



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-127

REVISING THE EXISTING URBAN GROWTH AREA FOR
THE CITY OF STANWOOD, AMENDING ORDINANCE NO. 06-053, 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

WHEREAS, the Snohomish County Council designated a UGA for Stanwood through Amended Ordinance No. 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 No. 94-125 which adopted a GMA Comprehensive Plan (GMACP) including a General Policy Plan (GPP) and Future Land Use Map; and

WHEREAS, the county council amended the Stanwood UGA on December 21, 2005 (Amended Ordinance No. 05-081), in conformance with the requirements of the GMA; and

WHEREAS, the county council approved amendments to the comprehensive plan through the 10-Year Update to the GMACP 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. 05-081, the county council adopted Appendix D of the General Policy Plan (GPP) through Amended Ordinance No. 05-069, setting the 2025 population target for the Stanwood UGA at 9,340; and

WHEREAS, the GMACP 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 adequately 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 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

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, 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, the county council amended the GMACP on December 21, 2005, through passage of Amended Ordinance No. 05-069; and

WHEREAS, the county council amended the Stanwood UGA boundary as part of the 10-Year update; and

WHEREAS, the territory added to the Stanwood 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, the territory added to the Stanwood UGA herein is consistent with condition 5 of GPP LU Policy 1.A.11 which allows for UGA expansion as a technical correction that does not increase the UGA by more than 20 acres; and

WHEREAS, the territory added to the Stanwood UGA herein is consistent with condition 5 of GPP LU Policy 1.A.11 which allows for UGA expansion as a technical correction because it will not increase residential capacity by more than 0.5%. Of the territory to be added, 5.49 acres will not be available for residential development due to the location of a sewage lift station, roads, Native Growth Protection Areas mitigation, and the presence of a stream. This proposal would accommodate an additional population of 55 persons.

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WHEREAS, the Stanwood UGA expansion provides an adequate amount of land to accommodate the twenty-year population and employment allocation (WAC 365-195-335(3)(e)(v)); and

WHEREAS, Countywide Planning Policy (CPP) UG-14.d.6 and 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 Stanwood UGA is consistent with the requirements of CPP UG-14.d and GPP Objective LU-1.A as the UGA boundary is aligned with the top of the ravine containing Church Creek (a natural topographic feature); the added territory does not increase total residential capacity by the lesser of 0.5% or 20 acres, does not affect the employment capacity for the Stanwood UGA, and is supported by the adopted land capacity analysis; and

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 county council has determined that the consideration of such proposed amendments and revisions to the comprehensive plan and development regulations would promote a county purpose as established under RCW 36.70A.130 and RCW 36.70A.470 and Chapter 30.74 SCC; and

WHEREAS, on April 19, 2006, the 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 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, As part of the County's public review process for the 2006 final docket, the county considered the proposal to expand the Stanwood UGA known as STAN 1; 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

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WHEREAS, on September 26, 2006, the 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

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

WHEREAS, the applicant for the STAN 1 docket proposal submitted a revised version of the original application that reduces the acreage of the UGA expansion from 37 acres to 10.5 acres in order to provide a more identifiable physical UGA boundary and exclude a significant amount of critical areas; 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 to hear public testimony on Ordinance No. 06-127.

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 Ordinance No. 06-053.
- C. 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.
- D. A "Reasonable Measures" report was completed by Snohomish County in 2005 covering all of the unincorporated UGAs throughout Snohomish County including the Stanwood 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.
- E. 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.

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- F. 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.
- G. This expansion to the Stanwood UGA, as depicted in Exhibit A (STAN 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).
- H. This expansion to the Stanwood UGA, as depicted in Exhibit A (STAN 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-1, and the GPP Land Use element, including Goal LU 1, "Establish compact clearly defined UGAs", and applicable Objectives and Policies thereunder.
- I. The STAN 1 expansion to the Stanwood UGA, as reduced from the applicant's original request, consists of an area of 10.5 acres adjacent to and east of the Stanwood UGA, north of Woodland Road, and west of Church Creek. The area is appropriate for addition to the UGA and re-designation from Rural Residential-5 to Urban Low Density Residential because the area is contiguous with lands within the UGA. The proposal would accommodate an additional population of 55 persons. The expansion is consistent with the GMA and CPP UG-1. The additional increase in population does not exceed the total population capacity allowed for in the composite UGA safety factor of 15%, as stated in GPP Policy LU 1.A.1. The area is adjacent to territory already characterized by urban growth and can be served by public facilities and services including sanitary sewer.
- J. This 10.5 acre expansion to the Stanwood UGA, as depicted in Exhibit A (STAN 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 the western edge of a ravine containing Church Creek 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.

