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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 07-139

ACTING TO COMPLY WITH THE FINAL DECISION AND ORDER ISSUED BY
THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD
IN CASE NO. 07-3-0026c CONCERNING THE FUTURE LAND USE MAP AND
ZONING MAP DESIGNATIONS FOR THE McNAUGHTON AND PARK RIDGE
CHAPEL PROPERTIES

WHEREAS, on December 20, 2006, the County Council adopted the following ordinances as part of its 2006 docket process authorized by the Growth Management Act (GMA) concerning amendments to the Snohomish County GMA Comprehensive Plan Future Land Use Map (FLUM) and zoning map relating to the McNaughton and Park Ridge Chapel properties:

1. Amended Ordinance No. 06-102 which amended the FLUM designation of the McNaughton and Park Ridge Chapel properties from Urban Low Density Residential to Urban Medium Density Residential;
2. Amended Ordinance No. 06-104 which amended the zoning map designation of the McNaughton and Park Ridge Chapel properties from R-9,600 to Low Density Multiple Residential; and

WHEREAS, the Cities of Bothell and Mill Creek appealed the adoption of Amended Ordinance Nos. 06-102 and 06-104 related to the McNaughton and Park Ridge Chapel properties to the Central Puget Sound Growth Management Hearings Board (Board) in the case of City of Bothell, et al. v. Snohomish County, No. 07-3-0026c (*Bothell*); and

WHEREAS, on September 17, 2007, the Board issued a Final Decision and Order (FDO) in the *Bothell* case finding the County's re-designation and rezoning of the McNaughton and Park Ridge Chapel properties to be out of compliance with the Growth Management Act (GMA) and remanding Amended Ordinance Nos. 06-102 and 06-104 to Snohomish County with direction to take legislative action to come into compliance with the requirements of the GMA with respect to those properties; and

WHEREAS, The Snohomish County Council desires by this legislative action to bring the County into compliance with the GMA and the Board's FDO by restoring the McNaughton and Park Ridge Chapel properties to the FLUM and zoning map designations that they had prior to the adoption of Amended Ordinance Nos. 06-102 and 06-104.

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1
2 NOW, THEREFORE, BE IT ORDAINED:
3

4 **Section 1.** The county council makes the following findings:
5

- 6 A. The county council adopts and incorporates the foregoing recitals as findings as if
7 set forth fully herein.
- 8 B. The county council finds that adoption of this Ordinance is necessary to resolve the
9 finding of noncompliance in the FDO issued by the Board in the *Bothell* case related
10 to the designation of the McNaughton and Park Ridge Chapel properties on the
11 FLUM and zoning map.
- 12 C. The county council finds that adoption of this Ordinance to restore the FLUM and
13 zoning map designations for the McNaughton and Park Ridge Chapel properties to
14 what they were prior to the adoption of Amended Ordinance Nos. 06-102 and 06-
15 104 is necessary bring the County into compliance with the GMA.
- 16 D. The proposal for the McNaughton property is to amend the FLUM designation of 74
17 acres east of 35th Ave SE to the UGA Line and north of Maltby Road from Urban
18 Medium Density Residential to Urban Low Density Residential, and to amend the
19 zoning map designation for that property from Low Density Multiple Residential to R-
20 9,600.
- 21 E. The proposal for the Park Ridge Chapel property is to amend the FLUM designation
22 of 19 acres northwest of the intersection of Maltby and Jewell Roads, east and west
23 of York Road, from Urban Medium Density Residential to Urban Low Density
24 Residential, and to amend the zoning map designation for that property from Low
25 Density Multiple Residential to R-9,600.
- 26 F. The amendments maintain consistency with all elements of the Snohomish County
27 Growth Management Act Comprehensive Plan (GMACP) including the
28 Transportation and Capital Facilities Elements.
- 29 G. The amendments are consistent with the GMA requirements that the
30 comprehensive plan of a county or city be an internally consistent document (RCW
31 36.70A.070), and that development regulations be consistent with and implement
32 the comprehensive plan (RCW 36.70A.040(3)(d) and .130(1)(d)).
- 33 H. The amendments comply with all requirements of the GMA and support the
34 following GMA planning goals (1) Urban Growth, (2) Reduce Sprawl, (3)
35 Transportation, (4) Housing, (11) Public Participation and Coordination, and (12)
36 Public Facilities and Services.
- 37 I. The proposal is consistent with the Countywide Planning Policies including Policy
38 OD-1 to promote development within urban growth areas in order to use land
39 efficiently, add certainty to capital facility planning, and to allow for the timely and
40 coordinated extension of urban services and utilities for new development.

