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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-097

RELATING TO GROWTH MANAGEMENT, AMENDING ORDINANCE NO. 93-004 TO AMEND
COUNTYWIDE PLANNING POLICY UG-14 TO ALLOW UGA EXPANSIONS TO ACCOMMODATE
LEVEL II HEALTH AND SOCIAL SERVICE FACILITIES

WHEREAS, the Growth Management Act (GMA) at RCW 36.70A.210(2) requires adoption of countywide planning policies, which consists of written policy statements used for establishing a countywide framework from which county and city comprehensive plans are developed and adopted under the GMA; and

WHEREAS, RCW 36.70A.210 also requires that countywide planning policies govern interjurisdictional collaboration of county and city planning efforts and implementation of the GMA's requirements for designating urban growth areas (UGAs); and

WHEREAS, Snohomish County has adopted countywide planning policies in Ordinance No. 93-004 on February 4, 1993, and later amended those policies in Ordinance No. 94-002 on February 2, 1994; Ordinance No. 95-005 on February 15, 1995; Ordinance No. 95-110 on December 20, 1995; Ordinance No. 98-054 on July 15, 1998; Ordinance No. 99-120 on January 19, 2000; Amended Ordinance No. 99-121 on February 16, 2000; Amended Ordinance Nos. 03-71, 03-72 and 03-73 on July 9, 2003; Amended Ordinance No. 03-070 on December 10, 2003; Amended Ordinance No. 04-006 on February 11, 2004; and Amended Ordinance No. 04-007 on March 31, 2004; and

WHEREAS, the county's requirements for designating UGAs are contained in Countywide Planning Policy UG-14; and

WHEREAS, the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed the proposal to amend Countywide Planning Policy UG-14 on September 14, 2006, and recommended approval of the proposed amendment to the SCT Steering Committee; and

WHEREAS, the SCT Steering Committee reviewed the PAC recommendation on September 27, 2006; and

WHEREAS, the Snohomish County Council held a public hearing on December 11, 2006, continued to December 13 and 20, 2006, and approved the proposed amendment to Policy UG-14, as recommended by the SCT Steering Committee;

NOW, THEREFORE BE IT ORDAINED:

Section 1. The County Council makes the following findings and conclusions:

A. The foregoing recitals are incorporated herein by this reference.

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B. The amendment to existing countywide planning policies provided for in this ordinance are consistent with the housing policies of the Vision 2020 1995 Update and the requirements of the GMA, including but not limited to, provisions relating to interjurisdictional coordination and adoption of countywide planning policies and by providing additional opportunities for the location of Level II Health and Social Service Facilities supports city and county housing policies designed to facilitate the provision of housing designed for special needs populations.

C. Appropriate public participation has been provided through the SCT process and through a public hearing on this ordinance held after public notice by the County Council on December 11, 2006, continued to December 13 and 20, 2006.

D. Requirements of the State Environmental Policy Act have been met through the issuance of Addendum No. 7 to the Vision 2020 Final Environmental Impact Statement on October 27, 2006.

E. CPP UG-14(d)(7) was adopted to provide for urban growth area expansions to include parcels of land designated Public/Institutional Use and recognizes that in limited circumstances, urban growth area expansions are appropriate to accommodate limited public or institutional uses (i.e., non-residential or employment capacity urban growth area expansions). This amendment to UG-14(d) expands condition 7 to allow UGA expansions to accommodate "a Level II Health and Social Service Facility, provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use." A Level II Health and Social Service Facility is defined in county code at SCC 30.91H.095(2), and includes hospitals, nursing homes, private adult treatment homes, mental health facilities, soldiers' and veterans' homes, state residential schools for hearing and visual impaired, alcoholism and drug residential treatment facilities, institutional boarding homes for the care of senior citizens and the disabled, child birthing centers, and hospices. These types of facilities are public or institutional uses and should be recognized as such by the County. The Central Puget Sound Growth Management Hearings Board recognized in The Children's Alliance and Low Income Housing Institute v. City of Bellevue, CPSGMHB Case No. 95-3-0011 (Final Decision and Order, July 25, 1995), that cities and counties must not make the siting of such facilities impracticable. Condition 7 currently provides for UGA expansion where "The expansion will allow the development of 1) a church, or 2) a school, K-12, including public, private and parochial, provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and will not add any residential, commercial or industrial capacity to the affected UGA." These provisions are retained with this amendment.

Section 2. Section 1 of Ordinance No. 93-004, adopted February 4, 1993, and last amended by Amended Ordinance No. 04-007, on March 31, 2004, is further amended by amending Countywide Planning Policy UG-14, which is contained in the document entitled "Countywide Planning Policies for Snohomish County", to read as follows:

UG-14 Establish a review and evaluation program, which includes an annual data collection component, pursuant to RCW 36.70A.215 ("Buildable Lands Program"). The evaluation component required by the Buildable Lands Program will be completed no later than September 1, 2002. Subsequent evaluations shall occur at least once every five years. This evaluation may be combined with the review and evaluation of county and city comprehensive land use plans and

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development regulations required by RCW 36.70A.130(1), and the review of urban growth areas required by RCW 36.70A.130(3).

