

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 96-073

ESTABLISHING AN URBAN GROWTH AREA FOR
THE UNINCORPORATED MALTBY INDUSTRIAL AREA

WHEREAS, the Snohomish County Council adopted a GMA Comprehensive Plan on June 28, 1995; and

WHEREAS, the GMA requires the county to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board issued a Finding of Noncompliance on November 3, 1995 (*Hensley, et al v. Snohomish County*, Case No. 95-3-0043 (*Hensley II*)) and directed the County to adopt its zoning code as a GMA development regulation; and

WHEREAS, several appellants filed appeals to various provisions of the plan with the Central Puget Sound Growth Management Hearings Board (*Sky Valley, et al. v. Snohomish County*, Consolidated Case No. 95-3-0068c, (*Sky Valley*)); and

WHEREAS, the Board issued a Final Decision and Order in *Sky Valley* on March 12, 1996, and an Order on Motions to Reconsider and Correct on April 15, 1996, and directed the county to reconsider and amend, if necessary, some portions of the text and maps of its GMA Comprehensive Plan; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board issued a Finding of Noncompliance in *Sky Valley* on November 5, 1996, and set a new compliance date of December 2, 1996; and

WHEREAS, the Snohomish County Planning Commission held hearings on July 16, 23, and 25, 1996, on draft text and map amendments; and

WHEREAS, the Snohomish County Council held public hearings on October 14, 21, 28, and 30, and November 4, 6, 18, 25 and 27, 1996, to consider the Planning Commission's recommendations; and

WHEREAS, the county council considered the entire hearing record including the Planning Commission's recommendation, and written and oral testimony submitted during the council hearings.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council makes the following findings:

- A. The Central Puget Sound Growth Management Hearings Board issued a Final Decision and Order on March 12, 1996, instructing the county to delete the Maltby Employment Area from the rural area, or designate it as a UGA, or otherwise amend the GMA Comprehensive Plan to make it consistent with the goals and requirements of the GMA.
- B. The cities, towns, Tulalip Tribes and the county have used "Snohomish County Tomorrow" (SCT) to develop and agree upon countywide planning policies addressing criteria for UGA boundaries.
- C. The Maltby UGA is an unincorporated area characterized by existing urban industrial and commercial development of a significant size and of a long term duration.
- D. The Maltby UGA is an unincorporated area currently served by existing urban governmental services including a public water system. Sanitary sewer service for this area was approved by county council motions No. 92-298, 94-334, and 94-335.
- E. The Maltby UGA primarily includes lands that are currently designated industrial and commercial in the Cathcart-Maltby-Clearview and North Creek Area Comprehensive Plans.
- F. The county has undertaken a planning process for the Maltby UGA including two public workshops and has consulted with the City of Woodinville, service providers and interest groups.
- G. The City of Woodinville has participated in the GPP development, hearing and adoption process and has documented its proposal for a UGA boundary in the Maltby Employment Area.
- H. All proposed options for the Maltby UGA include the so-called Grace area in the south half of the Maltby UGA except for the University of Washington branch campus site which is not included in the UGA because (1) it has previously been designated rural residential, and (2) a change from a rural residential to an urban designation would not be directly related to necessary remand actions and should be pursued through the annual docketing process.
- I. The planning commission held three public hearings on proposed amendments to the county's GMA Comprehensive Plan prepared in response to the Board's direc

tion and received oral testimony from individuals and organizations regarding the proposed inclusion of the Maltby Employment area in a UGA.