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- 1 J. The amendments to the GMACP and zoning map satisfy the procedural and
2 substantive requirements of, and are consistent with, the GMA.
- 3 K. This matter is exempt from planning commission review pursuant to SCC
4 30.73.040(2).
- 5 L. The county has met the state and local requirements for public participation and
6 interjurisdictional coordination.
- 7 M. A Draft Supplemental Environmental Impact Statement (DSEIS) to the
8 Environmental Impact Statement for the 2005 Snohomish County GMACP 10-Year
9 Update was issued on September 8, 2006. Included in the DSEIS was analysis of
10 the McNaughton and Park Ridge Chapel proposals which the Board found
11 noncompliant in the *Bothell* FDO. A Final SEIS (FSEIS), including response to
12 comments on the DSEIS, was prepared following the 30-day comment period and
13 was issued on December 4, 2006. The FSEIS analyzed potential significant
14 environmental impacts of the McNaughton and Park Ridge Chapel proposals
15 including the No Action Alternative. The amendments to the GMACP and zoning
16 map in this ordinance restore the properties to the same designations that were
17 analyzed in the No Action Alternative. As the FSEIS has previously analyzed the
18 proposed amendments, the State Environmental Policy Act (SEPA) requirements
19 with respect to this proposed action have been satisfied by these documents.
20
- 21 N. A public hearing was held before the county council on December 19, 2007.

22
23 **Section 2.** The county council makes the following conclusions regarding the
24 amendments adopted by this ordinance:
25

- 26 A. The county council concludes that adoption of this Ordinance is necessary to
27 resolve the Board's finding of noncompliance in the FDO in the *Bothell* case related
28 to the McNaughton and Park Ridge Chapel properties.
- 29 B. The amendments maintain the GMACP's consistency with the multi-county policies
30 adopted by the Puget Sound Regional Council and with the CPPs for Snohomish
31 County.
- 32 C. The amendments are consistent with the GMACP and comply with the GMA.
- 33 D. All SEPA requirements with respect to this non-project action have been satisfied.
- 34 E. The County complied with state and local public participation requirements under
35 the GMA and chapter 30.73 SCC.
- 36 F. The county council considered the entire hearing record and written testimony
37 during the public comment period and oral testimony given during a public hearing
38 before the county council.
39

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1 **Section 3.** The county council bases its findings and conclusions on the entire record
2 of the county council, including all testimony and exhibits. Any finding, which should be
3 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
4 adopted as such.
5

6 **Section 4.** Based on the foregoing findings and conclusions, the Snohomish County
7 GMA Comprehensive Plan – General Policy Plan Future Land Use Map last amended
8 by Amended Ordinance No. 06-102, is amended as indicated in Exhibits A-1 and B-1 to
9 this ordinance, which is attached hereto and incorporated by reference into this
10 ordinance as if set forth in full.
11

12 **Section 5.** Based on the foregoing findings and conclusions, the area-wide zoning
13 map, last amended by Amended Ordinance No. 06-104, is amended as indicated in
14 Exhibits A-2 and B-2 to this ordinance, which is attached hereto and incorporated by
15 reference into this ordinance as if set forth in full.
16

17 **Section 6.** The rezones adopted pursuant to Section 5 of this ordinance shall not
18 alter the vested status of any subdivision application for an affected property. A rezone
19 application for any property identified in Section 5 of this ordinance made pursuant to
20 chapter 30.42A SCC that has been filed in conjunction with an application for a
21 subdivision or short subdivision for the same property pursuant to chapters 30.41A and
22 30.41B SCC, respectively, shall be vested to policies and regulations in effect at the
23 time of filing of the complete application for the subdivision, when both the rezone and
24 subdivision applications are complete prior to the effective date of this ordinance.
25

