

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 06-103

REVISING THE EXISTING URBAN GROWTH AREA FOR
THE CITY OF LAKE STEVENS, AMENDING AMENDED ORDINANCE NO. 05-075, AND
AMENDING AMENDED ORDINANCE NO. 05-069

WHEREAS, the Growth Management Act (GMA) 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 UGA for Lake Stevens through Amended Ordinance No. 94-117 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 No. 94-125 which adopted a GMA Comprehensive Plan (GMACP) including a General Policy Plan (GPP) and Future Land Use Map; and

WHEREAS, the Snohomish County Council amended the Lake Stevens UGA on November 7, 2001 (Amended Ordinance No. 01-074), and on December 21, 2005 (Amended Ordinance No. 05-075), in conformance with the requirements of the GMA; and

WHEREAS, the Snohomish County Council approved amendments to the comprehensive plan through the 10-Year Update to the GMA Comprehensive Plan process on December 21, 2005 (Amended Ordinance No. 05-069); and

WHEREAS, on December 21, 2005, consistent with the adopted UGA boundaries in Amended Ordinance No. 05-075, the Snohomish County Council adopted Appendix D of the General Policy Plan through Amended Ordinance No. 05-069, setting the 2025 population target for the Lake Stevens UGA at 46,125; and

WHEREAS, the GMA Comprehensive Plan was last amended by Ordinance No. 06-053 on July 19, 2006; 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 located 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

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WHEREAS, the GMA states that “[u]rban growth should be located 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

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

WHEREAS, Countywide Planning Policy (CPP) UG-14.d.6 and General Policy Plan (GPP) Policy LU-1.A.11(5) allow expansions to make technical corrections to a UGA boundary to be more consistent with CPP UG-1, which requires a UGA to have identifiable physical boundaries such as natural features, roads or special use districts; provided, that expansions shall not increase total residential or employment capacity of an individual UGA by more than the lesser of 0.5% or 20 acres; and

WHEREAS, the territory added to the Lake Stevens UGA is consistent with the requirements of CPP UG-14.d and GPP Objective LU-1.A because it is to align the boundary with a natural feature, has a *de minimis* effect on the population target and no effect on the employment capacity for the Lake Stevens UGA, and is supported by the adopted December 20, 2006 Addendum to the December 22, 2005 Snohomish County UGA Land Capacity Analysis Technical Report; and

WHEREAS, on April 19, 2006, the Snohomish County Council held a public hearing to receive public testimony on proposed County and non-County initiated amendments to the comprehensive plan for consideration on the 2006 Final Docket; and

WHEREAS, the Snohomish County Council, on April 19, 2006, approved, by Motion No. 06-080, a list of docket proposals for inclusion on the 2006 Final Docket and authorized the County Executive, through the Department of Planning and Development Services (PDS), to process the 2006 Final Docket consistent with Chapters 30.73 and 30.74 SCC; and

WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and evaluation of the 2006 Final Docket, including the proposals to amend the map and text of the comprehensive plan, and forwarded recommendations to the Snohomish County Planning Commission; and

WHEREAS, this expansion area received environmental review as required under the State Environmental Policy Act (SEPA) and a Determination of Nonsignificance was issued on September 8, 2006; and

WHEREAS, on September 26, 2006, the Snohomish County Planning Commission held a public hearing to receive public testimony on the proposed amendments to the comprehensive plan; and

WHEREAS, on October 3, 2006, the planning commission deliberated on the PDS recommended package of 2006 Final Docket amendments at an advertised public hearing; and

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WHEREAS, at the conclusion of the public hearing the planning commission voted to recommend adoption of the proposed package of comprehensive plan and regulatory amendments, with certain modifications as enumerated in its recommendation letter of October 19, 2006; and

WHEREAS, the county council held a public hearing on December 11, 2006, to receive public testimony and consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan and regulatory amendments; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on December 13 and 20 2006;
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. 05-069 and Amended Ordinance No. 05-075.
- C. This expansion to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance which attached hereto, is consistent with the GMA requirement that a UGA may include areas contiguous with the existing UGA boundary if such lands are adjacent to areas characterized by urban growth (RCW 36.70A.110).
- D. This expansion to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance which is attached hereto, includes areas that can be reasonably served with public services and facilities, and that are supported by the city for inclusion within its UGA.
- E. This expansion to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance which is attached hereto, is consistent with applicable CPP and GPP Policies, particularly those contained in the CPP Urban Growth section including UG-14, and GPP Land Use element including Goal LU 1, "Establish compact, clearly defined UGAs", and applicable Objectives and Policies thereunder.
- F. This expansion to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance which is attached hereto, is consistent with GPP Policy LU 1.A.11(5) because it is a technical correction aligning the UGA boundary with the top of a steep bank in order to achieve a more identifiable physical boundary, and does not increase total residential or employment capacity of the UGA by more than 0.5% or 20 acres, whichever is less.
- G. This expansion to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance which is attached hereto, results in a 0.02% increase in total residential capacity and no additional employment capacity, and is 1.2 acres.