- J. Citizens, interest groups, agencies, cities and the press were notified of the planning commission's public hearings by means of a published legal notice, news releases, and a notice sent to more than 6,300 individuals and organizations. Individual notices were also sent to owners of affected and adjacent properties in the new Maltby UGA where there are proposed zoning changes. The various notices were given in accordance with Snohomish County Code, state law and bylaws of the Snohomish County Planning Commission.
- K. The planning commission received, reviewed and considered documents which were submitted by citizens, interest groups and organizations and are all part of the commission's hearing record.
- L. The county council held public hearings on the planning commission's recommendations on October 14, 21, 28, and 30, and November 4, 6, 18, 19, 25 and 27, 1996, to consider the Planning Commission's recommendations and take public testimony. The hearings were widely publicized through the media. Individual mailed notice was sent to over 125,000 individuals and groups, and the county council received over 1300 written exhibits in the hearing record.
- M. The planning commission and the county council reviewed and considered three options for UGA boundaries presented in the PDS staff report, as well as public testimony summarized in Exhibit 1163 entitled "Maltby UGA Oral and Written Testimony Summary" which testimony offered plan and map amendments to the various options. The Council amended the recommended UGA for the following parcels:
 - a. Vangemert property. Exh. 1115 This 5-acre site is located immediately north of the King County line and east of the UGA as recommended by the planning commission. It will be added to the UGA. The current zoning line between RC and LI runs along the subject site's west property line. On two sides the lots surrounding the property are already zoned LI and have been operating under this zone for many years. The property to the south across the King County line is also zoned LI and owned by a construction company.
 - b. Richards/Kottsick. Exhs. 1017, 1018. Council agreed with a request to leave this site outside the UGA based upon the existing zoning line. PDS staff supports this change as correction of an error. The site is currently designated as Maltby Employment Area and zoned RC, and would go to the Rural Residential plan designation and a Rural-5 Acre zone.

- c. First Western Development/Lindsay property. Exhs. 875, 997. This approximately 10-acre site is currently vacant, located adjacent to and north of the northern UGA line along 200th St. S.E. and west of Broadway as recommended by the planning commission. Proponent requested inclusion in the UGA. Council will include the site in the UGA based upon adjacent industrial designation and development.
- d. Burgess property. Exhs. 24, 993. This 2.2 acre site is located on the northwest corner of Maltby Rd. and 86th Ave. SE, one block west of the proposed western UGA boundary recommended by the planning commission. Council action adds the site to the UGA as well as the connecting property between the site and the planning commission-proposed UGA line. Continued residential use is inappropriate because of proximity to and impacts from intensely developing industrial properties including high noise and traffic levels around the clock, available water main service, and the growing area employment base's need for local commercial services.
- e. West property. Exhs. 871, 1156. The West site is located south of 200th St. and east of Broadway, adjacent to the UGA line recommended by the planning commission. Council action extends the UGA to include West's entire parcel # 242705-1-014. This action meets the original intent of the planning commission to include all existing parcels with industrial uses in the Maltby UGA.
- f. Maltby Associates. Exhs. 21, 310 872, 873, 1089. Maltby Associates' property south of the BPA transmission easement was in the planning commission-recommended UGA, but the northwest portion was left out. Proximity to existing and designated industrial uses, availability of necessary utilities, and substantially changed circumstances in this area in recent years in the form of increased industrial uses support inclusion of these properties in the UGA.
- g. Moore property. Exh. 867. This site is located in the northeast quadrant of the intersection of Paradise Lake Rd. and SR-522. Council will include this in the UGA based upon the urban commercial nature of the uses and future uses surrounding the site, area traffic including the planned SR 522 interchange, and its proximity to the UGA line as recommended by the planning commission.
- h. Monroe School District property. Exh. 196. This 32-acre site is located in the southeast quadrant of the intersection of Paradise Lake Rd. and SR-522. Council will include this site for the same reasons as the Moore property, described above. Council also includes the adjacent interchange and the small area of land in between the interchange and the two sites (Moore and subject site). This change will allow essential utilities to be available to the school district and related school park areas.