- a. **Procedures Report:** Using the Snohomish County Tomorrow process, develop an analysis procedures report for the evaluation required by the first Buildable Lands Program, that has been accepted and recommended by the Snohomish County Tomorrow Steering Committee and adopted by the County Council, and is used by all Snohomish County jurisdictions when conducting their buildable lands review and evaluation; provided that in the event of subsequent disagreement among jurisdictions the SCT process will be used in an attempt to resolve the disagreement, and, if unresolvable, an individual jurisdiction may adopt its own procedures report. The procedures report used by local jurisdictions shall address the following issues:
 1. Multi-year work program and schedule;
 2. Jurisdictional responsibilities for data collection, analysis and reporting;
 3. Five-year buildable lands review and evaluation methodology, including a methodology for establishing an accurate countywide baseline inventory of commercial and industrial lands;
 4. Annual data collection requirements;
 5. Coordinated interjurisdictional data collection strategy; and
 6. Content of the five-year buildable lands review and evaluation report.
- b. **Identification of Reasonable Measures:**

A list of reasonable measures that may be used to increase residential, commercial and industrial capacity in UGAs, without adjusting UGA boundaries, is contained in Appendix C. The County Council will use the list of reasonable measures and guidelines for review contained in Appendix C to evaluate all UGA boundary expansions proposed pursuant to UG-14(d) 1 through 4.
- c. **Procedures for Resolving Inconsistencies in Collection and Analysis of Data:**

In the event of a dispute among jurisdictions relating to inconsistencies in collection and analysis of data, the affected jurisdictions shall meet and discuss methods of resolving the dispute. In the event a successful resolution cannot be achieved, the Snohomish County Tomorrow Steering Committee shall be asked to meet and discuss resolution of the matter. In such instances, the Steering Committee co-chairs will make every effort to ensure that all Steering Committee jurisdictions are present and in attendance, and that the affected jurisdictions are provided with proper notice of such discussion. Nothing in this policy shall be construed to alter the land use power of any Snohomish County jurisdiction under established law.
- d. **Expansion of the Boundary of an Individual UGA:** Expansion of the boundary of an individual UGA to include additional residential, commercial and industrial land shall not be permitted unless it is supported by a land capacity analysis adopted by the County Council pursuant to RCW 36.70A.110 and otherwise complies with the Growth Management Act, includes consultation with appropriate jurisdictions in the UGA or MUGA, and one of the following ten conditions are met, provided that conditions six through eight do not apply to the Southwest UGA:

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1. The expansion is a result of the most recent buildable lands review and evaluation required by RCW 36.70A.215.
2. The expansion is a result of the review of UGAs at least every ten years to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).
3. Both of the following conditions are met for expansion of the boundary of an individual UGA to include additional residential land:
 - (a) Population growth within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty percent of the additional population capacity estimated for the UGA at the start of the planning period, as documented in the most recent Snohomish County Tomorrow Growth Monitoring Report or the buildable lands review and evaluation (Buildable Lands Report).
 - (b) An updated residential land capacity analysis conducted by city and county staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions, and any new information presented at public hearings by any jurisdiction that confirms or revises the conclusions is considered.
4. For expansion of the boundary of an individual UGA to include additional commercial and industrial land, the county and the city or cities within that UGA document that commercial or industrial land consumption within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty percent of the developable commercial or industrial land supply within the UGA at the start of the planning period. In UGAs where this threshold has not yet been reached, the boundary of an individual UGA may be expanded to include additional commercial or industrial land if the expansion is based on an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA. Other parcel characteristics determined to be relevant to the assessment of the adequacy of the remaining commercial or industrial land base, as documented in the most recent Snohomish County Tomorrow Growth Monitoring Report or the buildable lands review and evaluation (Buildable Lands Report), as they may be confirmed or revised based upon any new information presented at public hearings, may also be considered as a basis for expansion of the boundary of an individual UGA to include additional commercial or industrial land.
5. The expansion will result in the realization of a significant public benefit as evidenced by Transfer of Development Rights (TDR) to the expansion area from Agriculture or Forest lands designated as TDR sending areas. The expansion area shall not be a designated forest or agricultural land of long-term significance.
6. The expansion is necessary to make technical corrections to a UGA boundary to be more consistent with UG-1, which requires a UGA to have identifiable physical boundaries such as natural features, roads, or special purpose districts, where feasible. Provided that expansions shall not increase total residential or employment capacity of an individual UGA, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report, by more than 0.5% in any given year.

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7. The expansion will allow the development of 1) a church((-)) or ((2)) a school, K-12, including public, private and parochial, provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and will not add any residential, commercial or industrial capacity to the affected UGA, or 2) a Level II Health and Social Service Facility, provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use.
8. The expansion will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space adjacent to the revised UGA boundary and will provide separation between urban and rural areas. The presence of significant natural or cultural features shall be determined by the respective legislative bodies of the county and the city or cities immediately adjacent to the proposed expansion, and may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archeological resources, unique wildlife habitat, and fish and wildlife conservation areas.
9. The expansion is a response to a declaration by the County Executive, or the County Council by resolution, of a critical shortage of affordable housing which is uncurable in a timely manner by the implementation of reasonable measures or other instrumentality reasonably available to the jurisdiction, and the expansion is reasonably calculated to provide affordable housing.
10. The expansion will result in the economic development of lands that no longer satisfy the designation criteria for natural resource lands and the lands have been redesignated to an appropriate non-resource land use designation. Provided that expansions are supported by the majority of the affected cities and towns whose UGA or designated MUGA is being expanded and shall not create a significant increase in total employment capacity as represented by permanent jobs) of an individual UGA, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report in the year of expansion. (Revised per Ord. 03-072)

Section 3. The County Council directs the Code Reviser to update SCC 30.10.050 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.

Section 4. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or invalid or unconstitutional by 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, 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.

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PASSED this 20th day of December, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirke Sievers
Kirke Sievers, Council Chair

ATTEST:

Sheila McCallister
Clerk of the County Council, *asst.*

- Approved
- Emergency
- Vetoed

Date JANUARY 9th, 2007
MARK SOINE
Deputy Executive
County Executive

ATTEST:

Luidy Bogan 01-09-07

APPROVAL AS TO FORM ONLY

Deputy Prosecuting Attorney

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