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- H. The proposed expansion to the Lake Stevens UGA is consistent with the following final review and evaluation criteria of Chapter 30.74 SCC:
- a. This amendment maintains consistency with other elements of the GMA comprehensive plan;
 - b. All applicable elements of the GMA comprehensive plan support this proposed amendment;
 - c. This amendment more closely meets the goals, objectives, and policies of the GMA comprehensive plan as discussed in the specific findings;
 - d. This amendment to the GPP text and FLU Map amendment is consistent with the Countywide Planning Policies;
 - e. This amendment complies with the GMA;
 - f. New information submitted by the property owner is available that was not considered during the 10-Year Update of the GMA Comprehensive Plan and the Lake Stevens UGA that changes underlying assumptions and supports this amendment. The northern part of the 1.2 acres is contiguous with an upland area that is urbanizing and the southern part is separated from adjacent lands to the south by a steep ravine.
- I. The proposed amendment to the City of Lake Stevens UGA is supported by the city and consistent with the city's adopted UGA map. Any inconsistency between a UGA map adopted by the City of Lake Stevens in the future and the county proposed UGA map will be resolved through the process specified in the CPPs adopted through SCT.
- J. This proposal has been broadly disseminated and there has been early and continuous public participation in the review of this expansion to the Lake Stevens UGA as part of the GMACP 2006 Final Docket process.
- K. A Determination of Nonsignificance was issued on September 8, 2006. PDS, as the lead agency, considered the environmental impacts of the UGA expansion and associated rezone shown in Exhibit A of this ordinance, attached hereto, and determined that this proposal does not have a probable, significant adverse impact on the environment.
- L. The following area will be added to the Lake Stevens UGA:
- An area of 1.2 acres adjacent to and south of the Lake Stevens UGA between Vernon Road and Lundeen Parkway, and northwest of a steep slope carved out by Weiser Creek. The area is appropriate for addition to the UGA and re-designation from Rural Residential to Urban Low Density Residential because the area is contiguous with lands within the UGA and separated from lands outside the UGA by severe topographic features. The expansion is consistent with the GMA and CPP UG-1. The area is adjacent to territory already characterized by urban growth and can be served by public facilities and services. The City of Lake Stevens supports this proposal. The proposal has a *de minimis* effect on the total residential capacity and no effect on employment capacity for the UGA.

- M. Snohomish County Tomorrow (SCT) with a consultant, ECONorthwest, developed a Phase II report titled "Recommended Method for Evaluating Local Reasonable Measures Programs" in June of 2003.
- N. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the Lake Stevens 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.
- O. 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.
- P. 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.
- Q. The proposed expansion to the Lake Stevens UGA is consistent with the December 20, 2006 Addendum to the December 22, 2005 Snohomish County UGA Land Capacity Analysis Technical Report.

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 amendment to the Lake Stevens UGA, as depicted in Exhibit A (LS 1) to this ordinance and redesignation from Rural Residential to Urban Low Density Residential more closely meets the goals, objectives and policies of the GPP than the existing plan designation.
- B. This amendment to the Lake Stevens UGA is consistent with the population and employment growth targets for this UGA for the year 2025 as adopted by the county council and reflected in Appendix D to the General Policy Plan (GPP), and as adopted in Appendix B to the Countywide Planning Policies.
- C. This expansion to the Lake Stevens UGA is consistent with the requirements of the GMA and the planning goals set out in RCW 36.70A.020(1) and (2) because it focuses development at urban densities within a logical service boundary, and where adequate public facilities and services can be provided in an efficient manner.
- D. This expansion to the Lake Stevens UGA is consistent with the CPPs, GPPs, and all other elements and components of the GMACP.
- E. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.

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- F. This expansion to the Lake Stevens UGA retains 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.
- G. The SEPA requirements with respect to this proposed action have been satisfied by the Determination of Nonsignificance issued on September 8, 2006.
- H. 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. 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.
- I. The county council hereby adopts the amendment to the Lake Stevens 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 Council hereby adopts the amendments to the Lake Stevens Urban Growth Area as shown on Exhibit A (a map individually identified as LS 1 (John Robinett) attached hereto and incorporated by reference into this ordinance as if set forth in full

Section 5. Based on the foregoing findings and conclusions, the Snohomish County GMA Comprehensive Plan - General Policy Plan Future Land Use Map, adopted as Exhibit HH in Amended Ordinance No. 05-069 on December 21, 2005, and last amended by Amended Ordinance No. 06-053 on July 19, 2006, is hereby amended as indicated on Exhibit A (a map individually identified as LS 1 John Robinett) attached hereto and incorporated by reference into this ordinance as if set forth in full.

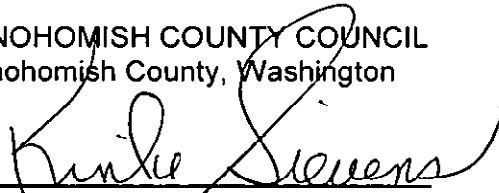
Section 6. The county council directs the Code Reviser to update SCC 30.10.060 pursuant to the authority in SCC 1.02.020(3) upon adoption of this Ordinance.

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.

