

1 Adopted: August 21, 2013

2 Effective: *Sept 2, 2013*

3
4
5 SNOHOMISH COUNTY COUNCIL
6 SNOHOMISH COUNTY, WASHINGTON

7
8 ORDINANCE NO. 13- 061
9

10 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
11 MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT
12 ACT COMPREHENSIVE PLAN, AMENDING THE ZONING MAP TO IMPLEMENT
13 CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
14 URBAN GROWTH AREA (ARL1 - CITY OF ARLINGTON)
15

16 WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the
17 Growth Management Act (GMA) to adopt procedures for interested persons to propose
18 amendments and revisions to the Growth Management Act Comprehensive Plan
19 (GMACP) or development regulations; and
20

21 WHEREAS, the Snohomish County Council (county council) adopted chapter
22 30.74 Snohomish County Code (SCC), "Growth Management Act Public Participation
23 Program Docketing," to comply with the requirements of RCW 36.70A.130 and .470;
24 and
25

26 WHEREAS, the county council has determined that the consideration of the
27 proposed amendments and revisions to the GMACP and development regulations
28 would promote a county purpose as established under RCW 36.70A.130, RCW
29 36.70A.470 and chapter 30.74 SCC; and
30

31 WHEREAS, the Department of Planning and Development Services (PDS)
32 compiled a list of non-county initiated amendments and revisions received by the
33 October 29, 2010, deadline and evaluated these proposed amendments, including the
34 ARL1 – City of Arlington proposal, for consistency with the initial docket review criteria
35 in SCC 30.74.030(1) and 30.74.040; and
36

37 WHEREAS, PDS briefed the Snohomish County Agricultural Advisory Board on
38 the docket application, ARL1 – City of Arlington proposal, on April 12, 2011; and
39

40 WHEREAS, on June 1, 2011, the county council held a public hearing to receive
41 public testimony on proposed non-county initiated amendments to the GMACP for
42 consideration on Final Docket XVI, including the ARL1 – City of Arlington proposal; and
43

ORDINANCE No. 13-061
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
URBAN GROWTH AREA (ARL1 – CITY OF ARLINGTON)

1 WHEREAS, on June 1, 2011, the county council approved, by Amended Motion
2 No. 11-131, a list of proposed non-county initiated comprehensive plan amendments for
3 consideration and final action on Final Docket XVI, including the ARL1 – City of
4 Arlington proposal, and authorized the county executive, through PDS, to process Final
5 Docket XVI consistent with chapters 30.73 and 30.74 SCC; and
6

7 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and
8 evaluation of Final Docket XVI, including the ARL1 – City of Arlington proposal, and
9 forwarded recommendations to the planning commission; and
10

11 WHEREAS, PDS briefed the planning commission on Final Docket XVI, including
12 the ARL1 – City of Arlington proposal, on April 23, 2013; and
13

14 WHEREAS, the planning commission held a public hearing and received public
15 testimony on Final Docket XVI, including the ARL1 – City of Arlington proposal, on May
16 28, 2013; and
17

18 WHEREAS, on May 28, 2013, the planning commission completed deliberations
19 on Final Docket XVI, including the ARL1- City of Arlington proposal, and recommended
20 adoption of the ARL1 – City of Arlington proposal as enumerated in its recommendation
21 letter of June 13, 2013; and
22

23 WHEREAS, the Snohomish County Council held a public hearing on August 21,
24 2013 2013, to consider the entire record, including the planning commission's
25 recommendation on Final Docket XVI and the ARL1 – City of Arlington proposal, and to
26 hear public testimony on this Ordinance No. 13-061.
27

28 NOW, THEREFORE, BE IT ORDAINED:
29

30 Section 1. The county council makes the following findings:
31

- 32 A. The county council adopts and incorporates the foregoing recitals as findings as if
33 set forth fully herein.
34
- 35 B. The ARL1 – City of Arlington proposal would revise the Arlington Urban Growth
36 Area (UGA) to add 51.53 acres of land that will remain designated on the Future
37 Land Use Map (FLUM) of the General Policy Plan (GPP) as Riverway Commercial
38 Farmland (RCF) with a Transfer of Development Rights (TDR) Sending Area
39 Overlay and will remain zoned Agriculture-10 Acre (A-10).
40
41

ORDINANCE No. 13-061
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
URBAN GROWTH AREA (ARL1 – CITY OF ARLINGTON)

