04-012), and on May 24, 2004 (Ordinance 04-057); 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

AMENDED ORDINANCE NO. 05-142  
RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA FOR THE CITY OF ARLINGTON; CONDITIONALLY REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; ADOPTING ZONING MAP AMENDMENTS IMPLEMENTING THE RECEIVING AREA DESIGNATION; AND AMENDING ORDINANCE NO. 04-012

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 (CPP) 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 subcounty 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 CPPs; and

WHEREAS, the Snohomish County Council amended Appendix B of the CPPs (Ordinance 04-006) to include the 2025 initial growth targets as recommended by the SCT Steering Committee; and

WHEREAS, the territory conditionally added to the Arlington UGA by this ordinance is consistent with the requirements of RCW 36.70A.110(1), as it is characterized by urban growth or adjacent to territory already characterized by urban growth; and

AMENDED ORDINANCE NO. 05-142  
RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA FOR THE CITY OF ARLINGTON; CONDITIONALLY REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; ADOPTING ZONING MAP AMENDMENTS IMPLEMENTING THE RECEIVING AREA DESIGNATION; AND AMENDING ORDINANCE NO. 04-012

WHEREAS, the conditional Arlington UGA expansion adopted by this ordinance, coupled with the expansion to be adopted by Ordinance No. 05-073, provides an adequate amount of land to accommodate the twenty-year population and 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

AMENDED ORDINANCE NO. 05-142  
RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA FOR THE CITY OF ARLINGTON; CONDITIONALLY REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; ADOPTING ZONING MAP AMENDMENTS IMPLEMENTING THE RECEIVING AREA DESIGNATION; AND AMENDING ORDINANCE NO. 04-012

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 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 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, 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 concerning the proposed amendments; 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.

WHEREAS, public input concerning the transfer of development rights (TDR) policies and implementing regulations proposed for adoption as part of the 10-year update was considered by the county council and PDS staff, which resulted in a decision to develop alternative TDR policies and regulations for consideration by the council; and

AMENDED ORDINANCE NO. 05-142  
RELATING TO THE CREATION OF A TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA FOR THE CITY OF ARLINGTON; CONDITIONALLY REVISING THE EXISTING URBAN GROWTH AREA FOR THE CITY OF ARLINGTON; ADOPTING ZONING MAP AMENDMENTS IMPLEMENTING THE RECEIVING AREA DESIGNATION; AND AMENDING ORDINANCE NO. 04-012

WHEREAS, at the county council's request, county staff prepared revisions to the policies and map designations consistent with two alternative approaches to TDR; and

WHEREAS, a public hearing was held before the planning commission on October 25, 2005, concerning both sets of proposed TDR amendments; and

WHEREAS, the planning commission voted on October 25, 2005, to recommend adoption of the second set of proposed TDR policies and map designations, with certain modifications as enumerated in its recommendation letter of October 25, 2005; and

WHEREAS, the county council held a public hearing on December 7, 2005, to consider the entire record, including the planning commission's recommendations on the proposed TDR amendments, and to hear public testimony on this Ordinance No. 05-142; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on 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:
  1. The findings and conclusions adopted in Amended Ordinance 94-120 and Amended Ordinance 94-125.
  2. The findings and conclusions adopted in section 1 of Amended Ordinance No. 04-123, as well as the legislative records developed in adopting the ordinance.
  3. The findings and conclusions adopted in sections 1 and 2 of Amended Ordinance No. 05-069, as well as the legislative records developed in adopting the ordinance.