- i. Ostolaza property. Exh. 82. This 1 and 1/2 acre parcel is within the planning commission-recommended UGA. Council will adopt a plan designation of Urban Industrial (UI) and implementing zone of Light Industrial (LI) based upon the site's location within the Bonneville power line easement, and adjoining steel yard to the south; SR 522 to the east; and Yew Way and the railroad right of way to the west. These changes are more appropriate designations for the site than the Urban Commercial designation and Planned Community Business zone recommended by the planning commission.
- N. The GPP includes commitments to a population and employment target reconciliation process, subsequent growth and land capacity monitoring processes, and a GPP and UGA amendment process which will ensure an adequate land supply for industrial and other land uses throughout the 20-year planning period.
- O. The basis for a continued city/county coordination and planning for this and other UGAs has been established in the GPP.
- P. Addenda No. 4 (July 5, 1996) and 6 (November 22, 1996) to the Final Environmental Impact Statement (FEIS) for the Snohomish County Comprehensive Plan were prepared for the proposal to satisfy SEPA requirements. The addenda describe the proposed comprehensive plan and development regulation amendments contained in Amended Ordinances 96-071, 96-073, 96-074, 96-075, and 96-076, and analyze their impacts. The amendments adopted in the listed ordinances are within the range of alternatives and scope of analysis contained in the FEIS. The addenda performed the function of keeping the public apprised of the refinement of the original comprehensive plan proposal by adding new information. The council concludes that SEPA compliance has been satisfied by these documents.
- Q. Exhibit 1250 entitled "Maltby Area UGA Exhibit A UGA Boundary - County Council Proposal" is the revised boundary for the UGA which is adopted by this ordinance.
- R. The Maltby UGA adequately responds to the specified compliance directives stated in the Final Decision and Order of the Central Puget Sound Growth Management Hearings Board in *Sky Valley*.
- S. The UGA is consistent with the requirements of the GMA, including RCW 36.70A.110 and the planning goals set out in RCW 36.70A.020.
- T. The UGA is consistent with decisions issued by the Central Puget Sound Growth Management Hearings Board interpreting the GMA's requirements for UGAs and for allowable commercial and industrial uses within rural areas (specifically addressed in the *Vashon- Maury* case.)

- U. The UGA is consistent with and coordinated with the Vision 2020 regional growth and transportation plan, the countywide planning policies, and the multi-county planning policies for King, Kitsap, Pierce and Snohomish counties adopted March 1993 by the Puget Sound Regional Council.
- V. The UGA is consistent with the future land use map, as amended, and all other elements and components of the GMA Comprehensive Plan.
- W. There has been early and continuous public participation in the development of the UGA.
- X. The planning commission and the county council have fully considered public input in making its recommendations on the UGA.
- Y. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the UGA.
- Z. Consistency and coordination of the UGA with adjacent jurisdictions is addressed and ensured by the continuing joint city/county planning process established in the countywide planning policies, interlocal planning agreements between the county and the cities, and the GMACP.
- AA. The notice requirements established by state and county law have been met and exceeded.
- BB. None of the Maltby UGA options would increase the county's population growth capacity since the UGA would not include new residential plan designations.
- CC. SEPA compliance for the proposed action has been satisfied by the issuance of Addenda Nos. 4 and 6 to the Snohomish County Comprehensive Plan, Final EIS.

Section 2. The findings and conclusions adopted by the Snohomish County Council as set out in Section 1 of Amended Ordinance No. 96-074 are incorporated herein by reference.

Section 3. The county council bases its findings of fact and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

Section 4. Based on the foregoing findings and conclusions, the county council hereby adopts the UGA boundary for the unincorporated Maltby industrial area, shown on a

map entitled "Maltby Area UGA, November 27, 1996" and incorporated herein by reference as Exhibit A. The county council further adopts the UGA boundary for the Maltby Area UGA as a part of the Future Land Use Map of the GMA Comprehensive Plan, first adopted by Amended Ordinance No. 94-125, June 28, 1995, and as amended by Amended Emergency Ordinance No. 96-078, October 14, 1996, and as further amended and attached as Exhibit B to Amended Ordinance No. 96-074, adopted November 27, 1996. UGA maps shall be maintained for public inspection in the department of planning and development services and by the clerk of the council, and copies of said maps shall be made available to the public upon request. For regulatory purposes, the boundary of the UGA is depicted on county assessor's maps incorporated herein as Exhibit B, November 27, 1996.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 2nd day of November, 1996.