1 C. The ARL1 – City of Arlington proposal is consistent with the GMA, including RCW
2 36.70A.060(4) as the city has an adopted transfer of development rights (TDR)
3 program:
4

5 “(4) Forest land and agricultural land located within urban growth areas shall not
6 be designated by a county or city as forest land or agricultural land of long-term
7 commercial significance under RCW 36.70A.170 unless the city or county has
8 enacted a program authorizing transfer or purchase of development rights.”
9

10 D. The ARL1 – City of Arlington proposal is subject to GMA requirements for UGAs
11 under RCW 36.70A.110(8) as the proposal site is located within the 100-year
12 floodplain of the Stillaguamish River, which has a mean annual flow that is greater
13 than 1,000 cubic feet per second. The proposal is exempt from the prohibition of
14 UGA expansions into a 100-year floodplain under RCW 36.70A.110(8) since 1) the
15 proposal site is owned by the city of Arlington; 2) the city is planning under the
16 GMA; and 3) the use of the proposal site will be limited to a storm water control
17 facility and passive outdoor recreation activities that will not decrease flood storage
18 or increase stormwater runoff:
19

20 “(8)(a) Except as provided in (b) of this subsection, the expansion of an urban
21 growth area is prohibited into the one hundred year floodplain of any river or river
22 segment that: (i) is located west of the crest of the Cascade mountains; and (ii)
23 has a mean annual flow of one thousand or more cubic feet per second as
24 determined by the department of ecology.

25 (b) Subsection (8)(a) of this section does not apply to:
26

27 . . .
28 (iii) Urban growth area expansions where:
29

30 (C) The land is owned by a jurisdiction planning under this chapter or the rights
31 to the development of the land have been permanently extinguished, and
32 the following criteria are met:

- 33 (I) The permissible use of the land is limited to one of the following:
34 Outdoor recreation; environmentally beneficial projects, including but
35 not limited to habitat enhancement or environmental restoration; storm
36 water facilities; flood control facilities; or underground conveyances; and
37 (II) The development and use of such facilities or projects will not decrease
38 flood storage, increase storm water runoff, discharge pollutants to fresh
39 or salt waters during normal operations or floods, or increase hazards to
40 people and property.”
41

1 E. The ARL1 – City of Arlington proposal is consistent with and advances the Puget
2 Sound Regional Council (PSRC) Multicounty Planning Policies (MPP), in particular
3 DP- 29, which provides:

4
5 “MPP-DP-29: Protect and enhance significant open spaces, natural resources,
6 and critical areas.”

7
8 The proposal provides for continued protection and future enhancement of the
9 open space, floodplain, critical area and farming functions through the public
10 ownership and continued RCF designation and A-10 zoning of the site.

11
12 F. The ARL1 – City of Arlington proposal is consistent with and advances the
13 Countywide Planning Policies (CPP), in particular DP-1(f), which provides:

14
15 “The County shall maintain Urban Growth Areas (UGAs) as shown on the map in
16 Appendix A, that:

17 . . .

18 f. Do not include designated agricultural or forest land unless the city or County
19 has enacted a program authorizing transfer or purchase of development rights;”

20
21 Since the city has an adopted TDR program, the proposal is consistent with CPP
22 DP-1(f).

23
24 G. The ARL1 – City of Arlington proposal is consistent with and advances the GPP, in
25 particular LU Policy 1.A.7, which provides:

26
27 “Designated forest and agricultural lands shall not be included within the UGA
28 unless the designated lands are maintained as natural resource lands and a
29 TDR/PDR program has been enacted by the city or the county.”

30
31 The proposal site will continue to be designated as RCF and the city has an
32 adopted TDR program.

33
34 H. No inconsistencies between the proposed amendments and the GMACP plan
35 elements or development regulations have been identified.