4. The findings and conclusions adopted in sections 1 and 2 of Amended Ordinance No. 05-073, as well as the legislative records developed in adopting the ordinance.
  5. The findings and conclusions adopted in sections 1 and 2 of Amended Ordinance No. 05-090, as well as the legislative records developed in adopting the ordinance.
  6. The findings and conclusions adopted in sections 1 and 2 of Amended Ordinance No. 05-141, as well as the legislative records developed in adopting the ordinance.
- C. The expansion to the Arlington UGA and implementing rezone to R-5-RA, as depicted in Exhibits A and B to this ordinance, are conditioned on execution of an interlocal agreement between the county and the City of Arlington. Pursuant to GPP Policies LU 14.A.8 and 14.A.9, the interlocal agreement must include provisions for timely annexation of the TDR receiving area by the City of Arlington and the adoption of TDR regulations requiring the use of TDR certificates for development approvals within the receiving area following annexation. The area included in the conditional UGA expansion and implementing rezone consists of 337 acres generally located northeast of Burn Road, west of 95<sup>th</sup> Ave NE, east of 87<sup>th</sup> Ave SE, and south of Tveit Road. The conditional expansion and implementing rezone is accompanied by a change in land use designation on the future land use map from Rural Residential Basic (RR-5) with a Rural Urban Transition Area (RUTA) overlay to Urban Low Density Residential (ULDR) with a Transfer of Development Rights Receiving Area overlay that provides for the transfer of development rights from designated TDR sending areas.
- D. The conditional expansion is supported by the TDR population reserve established in Appendix D pursuant to PE Policy 1.A.6. Additionally, the expansion and implementing rezone are consistent with and implement other goals, objectives, and policies of the GPP and the CPPs, including:
1. Goal LU 1 ("Establish compact, clearly defined UGAs").
  2. Objective LU 7.E ("Permanently preserve lands with countywide public benefit, encourage higher densities in appropriate areas and reduce residential development capacity in designated resource lands through the development and implementation of a [TDR] program.")
  3. Goal LU 2 ("Establish development patterns that use urban land more efficiently.")
  4. Policy LU 11.A.6 (authorizing UGA expansions that facilitate the transfer of development rights from designated TDR sending areas).

5. Policies LU 14.A.6 through LU 14.A.9, as proposed for adoption in Amended Ordinance No. 05-141 (authorizing the creation of TDR receiving areas through a comprehensive plan overlay and UGA expansions conditioned on compliance with stated requirements).
  6. CPP UG-14(d)(5) (authorizing UGA expansions that facilitate the transfer of development rights from designated TDR sending areas).
- E. This conditional expansion to the Arlington UGA and implementing rezone is consistent with the following final review and evaluation criteria codified at chapter 30.73 SCC:
1. The expansion maintains consistency with other elements of the GMA comprehensive plan;
  2. All applicable elements of the GMA comprehensive plan support the expansion;
  3. The expansion meets the goals, objectives, and policies of the GMA comprehensive plan as discussed in the specific findings; and
  4. The expansion is consistent with the CPPs.
- F. The conditional expansion to the Arlington UGA adopted by this ordinance will be necessary to accommodate the population and employment growth forecasts for the year 2025, and to provide additional economic development opportunities through new jobs-creation. UGA-level growth targets were determined through the growth allocation process conducted through Snohomish County Tomorrow in 2003. This process resulted in the adoption of a new Appendix B to the countywide planning policies through amended Ordinance 04-006 by the county council on February 11, 2004. The initial growth targets for the Arlington UGA are: population – 20,720; employment – 14,730. These targets reflect Arlington's portion of the overall OFM countywide allocation for population and employment.
- G. Consultation with the City of Arlington during the public process for the 10-year comprehensive plan update resulted in a decision to increase Arlington's population allocation in order to facilitate creation of an urban TDR receiving area, as provided for by alternative TDR policies proposed for adoption in Ordinance No. 05-141. Corresponding changes to the growth targets set forth in Appendix B to the GPP will be reconciled with the countywide planning policies next year, as required by CPP UG-2.
- H. Snohomish County, in consultation with the City of Arlington and other cities, conducted a review and evaluation program of the densities being achieved in urban areas and the land use policies of the GPP as required by RCW 36.70A.215.

- I. The Buildable Lands Report completed in January 2003 evaluated development in the Arlington UGA and concluded that urban densities are being achieved within the Arlington UGA. The urban densities being achieved within the Arlington UGA are consistent with the policies contained within the county GPP and CPPs.
- J. The Buildable Lands Report determined that urban level densities are being achieved within the UGA and that the densities 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.
- K. SCT, with a consultant, ECONorthwest, developed a Phase II report titled "Recommended Method for Evaluating Local Reasonable Measures Programs" in June of 2003.
- L. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the Arlington 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.
- M. 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.
- N. Consideration of Reasonable Measures, prior to consideration of expansion of the UGA, is required by 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 the 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.
- O. The City of Arlington self-certified its compliance with reasonable measures requirements under RCW 36.70A.215.
- P. 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 UG -14d.



