



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-113

RELATING TO THE GROWTH MANAGEMENT ACT,
ADOPTING GENERAL POLICY PLAN TEXT AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING THE
PUBLIC/INSTITUTIONAL USE DESIGNATION TO AUTHORIZE LIMITED UGA
EXPANSIONS FOR LEVEL II HEALTH AND SOCIAL SERVICES FACILITIES; AND
MAKING TECHNICAL CORRECTIONS

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations; and

WHEREAS, the Snohomish County Council adopted Chapter 30.74 SCC, "Growth Management Act Public Participation Program Docketing," to comply with the requirements of RCW 36.70A.130 and .470; 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 proposal to amend the text of the comprehensive plan to authorize limited Urban Growth Area expansions to accommodate level II health and social services facilities (HSSFs), identified as 2006 Final Docket proposal GPP3a-alternative, and forwarded recommendations to the Snohomish County Planning Commission; and

WHEREAS, the planning commission held public hearings on the 2006 Final Docket of the proposed package of comprehensive plan and regulatory amendments on September 26, October 3, and October 24, 2006, and forwarded a recommendation to the county council; and

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WHEREAS, the amendments to Countywide Planning Policy UG-14 authorizing this text change had not yet been adopted at the time of the planning commission hearing and therefore the proposal to amend the text of the comprehensive plan to authorize limited Urban Growth Area expansions to accommodate level ii health and social service facilities (HSSF's), identified as 2006 Final Docket proposal GPP3a-alternative did not at that time meet one of the criteria for approval [SCC 30.74.060(2)(d)]; and

WHEREAS, on September 14, 2006, the Planning Advisory Committee (PAC) of Snohomish County Tomorrow (SCT) reviewed a proposal to amend Countywide Planning Policy UG-14 to allow urban growth area (UGA) expansions to accommodate level II HSSFs provided that the expansion area is adjacent to an existing UGA and will be designated and zoned exclusively for that use and recommended the proposed amendment to the SCT Steering Committee; and

WHEREAS, on October 25, 2006, the SCT Steering Committee reviewed the PAC recommendation and made a positive recommendation to the County Council; 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 CPP UG-14, as recommended by the SCT Steering Committee; and

WHEREAS, the county council held a public hearing on December 11, 2006, continued to December 13 and 20, 2006, to consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan and regulatory amendments, and to hear public testimony on this Ordinance No. 06-113.

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 adopts the following additional general findings of fact related to the plan text amendment to the General Policy Plan (GPP):
 1. The County has met and exceeded the state and local requirements for public participation and interjurisdictional coordination.
 2. Level II Health and Social Service Facilities are defined at SCC 30.91H.095, and include public and institutional uses that are necessary to serve the public. This ordinance recognizes that, like churches and schools, urban growth area expansions to accommodate level II HSSFs should be facilitated in order to provide necessary urban services.

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3. The General Policy Plan (GPP) text amendment for HSSFs is consistent with all of the following final review and evaluation criteria of SCC 30.74:
 1. The proposed amendment maintains consistency with other elements of the Growth Management Act Comprehensive Plan (GMACP).
 2. All applicable elements of the GMACP support the proposed amendment.
 3. The proposed amendment to the GPP text is consistent with the Countywide Planning Policies (CPPs).
 4. The proposed amendment complies with the GMA.
 5. New information is available that was not considered the last time the comprehensive plan was adopted that changes the underlying assumptions and supports the proposed amendment.
- C. The amendment to the GMACP satisfies the procedural and substantive requirements of and is consistent with the GMA.
- D. Technical corrections to the GPP text where policy numbering references changed as a result of the 10-year update of the GMACP from "LU 1.A.9" to "LU 1.A.11" are necessary.
- E. Addendum No. 5 to the Snohomish County GMACP 10-Year Update EIS was issued on December 4, 2006 for the GPP3a-alternative proposal. This addendum adds information and analysis of previously identified significant impacts and alternatives to the EIS issued for the county's GMACP 10-Year Update. The information in this addendum expands on previous identified alternatives, but does not substantially change the analysis of significant impacts and alternatives analyzed in the EIS. No additional significant impacts beyond those identified in the original EIS are expected to occur.
- F. The State Environmental Policy Act (SEPA) requirements with respect to this proposed action have been satisfied by these documents.