26 **Section 7.** The county council directs the Code Reviser to update SCC 30.10.060
27 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.
28

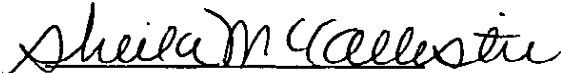
29 **Section 8.** If any section, sentence, clause or phrase of this ordinance shall be held to
30 be invalid or unconstitutional by the Growth Management Hearings Board, or a court of
31 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
32 constitutionality of any other section, sentence, clause or phrase of this ordinance.
33 Provided, however, that if any section, sentence, clause or phrase of this ordinance is
34 held to be invalid by the Board or court of competent jurisdiction, then the section,
35 sentence, clause or phrase in effect prior to the effective date of this ordinance shall be
36 in full force and effect for that individual section, sentence, clause or phrase as if this
37 ordinance had never been adopted.
38

1
2 PASSED this 19th day of December, 2007.
3

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington
6


7
8 
9 Council Chair

10 ATTEST:

11 
12 Asst. Clerk of the Council
13

14 APPROVED
15 EMERGENCY
16 VETOED
17

18 DATE: 12/19, 2007
19

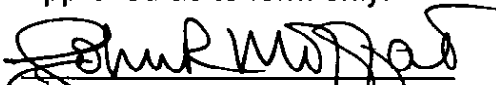
20 
21 Snohomish County Executive
22

23 ATTEST:

24 
25

26 MARK SOINE
27 Deputy Executive

28 Approved as to form only:

29 
30 Deputy Prosecuting Attorney
31

11-20-07

D.35

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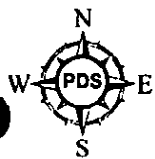


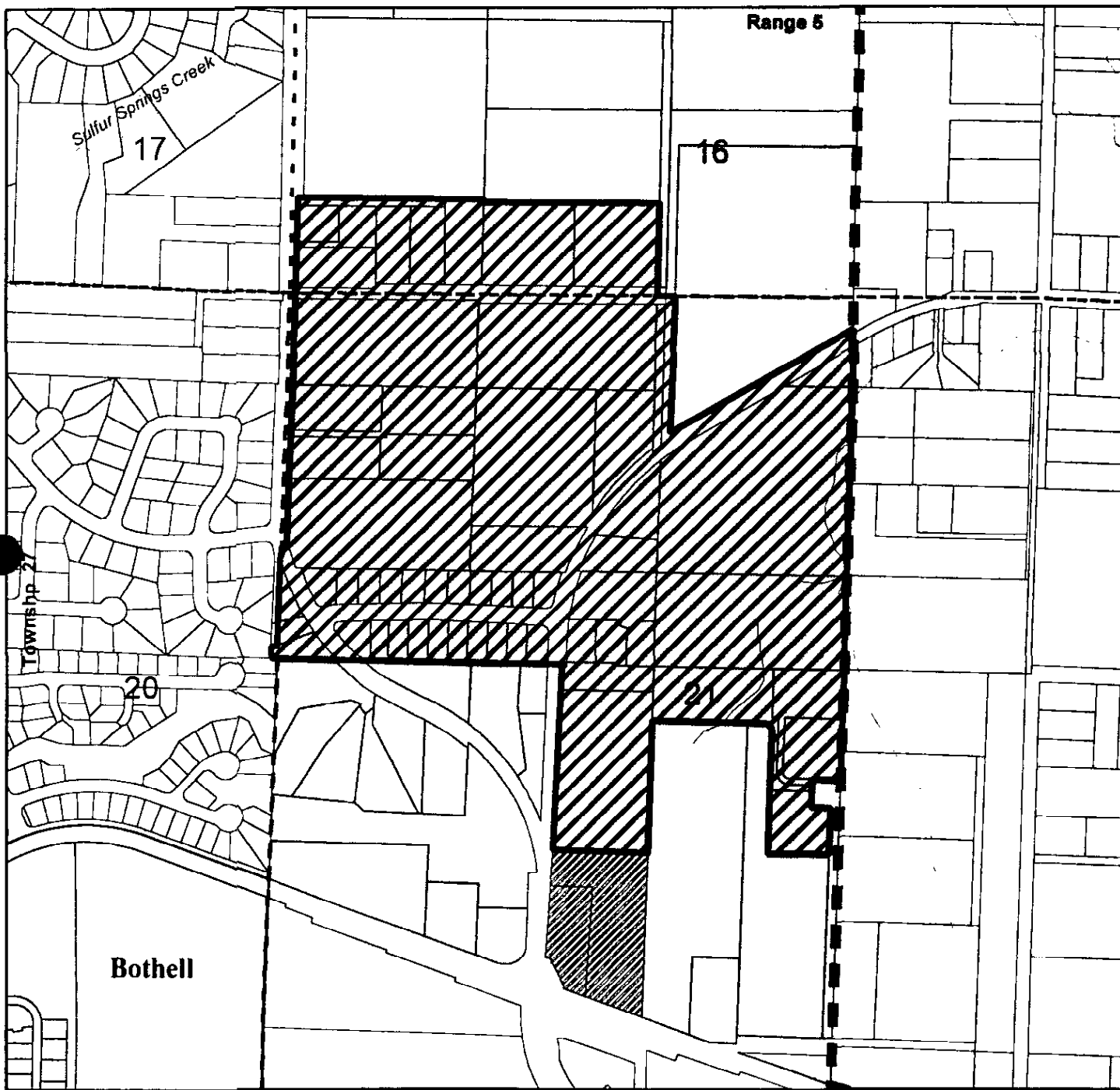
Exhibit A-1 Proposed Comprehensive Plan Amendment