- Q. 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.
- R. 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 Policy LU 1.A.1.
- S. This conditional expansion to the Arlington 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. This conditional expansion to the Arlington 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 City of Arlington has been consulted regarding this conditional expansion to its UGA and has formally supported adoption of this ordinance.
- V. The proposal has been broadly disseminated and there has been early and continuous public participation in the review of this conditional expansion to the Arlington UGA as part of the 10-year update process.
- W. 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.
- X. 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.
- Y. Population, employment and housing elements are analyzed for the Arlington UGA expansion in Appendix A of the DEIS/FEIS.

Z. This conditional expansion to the Arlington UGA, as depicted in Exhibit A to this ordinance which is attached hereto, is supported by the UGA Land Capacity Analysis Technical Report adopted by the Snohomish County Council pursuant to RCW 36.70A.110 and the review of UGAs for the 10-year update to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3) and thus is consistent with CPP UG-14d(2).

AA. The conditional expansion of the Arlington UGA and implementing rezone is supported by the city and is consistent with the city's adopted UGA map. The City of Arlington currently has a Comprehensive Plan update under review. Any inconsistency between a UGA map adopted by the City of Arlington in the future and the county proposed UGA map will be resolved through the process specified in the CPPs adopted through SCT.

BB. 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 were 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 Arlington 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 of Arlington.
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 Arlington 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.

CC. The following area will be conditionally added to the Arlington UGA and rezoned to R-5-RA:

An area of 337 acres located generally northeast of Burn Road, west of 95<sup>th</sup> Ave NE, east of 87<sup>th</sup> Ave SE and south of Tveit Road and a change of land use designation from Rural Residential Basic (RR-5) with a Rural Urban Transition Area (RUTA) Overlay to Urban Low Density Residential (ULDR) with a Transfer of Development Rights Receiving Area Overlay.

- DD. These revisions to the Arlington UGA and associated rezones are within the scope of analysis contained in the DEIS and FEIS.
- EE. The TDR receiving area east of Arlington is located directly adjacent to urban growth and is easily served with urban services.
- FF. The City of Arlington is the appropriate provider of urban services to the area.
- GG. In the appendix for Population Targets attached to the 10-Year Update GPP, the Population Targets for the City of Arlington should be increased to accommodate this UGA area and should be subtracted from the TDR Population Reserve shown in the same appendix.
- HH. The landowners within the proposed TDR receiving area and the City of Arlington support the urban designation, TDR overlay, and requirement for use of TDR certificates.
- II. Designation of this area as a UGA expansion was analyzed as part of "Alternative 3" in the Draft Environmental Impact Statement for the 10-Year Update.

**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. This conditional expansion to the Arlington UGA represents 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 B to the CPPs. In conjunction with GPP Policy LU 1.A.9, the conditional UGA expansion adopted by this ordinance constitutes an innovative mechanism for managing growth pursuant to RCW 36.70A.090.
- B. This conditional expansion to the Arlington UGA and implementing rezone were developed in consideration of the 13 goals of the GMA for the development of local comprehensive plans, as codified at RCW 36.70A.020, and reflect a careful balancing these goals within the local conditions of Snohomish County.
  - 1. RCW 36.70A.020(1) requires comprehensive plans to encourage development within urban areas, which these amendments achieve by creating a TDR receiving area within the Arlington UGA.
  - 2. RCW 36.70A.020(2) requires comprehensive plans to reduce sprawling low-density development, which these amendments achieve by providing incentives to use TDR certificates that in turn to reduce development pressures on designated agricultural lands.
  - 3. RCW 36.70A.020(8) requires comprehensive plans to maintain and enhance natural resource based industries, which these amendments achieve by encouraging the use of TDR certificates that help to conserve designated agricultural lands.
- C. This conditional expansion to the Arlington UGA and implementing rezone maintain consistency between Snohomish County's GMA comprehensive plan and CPPs.
- D. This conditional expansion to the Arlington UGA and implementing rezone achieve the objectives specified for the 10-year update requirements in the GMA of accommodating projected growth for the succeeding 20-year period.
- E. This conditional expansion to the Arlington UGA and implementing rezone 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 conditional UGA expansion and implementing rezone.