36
37 I. The proposal complies with all requirements of the GMA, including the requirement
38 in RCW 36.70A.070 that a plan be an internally consistent document, the
39 requirements in RCW 36.70A.130(1)(d) that any amendment to a comprehensive
40 plan shall conform to the GMA and that any amendment to a development
41 regulation shall implement the comprehensive plan, the requirement in RCW
42 36.70A.130(2)(a) that a county consider plan amendments no more frequently that

1 once per year, and the requirements in RCW 36.70A.130(1)(d) and .210(1) and (7)
2 that the comprehensive plan be consistent with the CPPs and MPPs.
3

4 J. The environmental impacts of the proposal are within the range of impacts
5 analyzed by the draft environmental impact statement (DEIS) and final
6 environmental impact statement (FEIS) during the Ten-Year Update to the GMACP
7 in 2005. No new impacts have been identified for this proposal. State
8 Environmental Policy Act (SEPA) requirements for this nonproject action have
9 been met through the issuance of Addendum No. 40 to the FEIS for the Ten-Year
10 Update to the GMACP in 2005.
11

12 K. Appropriate public participation has been provided through public hearings on this
13 ordinance held after public notice on August 21, 2013.
14

15 L. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
16 transmitted to the Washington State Department of Commerce for distribution to
17 state agencies on June 17, 2013.
18

19 M. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
20

21 N. The county council includes in its findings and conclusions the final review and
22 evaluation staff report completed by PDS, which is hereby made a part of this
23 ordinance as if set forth herein.
24

25 O. The Washington State Attorney General last issued an advisory memorandum, as
26 required by RCW 36.70A.370, in December of 2006 entitled *Advisory*
27 *Memorandum: Avoiding Unconstitutional Takings of Private Property* to help local
28 governments avoid the unconstitutional taking of private property. The process
29 outlined in the State Attorney General's 2006 advisory memorandum was used by
30 the county in objectively evaluating the amendments proposed by this ordinance.
31

32 Section 2. The county council makes the following conclusions:
33

34 A. The amendments increase consistency with the MPP and the CPP, and maintain
35 consistency with the goals, objectives and policies of the GPP.
36

37 B. The amendments are consistent with and comply with the procedural and
38 substantive requirements of the GMA.
39

40 C. All SEPA requirements with respect to this non-project action have been satisfied.
41
42

1 D. The amendments do not result in an unconstitutional taking of private property for a
2 public purpose and they do not violate substantive due process guarantees.
3

4 E. The county complied with state and local public participation requirements under the
5 GMA and chapter 30.73 SCC.
6

7
8 Section 3. The county council bases its findings and conclusions on the entire record of
9 the county council, including all testimony and exhibits. Any finding which should be
10 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
11 adopted as such.
12

13 Section 4. The Future Land Use Map of the GPP, last amended by Ordinance No. 12-
14 044 on October 17, 2012, is amended as indicated in Exhibit A to this ordinance, which
15 is attached hereto and incorporated by reference into this ordinance.
16

17 Section 5. The area-wide zoning map, last amended by Ordinance No. 12-044 on
18 October 17, 2012, is amended as indicated in Exhibit B to this ordinance, which is
19 attached hereto and incorporated by reference into this ordinance.
20

21 Section 6. The county council directs the Code Reviser to update SCC 30.10.060
22 pursuant to SCC 1.02.020(3).
23

24 Section 7. Severability. If any section, sentence, clause or phrase of this ordinance
25 shall be held to be invalid by the Growth Management Hearings Board, or
26 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality
27 shall not affect the validity or constitutionality of any other section, sentence, clause or
28 phrase of this ordinance. Provided, however, that if any section, sentence, clause or
29 phrase of this ordinance is held to be invalid by the Board, then the section, sentence,
30 clause or phrase in effect prior to the effective date of this ordinance shall be in full force
31 and effect for that individual section, sentence, clause or phrase as if this ordinance had
32 never been adopted.
33

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

PASSED this 21st day of August, 2013.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

J. Wright
Council Chair

ATTEST:

Sheela McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 8/23/13

John Laro
County Executive

ATTEST:

[Signature]

Approved as to form only:

Deputy Prosecuting Attorney

D 8

ORDINANCE No. 13-061
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
URBAN GROWTH AREA (ARL1 – CITY OF ARLINGTON)

Exhibit A
Ordinance No. 13-061
ARL1 – City of Arlington
Map 1
GPP Future Land Use Map Amendment