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PASSED this 20th day of December, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Kirke Sievers, Council Chair

ATTEST:


Clerk of the County Council, *asst.*

- Approved
- Emergency
- Vetoed


Date January 9th, 2007


MARK SOINE
~~Deputy Executive~~
County Executive

APPROVAL AS TO FORM ONLY

Deputy Prosecuting Attorney

ATTEST:

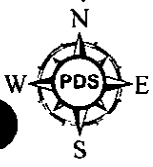

Date 01-09-07

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Exhibit A
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2006 Final Docket Proposed Comprehensive Plan Amendment

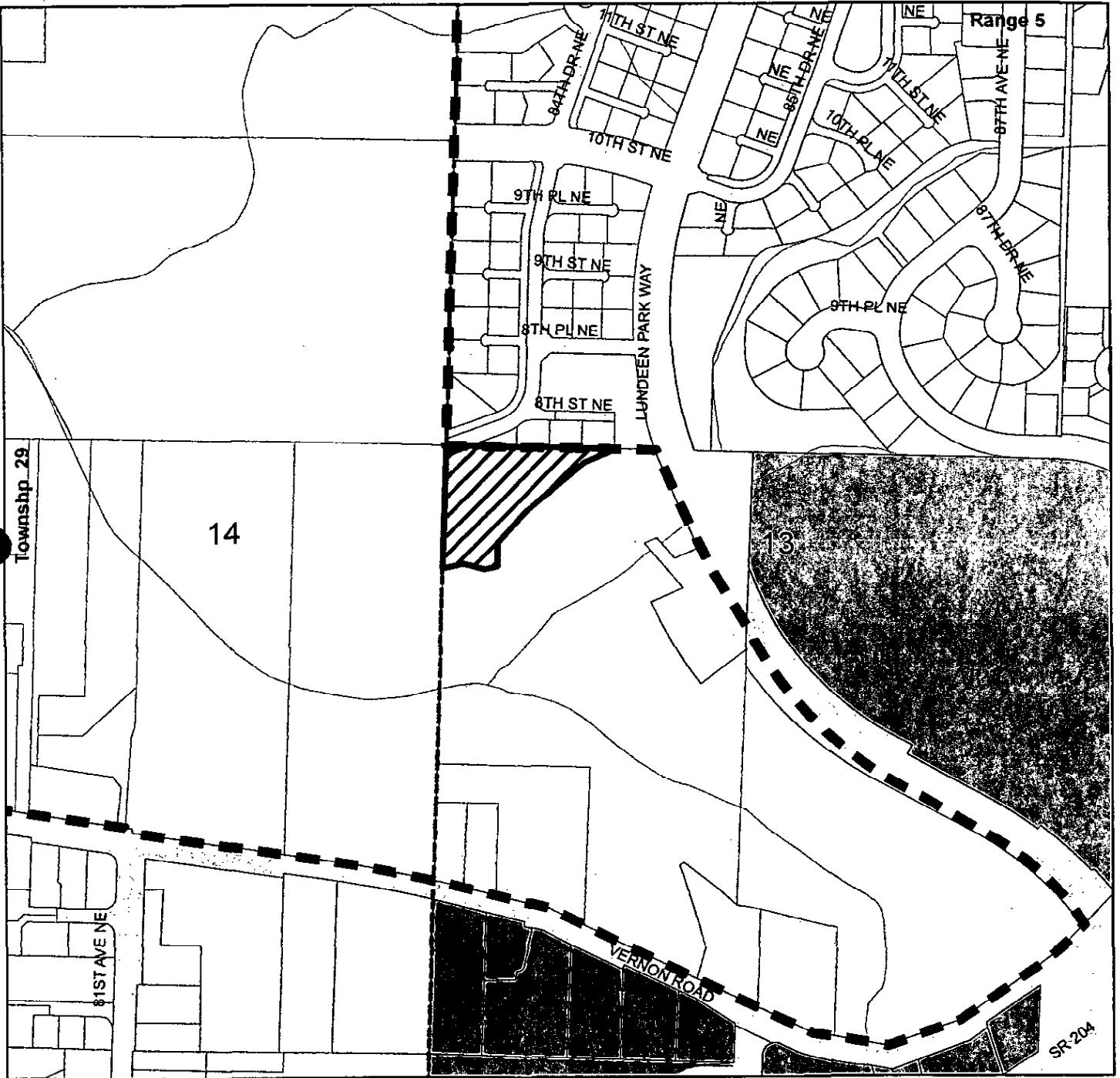
Planning Commission Recommendation



Snohomish County

GMA Comprehensive Plan

LS 1 (John Robinett)



Proposed Plan Amendment:

LS 1 (Robinett)

Expand Urban Growth Area Boundary and Redesignate Rural Residential (1 DU/5 Ac. Basic) to Urban Low Density Residential (4-6 DU/Ac.)

Existing Plan Designations:

- Rural Res. (1DU/5 Ac. Basic)
- Urban Low Density Res.
- Urban Medium Density Res.

Urban Growth Area Boundary

Current Incorporated Cities

Assessor Parcel Base

Section Grid

Township-Range Grid



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