Section 2. The county council makes the following conclusions regarding the amendments adopted by this ordinance:

- A. It is in the public's interest to facilitate the provision of urban services to Level II Health and Social Service Facilities. Public/Institutional Uses can be difficult to site and growth board precedent suggests that local jurisdictions should not frustrate the siting of such facilities. See 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).

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- B. The proposed GPP text amendment is consistent with the final review and evaluation criteria of SCC 30.74.
- C. The proposal, GPP3a-alternative, to amend GPP text to expand the definition of the Public/Institutional Use (P/IU) designation to include level II health and social service facilities (HSSFs) and to allow expansion of a UGA for lands with level II HSSFs if designated P/IU is necessary to encourage such facilities to locate in or adjacent to urban growth areas.
- D. The proposal facilitates the provision of urban services for necessary public/institutional facilities that may be difficult to site.
- E. All SEPA requirements with respect to this proposed non-project action have been satisfied.
- F. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.
- G. A public hearing was held before the county council on December 11, 2006, continued to December 13 and 20, 2006 which meets state and local public participation requirements for the adoption of an ordinance under the GMA.
- H. The county council considered the entire hearing record and written testimony during the public comment period, and oral testimony given during a public hearing before the county council.

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, last amended by Ordinance No. 06-053 on July 19, 2006, is amended as indicated in Exhibit A to this ordinance (GPP3a-alternative) which is attached hereto and incorporated by reference into this ordinance as if set forth in full.

Section 5. 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 6. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings 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

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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 20th day of December, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kimberly Silvens
Council Chair

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: Jan. 9, 2007

MARK SOINE
Deputy Executive
Snohomish County Executive

ATTEST:

Kimberly Pagan 01-09-07

Approved as to form only:

Deputy Prosecuting Attorney

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Exhibit A
Amended Ordinance No. 06-113
General Policy Plan Text Amendment

GPP3a-alternative

Amend GPP text on pages LU-91 and LU-92 to amend the definition of the Public/Institutional Use (P/IU) designation to include level II health and social service facilities (HSSFs) and to allow expansion of a UGA for lands with level II HSSFs if designated P/IU; and making technical corrections.

The proposed amendment to GPP text on pages LU-91 and LU-92 would read as follows:

Public/Institutional Use (P/IU). The Public/Institutional Use designation can be applied to existing or planned public and privately owned and/or operated properties including churches, schools, parks, government buildings, level II health and social service facilities, utility plants and other government operations or properties within UGAs or adjacent to UGAs. The P/IU designation can be applied to existing areas within a UGA, as well as areas being added to a UGA concurrent with a re-designation to P/IU. When applying the P/IU designation, the following requirements apply:

- (1) Use of P/IU designation for existing areas within a UGA.

The P/IU designation is appropriate for existing or planned government owned and/or operated properties, including schools, parks, government buildings, utility plants, and other government operations or properties as requested. There are no specific implementing zones for this designation since zoning will vary from site to site. However, only zones that allow schools, parks, government buildings, level II health and social service facilities, utility plants or other government operations either outright or conditionally may implement this designation. Implementing zoning should be consistent with surrounding zones.

- (2) Use of P/IU designation in conjunction with a UGA expansion.

All residential, commercial, or industrial UGA expansions are subject to the requirements of ~~((LU 1.A.9))~~ LU 1.A.11. Institutional UGA expansions are not subject to the requirements of ~~((LU 1.A.9))~~ LU 1.A.11, provided that the land added to a UGA is designated P/IU concurrent with or prior to the UGA expansion. Subsequent re-designations of land added to a UGA under the P/IU designation are subject to the applicable requirements of ~~((LU 1.A.9))~~ LU 1.A.11 for residential, commercial, or industrial UGA expansions. Where land added to a UGA is designated P/IU, the implementing zone will be R-7,200, R-8,400, or R-9,600. When applied to land designated P/IU concurrent with or prior to a UGA expansion, these implementing zones shall allow only churches, level II health and social service facilities, and school instructional facilities unless the land is re-designated to urban commercial, residential, or industrial in compliance with the UGA expansion requirements of ~~((LU 1.A.9))~~ LU 1.A.11.