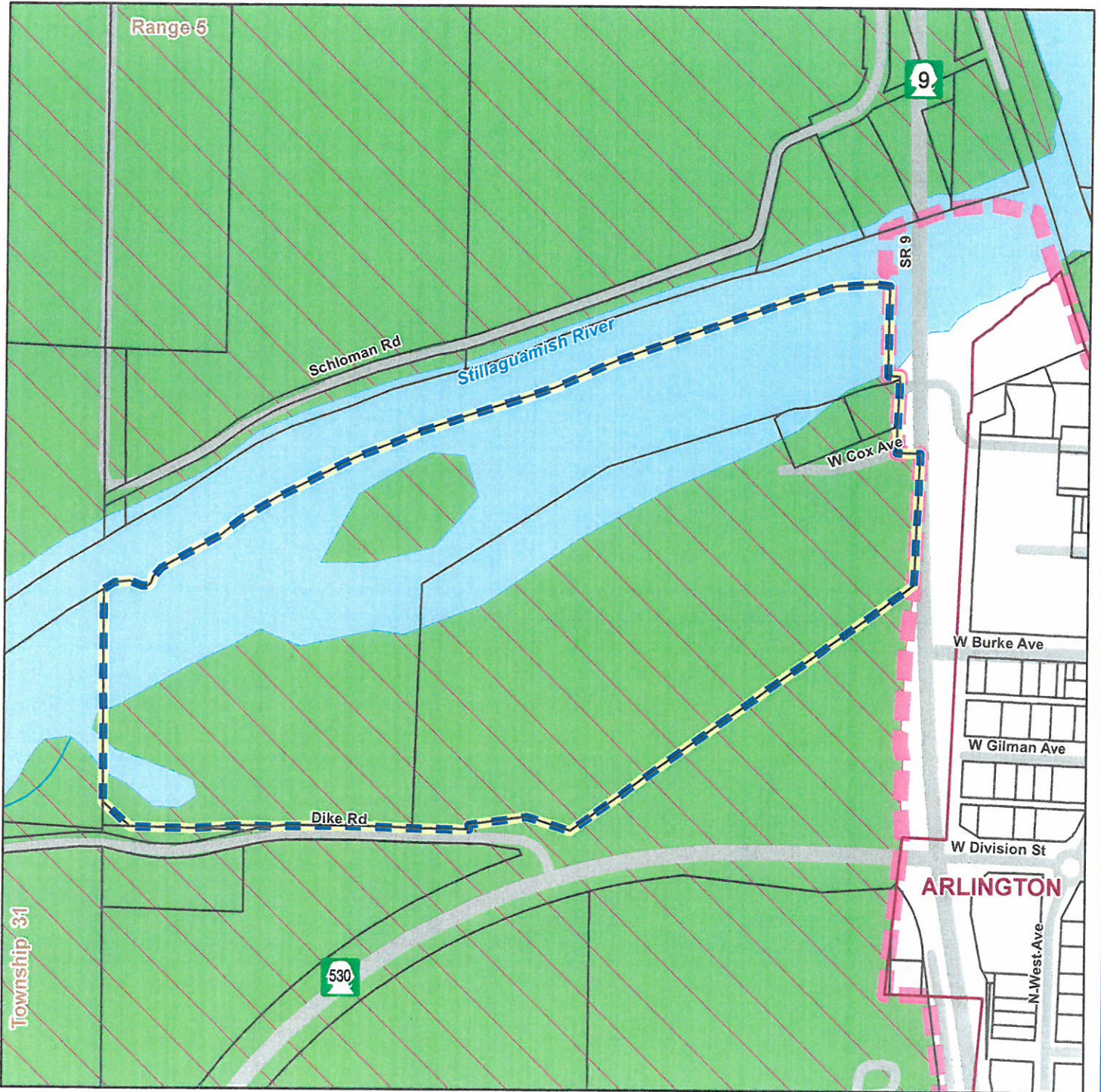
ORDINANCE No. 13-061
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
URBAN GROWTH AREA (ARL1 – CITY OF ARLINGTON)

Final Docket XVI

Exhibit A

City of Arlington (ARL1)

Proposed Future Land Use (FLU) Map Comprehensive Plan Amendment



Proposed FLU Map Amendment:



City of Arlington (ARL1)


Proposed UGA Expansion.
No change to the FLU map
designations.