- K. The proposed expansion to the Stanwood 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. 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 Stanwood UGA that changes underlying assumptions and supports this amendment.
- L. The proposed amendment to the Stanwood UGA is supported by the City of Stanwood and is consistent with the city's adopted UGA map. Any inconsistency between a UGA map adopted by the city in the future and the county proposed UGA map will be resolved through the process specified in the CPPs adopted through SCT.
- M. This proposal has been broadly disseminated and there has been early and continuous public participation in the review of this expansion to the Stanwood UGA as part of the GMACP 2006 Final Docket process.
- N. A draft supplemental environmental impact statement (DSEIS) to the EIS issued for the 2005 Snohomish County GMACP 10-Year Update was issued on September 8, 2006, and included the original Decker/Leavitt STAN 1 proposal, which was for a larger, 37-acre UGA expansion. A Final SEIS, including response to comments on the DSEIS, was prepared following the 30-day comment period and was issued on December 4, 2006. The purpose of the SEIS was to analyze potential significant adverse environmental impacts of the proposals, including the Decker/Leavitt STAN 1 proposal, and any alternatives that were not previously identified in the EIS and which provided supplemental analysis and information relating to the proposed map and text amendments.

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 Stanwood UGA, as depicted in Exhibit A (STAN 1) to this ordinance and redesignation from Rural Residential-5 to Urban Low Density Residential more closely meets the goals, objectives and policies of the GPP than the existing plan designation.
- B. This expansion to the Stanwood 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.
- C. This expansion to the Stanwood UGA is consistent with the CPPs, GPPs, and all other elements and components of the GMACP.
- D. The proposal to expand the Stanwood UGA meets the criteria for UGA expansions as stipulated in GPP 1.A.11 and other GPP land use designation policies.
- E. The criteria allows for individual UGA expansions provided that the total of all technical corrections that expand the UGA do not exceed 20 acres or do not exceed the residential capacity by more than 0.5%, which ever is less. The STAN 1 proposal will result in an increase of 10.5 acres to the Stanwood UGA.
- F. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.
- G. This expansion to the Stanwood 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.
- H. All SEPA requirements with respect to this non-project action have been satisfied by the action identified in Finding N.
- I. 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 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.
- J. The county council hereby adopts the amendments to the Stanwood UGA as shown on Exhibit A (attached).

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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 Stanwood Urban Growth Area as shown on Exhibit A (a map individually identified as Stan 1) 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 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.

PASSED this 20th day of December, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirke Sievers
Kirke Sievers, Council Chair

ATTEST:

Shirley McAllister
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:

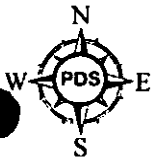
Lucy Began Date 01-09-07

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Exhibit A
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2006 Final Docket