McNaughton




GMA Comprehensive Plan

Snohomish County













Proposed Plan Amendment:

-  **SW14 (McNaughton)**
- Redesignate Urban Medium Residential Density (6-12 DU/Ac.) to Urban Low Density Residential (4-6 DU/Ac.)

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

Existing Plan Designations:

-  Rural Res. (1DU/5 Ac. Basic)
-  Urban Low Density Res.
-  Urban Medium Density Res.
-  Urban Village
-  Public/Institutional Use
-  Urban Growth Area Boundary
-  Current Incorporated Cities
-  Assessor Parcel Base
-  Section Grid
-  Township-Range Grid

0 260 520 780 1,040 Feet

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December 2007

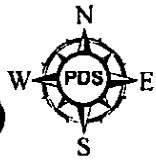


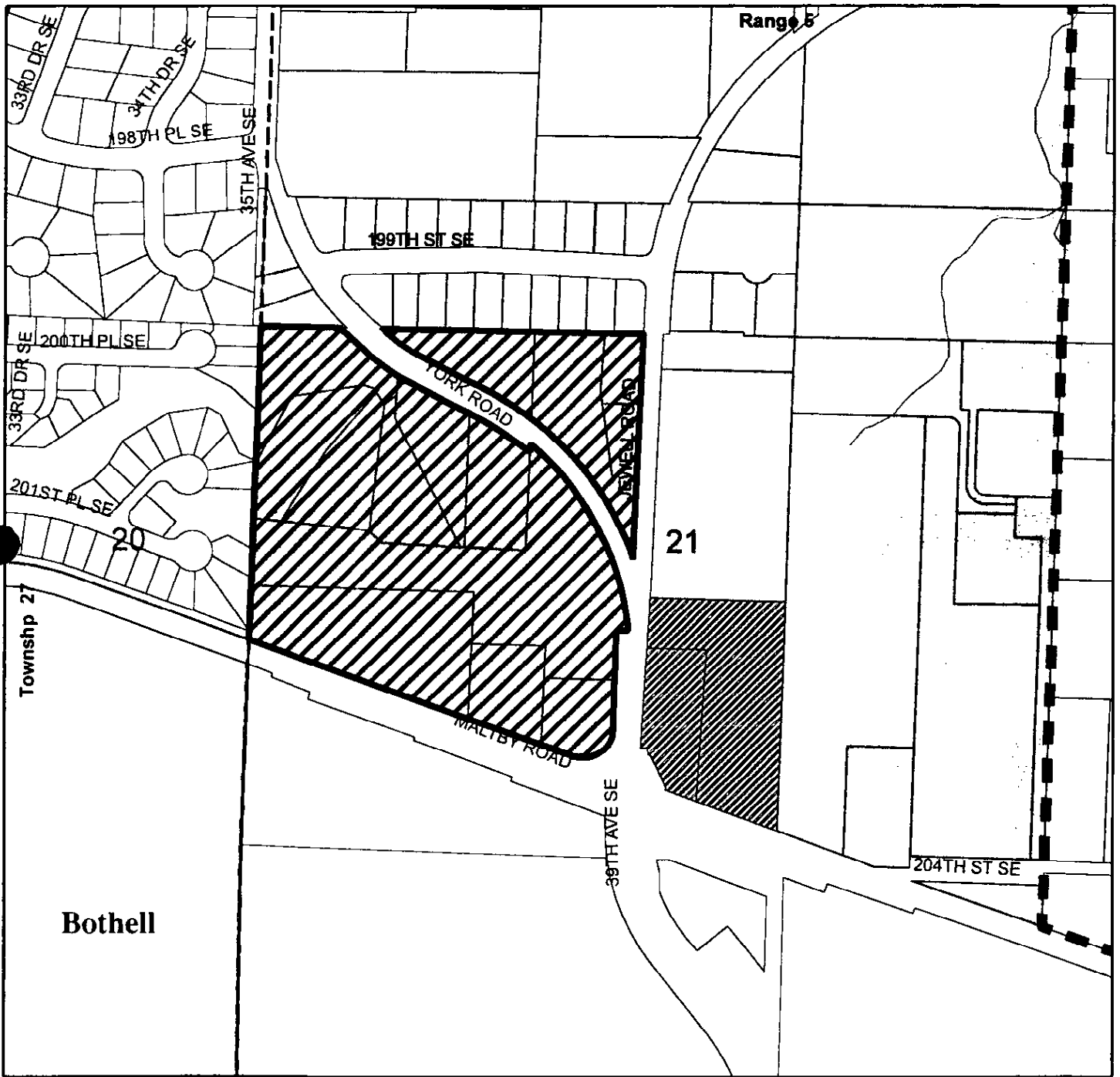
Exhibit B-1 Proposed Comprehensive Plan Amendment



GMA Comprehensive Plan

Park Ridge Chapel

Snohomish County



Proposed Plan Amendment:

- SW20 (Park Ridge Chapel)**
- Redesignate Urban Medium Density Residential (6-12 DU/Ac.) to Urban Low Density Residential (4-6 DU/Ac.)

Existing Plan Designations:

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

Urban Growth Area Boundary

- Current Incorporated Cities
- Assessor Parcel Base
- Section Grid
- Township-Range Grid