- G. This conditional expansion to the Arlington UGA and implementing rezone 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. This conditional expansion to the Arlington UGA and implementing rezone are consistent with the county's efforts to implement its TDR program, as the area will be designated with a Transfer of Development Rights Receiving Area Overlay on the future land use map.
- I. 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.
- J. This conditional expansion to the Arlington UGA and implementing rezone 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.
- K. 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.
- L. Consistency and coordination of the UGA with the city's GMA-based comprehensive plan 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.
- M. The areawide rezone adopted by this ordinance, as mapped in Exhibit A, is consistent with and implements the 2005 GMA comprehensive plan and FLUM.
- N. Subject to the conditions in GPP Policy LU 14.A.9, as incorporated in sections 4 and 5 of this ordinance, the county council hereby adopts the amendment to the Arlington UGA as shown on Exhibit A and the implementing rezone as shown in Exhibit B, both of which are attached hereto and incorporated by reference as if set forth in full.

**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 94-125 on June 28, 1995, and last amended by Amended Ordinance No. 04-130 on November 17, 2004, including the appendices and maps contained therein, is hereby amended as indicated on Exhibit A (Amendments to Arlington Urban Growth Area Boundary and Future Land Use Map Designation), attached hereto and incorporated by reference into this ordinance as if set forth in full; provided, however, that such amendments shall become effective if, and only if, within six months from the effective date of this ordinance, Snohomish County executes an interlocal agreement with the City of Arlington pursuant to GPP Policy LU 14.A.9, as adopted by Amended Ordinance No. 05-141, in which case the amendments shall become effective on the date that the interlocal agreement is recorded with the county auditor.

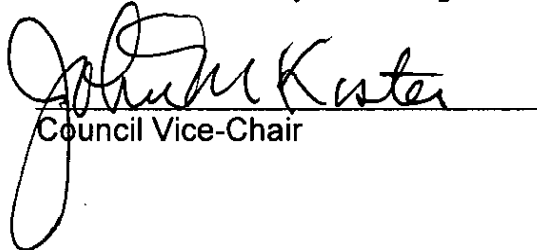
**Section 5.** Based on the foregoing findings and conclusions, the county council hereby adopts the area-wide rezone as mapped in Exhibit B (Areawide Rezone for Arlington Area), which is attached hereto and incorporated by reference into this ordinance as if set forth in full; provided, however, that such amendments shall become effective if, and only if, within six months from the effective date of this ordinance, Snohomish County executes an interlocal agreement with the City of Arlington pursuant to GPP Policy LU 14.A.9, as adopted by Amended Ordinance No. 05-141, in which case the amendments shall become effective on the date that the agreement is recorded with the county auditor.

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

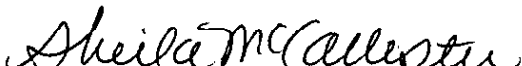
**Section 7.** Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity 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 21<sup>st</sup> day of December, 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


  
Council Vice-Chair

ATTEST:

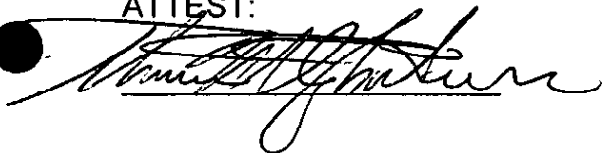
  
Asst. Clerk of the County Council

- Approved
- Emergency
- Vetoed

Date 12/30/05

  
County Executive

ATTEST:



Approved as to form only:





\_\_\_\_\_  
Brent D. Lloyd  
Deputy Prosecuting Attorney

D-23

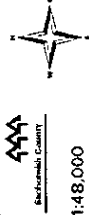
**Exhibit A**  
Snohomish County

GMA Comprehensive Plan  
10 Year Update

**Amendments to  
Arlington Urban Growth Area  
Boundary and  
Future Land Use Map  
Designation**

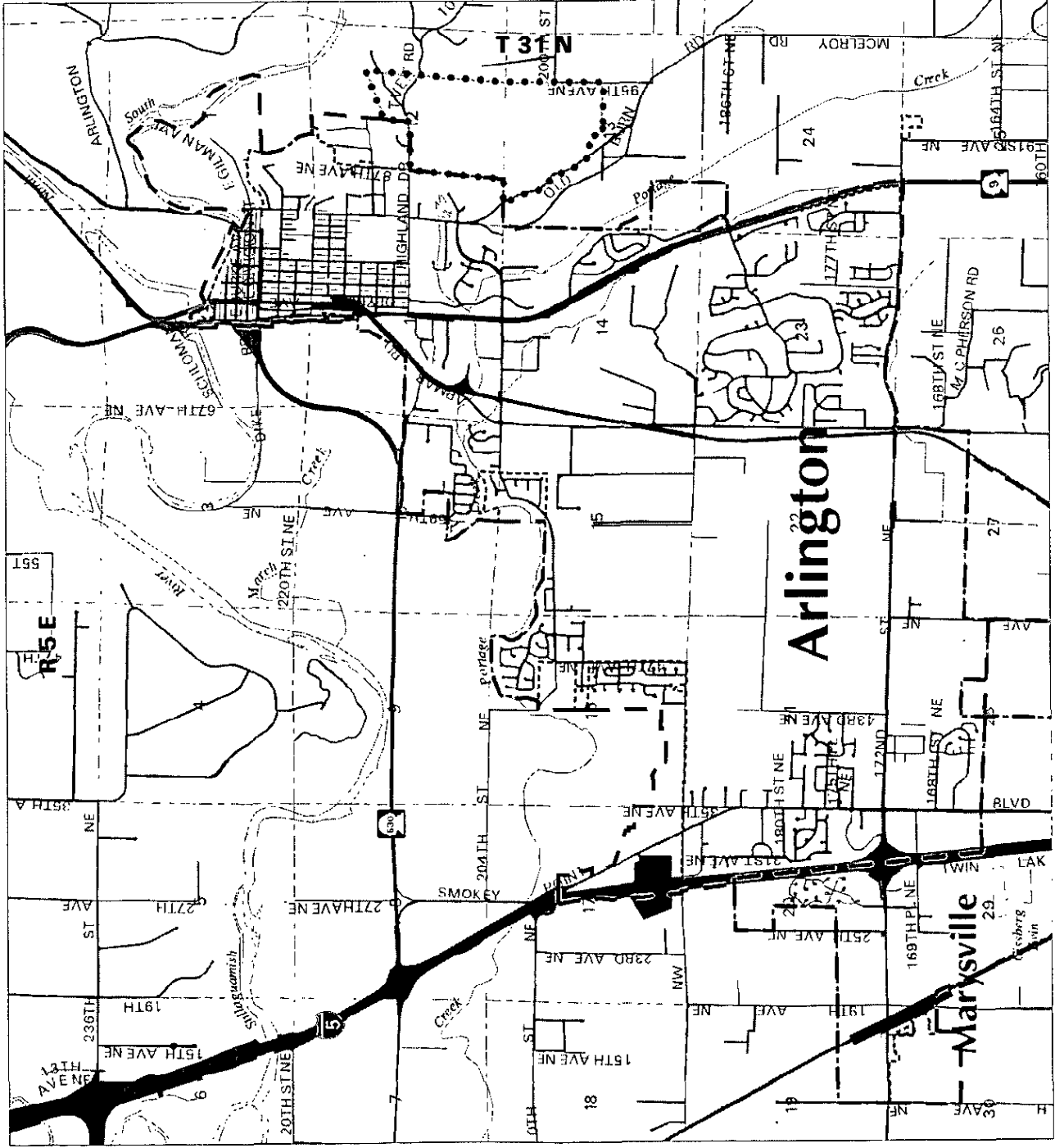
- Legend:
-  Areas Proposed for UGA Boundary Expansion.
  -  Areas Proposed to Go to Urban Low Density Residential
  -  Existing UGA Boundary
  -  Incorporated City

Snohomish County disclaims any warranty of accuracy or reliability of these data for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, 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.



Scale: 1:48,000  
Date: December 2005

Produced by Snohomish County Department of Planning and Development Services, Geographic Information System Unit, W:\planning\GIS\Exam\0414\041414\drainington\_notice\_01am








**Exhibit B**  
**Snohomish County**

GMA Comprehensive Plan  
 10 Year Update

**Areawide Rezone for  
 for Arlington Area**

- Legend:
-  Areas Proposed for Zoning Changes (from R-5 to R-5-RA).
  -  Existing UGA Boundary
  -  Incorporated City

Snohomish County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. No representation or warranty is 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 damages, loss, or liability arising from any use of this map.



Scale: 1:48,000  
 Date: December 2005

Produced by Snohomish County Department of Planning and Development Services, Cartography/GIS Team; cbb /AW/pjg/carto/fluterus/pjns/rlt4 tdr/arlington\_notice\_8am