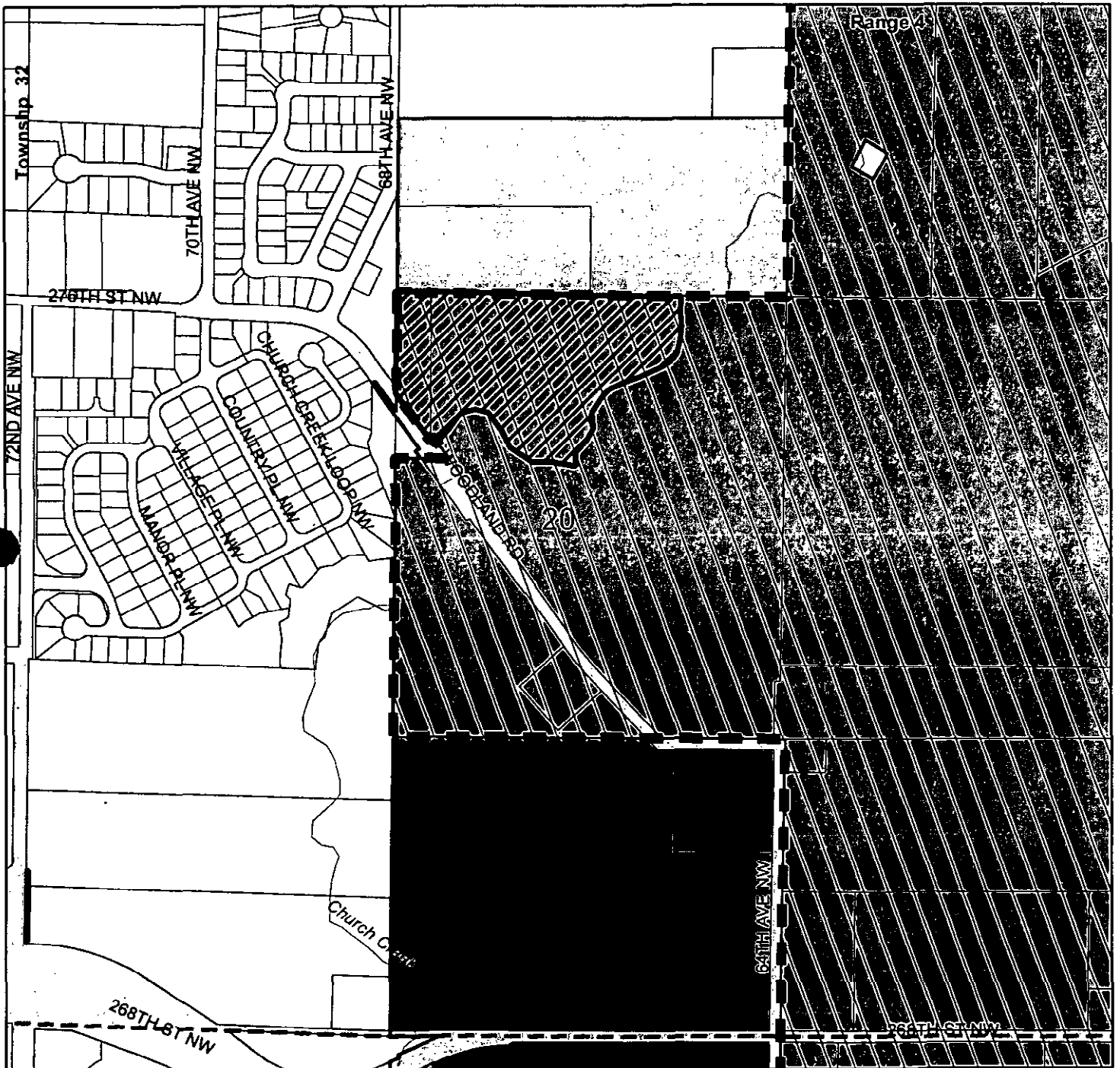
Proposed Comprehensive Plan Amendment

STAN 1 (Decker / Leavitt)



GMA Comprehensive Plan

Snohomish County



Proposed Plan Amendment:

Stan 1 (Decker/Leavitt)

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

Existing Plan Designations:

- Rural Residential 5
- Urban Low Density Res.
- Urban Med. Density Res.
- Urban Industrial
- Rural / Urban Transition Area

- Urban Growth Area Boundary
- Current Incorporated Cities
- Assessor Parcel Base
- Section Grid
- Township-Range Grid

December 2006

Feet

0 250 500 750 1,000

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

Produced by Snohomish County Department of Planning and Development Services, Cartography/GIS Team

Map Document: (W:\p\g\carto\fl\stnup\ref\17\Docket 2006\Final Docket County Council_hearing 12-11-06. Individual Ordinance Map\Stan1_FLU_rev\Decker121506.mxd) 12/15/2006