 UGA Boundary

 Incorporated City Boundary

 Assessor Parcels

Future Land Use Map Designations:

 Riverway Commercial Farmland

 Transfer of Development Rights Sending Area Overlay



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

Exhibit B
Ordinance No. 13-061
ARL1 – City of Arlington
Zoning Map Amendment

ORDINANCE No. 13-061
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP, AND REVISING THE ARLINGTON
URBAN GROWTH AREA (ARL1 – CITY OF ARLINGTON)

Final Docket XVI

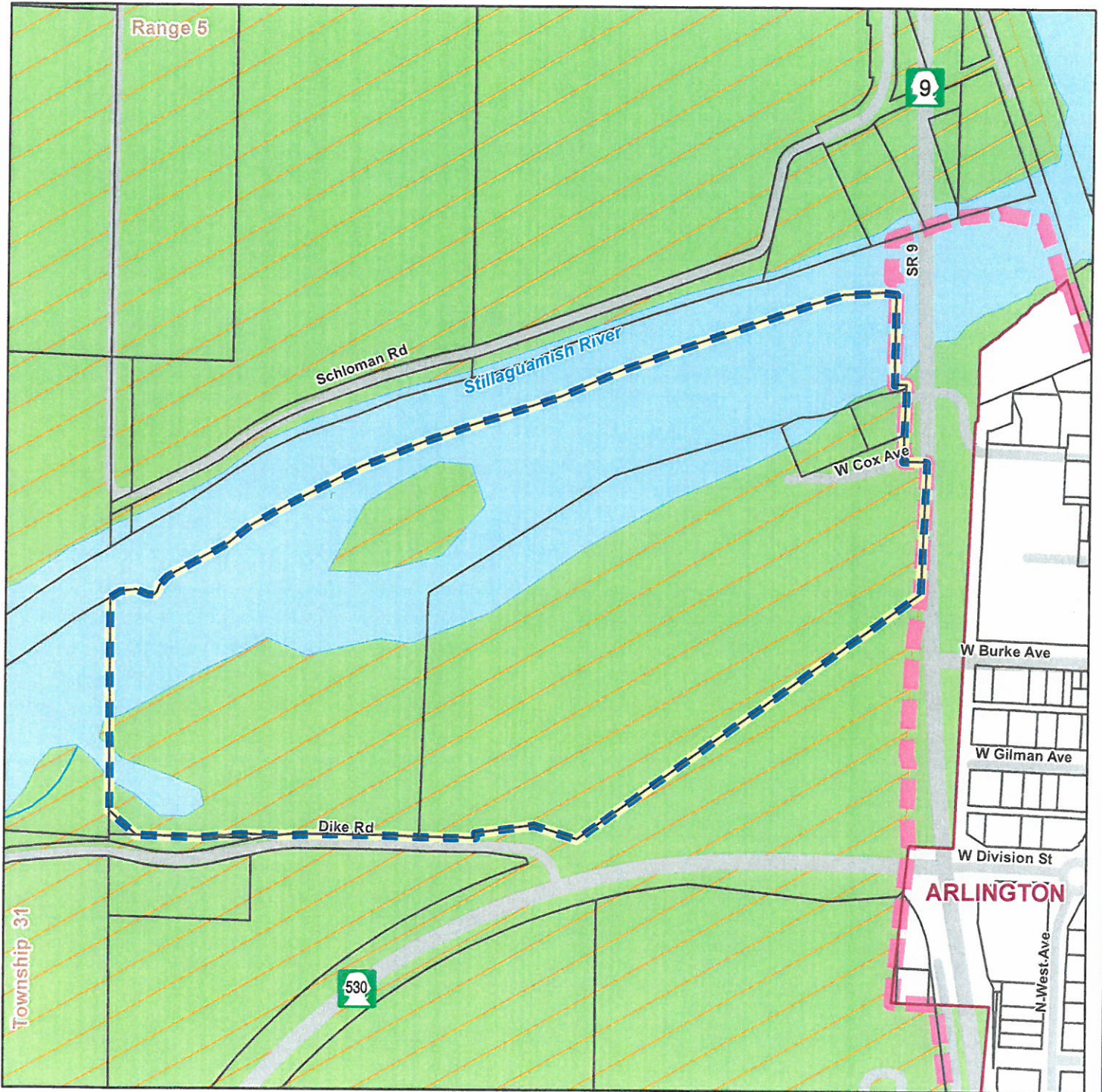
Exhibit B

City of Arlington (ARL1)

Zoning



Snohomish County



Proposed Plan Amendment:



City of Arlington (ARL1)

Proposed UGA Expansion.
No rezone proposed.

UGA Boundary

Incorporated City Boundary

Assessor Parcels

Zoning:

Agriculture 10-Acre

Transfer of Development Rights Sending Area Overlay



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

Map: W:\plng\carto\docket\Docket_XVI\Final_maps\CityofArlington_Arl-1_final_Zoning.mxd Date: 4/17/2013