ATTEST:

Sheila McCallister
Clerk of the County Council, *asst.*

- () Approved
() Emergency
() Vetoed

Approved as to form:

Bonnie Dykes 11/24/96
Deputy Prosecuting Attorney

Snohomish County, Washington

Richard C. Johnson
Chair, County Council

Date 12/2/96
[Signature]
County Executive

ATTEST:

Marilyn B. Abel
Date 12/2/96

MALTBY UGA

County Council

EXHIBIT A

N UGA Boundary

ADOPTED NOVEMBER 27, 1996

November 25, 1996



Scale in Feet
Original map scale 1:24,000

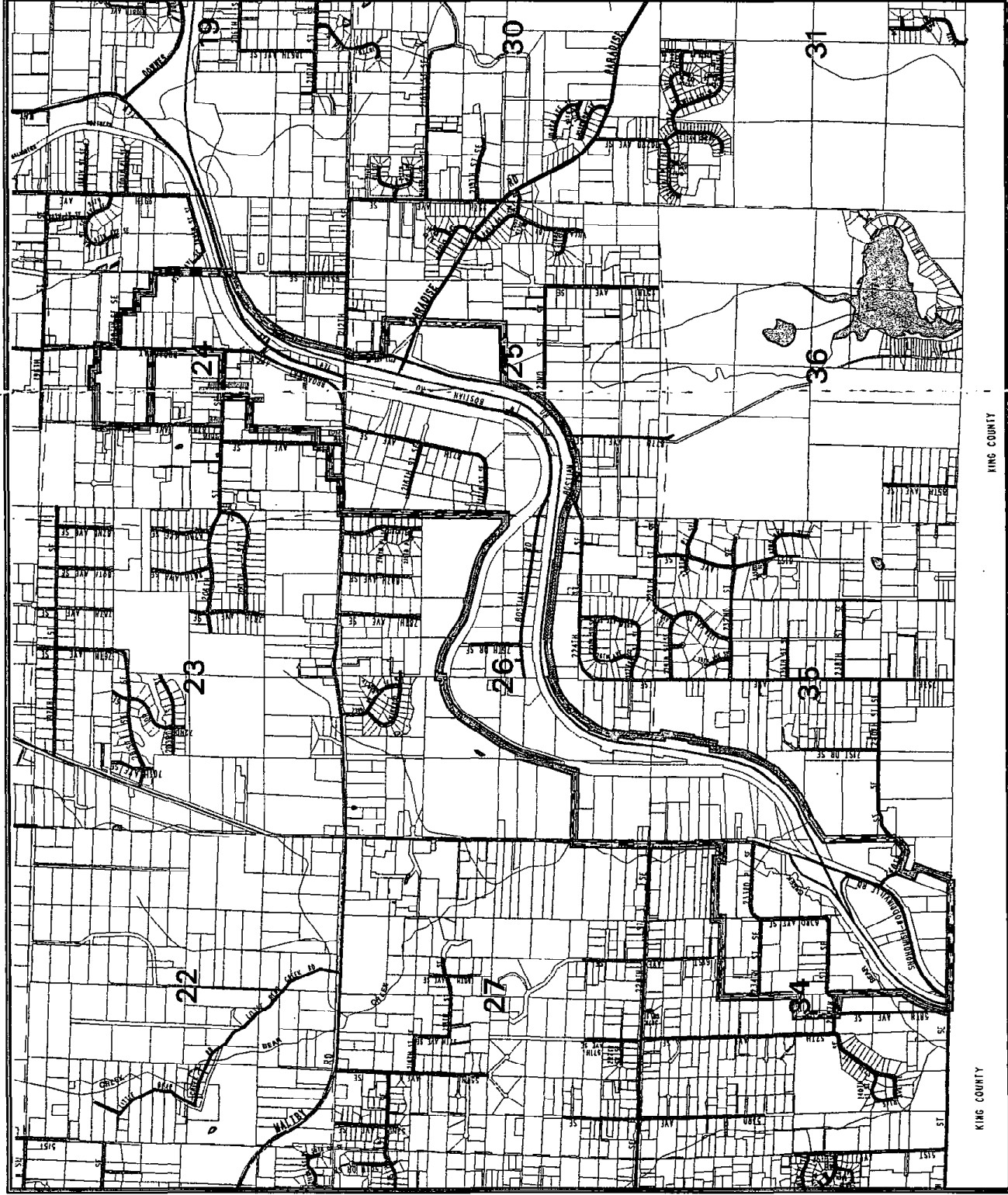
The base used to compile parcelization on this map is incomplete. Please consult the appropriate assessor parcel map for discrepancies and/or updated information.



Snohomish County

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