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December 2007

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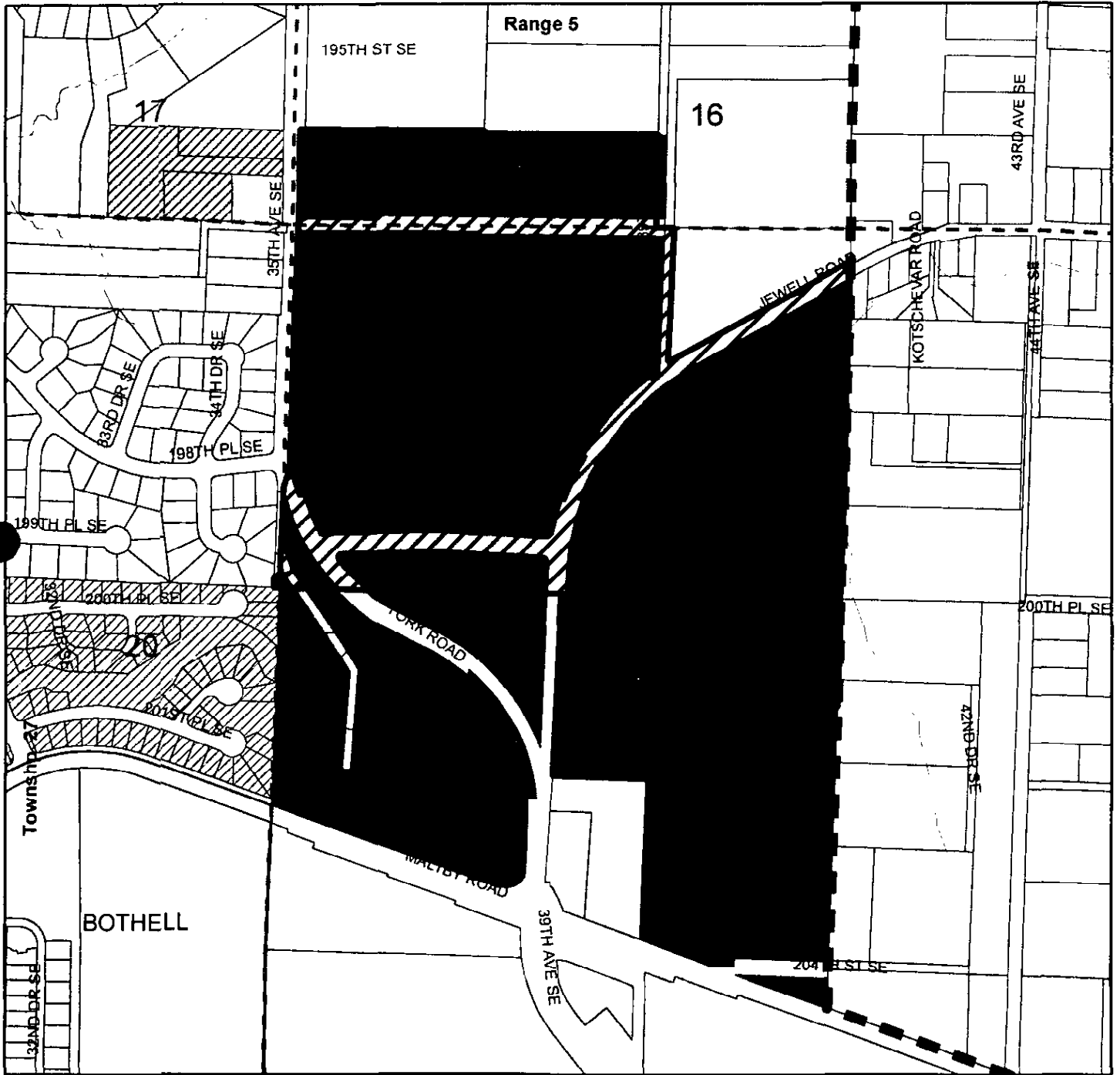
Exhibit A-2 Proposed Area-wide Rezone

McNaughton



GMA Comprehensive Plan

Snohomish County



Proposed Rezone:

SW 14 (McNaughton)
Rezone from LDMR to R-9,600

Existing Zoning

- NB
- R-7,200 (PRD)
- R-7,200
- LDMR
- MR
- R-5
- PRD-9,600
- R-9,600

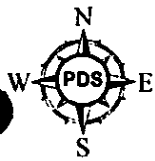
Urban Growth Area Boundary

- Current Incorporated Cities
- Assessor Parcel Base
- Section Grid
- Township-Range Grid



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GMA Comprehensive Plan


Exhibit B-2

Proposed Area-wide Rezone









Park Ridge Chapel







Proposed Rezone:

 SW 20 (Park Ridge Chapel)
 Rezone from LDMR to R-9,600

Existing Zoning

-  LDMR
-  MR
-  NB
-  PRD-9,600
-  PRD-LDMR
-  R-5
-  R-7,200
-  R-9,600

 Urban Growth Area Boundary

-  Current Incorporated Cities
-  Assessor Parcel Base
-  Section Grid
-  Township-Range Grid

0 250 500 750 1,000 Feet

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