

Exhibit 9

**SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington**



**AMENDED EMERGENCY ORDINANCE NO. 96-078**

**AMENDING THE SNOHOMISH COUNTY GENERAL POLICY PLAN FUTURE LAND  
USE MAP FOR A PORTION OF THE ARLINGTON/SMOKEY POINT/MARYSVILLE  
URBAN GROWTH AREA LEGALLY DESCRIBED IN EXHIBIT "A" TO URBAN  
MEDIUM DENSITY RESIDENTIAL (6-12 DU/ACRE) AND REZONING IT TO  
LOW DENSITY MULTIPLE RESIDENTIAL.**

**WHEREAS**, in January 1997, the aircraft carrier U.S.S. Abraham Lincoln, a supporting battle group, and associated Navy personnel and their families are scheduled to begin arriving at Naval Station Everett. The U.S. Navy's homeport project is projected to add approximately 8,685 persons directly to the local population; and

**WHEREAS**, the U.S. Navy presently offers a limited number of Navy-owned housing units for families in Snohomish County. Currently, there are 87 housing units owned by the Navy in Snohomish County. In addition to the Navy personnel and families arriving in January, an additional 750 existing Navy families in the Seattle metropolitan area are eligible to compete for the Navy's existing Snohomish County units due to the closure of the Navy's Sand Point installation; and

**WHEREAS**, according to a naval housing market analysis released by the Navy, there will be a shortfall of 672 affordable housing units in Snohomish County, eighty-five percent of which will be units that can be afforded by the personnel in the lowest enlisted grades of E-1 to E-6; and

**WHEREAS**, in order to help alleviate the housing crisis caused by the forthcoming arrival of Navy personnel and their families, the Navy has entered into a limited partnership agreement to provide 185 housing units for Navy personnel and their families within the Arlington/Smokey Point/Marysville Urban Growth Area; and

**WHEREAS**, in order to insure that Navy personnel and their families are not without appropriate living accommodations upon their arrival at Naval Station Everett and to avoid the displacement of existing low-income families in Snohomish County, the County has received a request to amend the Snohomish County General Policy Plan Future Land Use map for a portion of the Arlington/Smokey Point/Marysville Urban Growth Area legally described in Exhibit "A" and as shown on Exhibit "B" to Urban Medium Density Residential (6-12 du/acre) and to rezone it to Low Density Multiple Residential (LDMR); and

**WHEREAS**, having conducted a public hearing following appropriate notice to property owners and to individuals and organizations on the county's Growth Management Act (GMA) mailing list, the County has the authority under RCW 36.70A.130(2)(b) and SCC 32.05.015(4) to amend its comprehensive plan when an emergency exists.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings of fact:

1. The proposed site for the additional Navy housing referred to in the above recitals, which are incorporated herein by this reference, is located in the general vicinity of the Smokey Point Activity Center. The site area is approximately 40 acres, with an existing zoning of Rural - 5 Acres (R-5) and Industrial Park (IP). The entire site is within the Arlington/Smokey Point/Marysville Urban Growth Area.

2. Although the subject property is located within unincorporated Snohomish County, it is located within an area that was approved for annexation to the City of Arlington by the State Boundary Review Board for Snohomish County in late 1995. In anticipation of imminent annexation, the U.S. Navy's selected Limited Partnership Family Housing (LPFH) project partner began working with the City of Arlington in 1995 to obtain necessary land use and utility extension approvals for development of the property. However, the annexation was appealed to Superior Court in early 1996. Because of confusion, uncertainty, and delay caused by the appeal, the Navy's LPFH project partner has been unable to obtain necessary approvals from the City of Arlington.

3. The subject property is designated Urban Industrial on the Snohomish County General Policy Plan Future Land Use map. The request would change the Snohomish County General Policy Plan Future Land Use map designation for the subject property to Urban Medium Density Residential (6-12 du/acre) and rezone it to LDMR.

4. The requested amendment to the Snohomish County General Policy Plan Future Land Use map to re-designate the site from Urban Industrial to Urban Medium Density Residential (6-12 du/acre) is consistent with General Policy Plan Objectives LU 4.A and LU 4.F of increasing urbanization in and adjacent to the Smokey Point Activity Center.

5. The requested amendment to the Snohomish County General Policy Plan Future Land Use map to re-designate the site from Urban Industrial to Urban Medium Density Residential (6-12 du/acre) is consistent with General Policy Plan Objective HO 1.D to maintain an adequate supply of appropriately zoned developable land.

6. Urban Low Density Residential (4-6 du/acre) is the only residential density currently permitted within the immediate proximity of the Smokey Point Activity Center designation. However, the General Policy Plan provides that "[c]enter plans shall provide opportunity for residential densities averaging 8 to 10 dwelling units per residential acre." (LU4.A.4 LU-12) The existing Smokey Point Activity Center area only provides residential densities of 4 to 6 dwelling units per acre. By re-designating the subject property to Urban Medium Density Residential (6-12 du/acre) and rezoning it to LDMR, the recommended 8-10 dwelling units per acre can be realized.

7. Policies within the General Policy Plan encourage re-designation of the subject property to allow for a broad range of housing types including affordable homes such as "small lot and cottage housing, townhouses and condominium units in multiplexes." (HO1.B.2 p. HO-4) Currently, the general area of the subject property provides single family detached developments only. By re-designating the subject site to Urban Medium Density Residential and rezoning it to LDMR it will allow for a broader range of housing types.

8. The General Policy Plan further supports the instant request by encouraging "private sector production of new housing units that are affordable to and occupied by low income households." (HO1.B.2 p. HO-4) "The integration of a variety of dwelling types and intensities in residential neighborhoods shall be encouraged." (HO2.B.3 p. HO-6) The current land use designation of this area does not provide for a variety of dwelling unit types and intensities. By allowing the subject property to be re-designated Urban Medium Density Residential (6-12 du/acre) and rezoned LDMR, a mixture of housing types can be introduced to the area.

9. The eastern boundary of the subject property is the limit of the Arlington/Smokey Point/Marysville Urban Growth Area. The area directly adjacent to this property is designated Medium Density Rural Residential (1 DU/10 Acres). The current Future Land Use map provides a "rough" transition from the incompatible designations, specifying rural residential adjacent to urban industrial development area. By re-designating the subject site to Urban Medium Density Residential (6-12 du/acre), and rezoning it to LDMR, a more compatible transition area is provided.

10. Providing a designation of Urban Medium Density Residential (6-12 du/acre) for this site and rezoning it to LDMR will allow for a more intensive development characterized by an urban area while maintaining a land use that is compatible with the adjacent rural residential designation.

11. The impending arrival of the U.S.S. Abraham Lincoln, a supporting battle group, and associated Navy personnel and their families will likely make it extremely difficult if not impossible for newly arriving Navy families to obtain safe, sanitary, and affordable housing within a reasonable distance of the Everett Homeport and its family support facilities, and will likely displace other low income families who are competing for housing in a tightening family housing market.

12. The needs, impacts, and events surrounding establishment of the Everett Homeport and the impending arrival of the U.S.S. Abraham Lincoln, supporting battle group, and associated Navy personnel and their families constitute an extraordinary and unique circumstance. Consequently, emergency action by Snohomish County to re-designate and rezone the subject property is for the limited purpose of facilitating the provision of specific Navy housing and avoiding the displacement of other low income families, and does not constitute precedent for other emergency re-designations or rezones within unincorporated Snohomish County.

13. Adoption of an emergency ordinance is the only means available to the County Council to ensure without further delay that the actions taken by this ordinance are fully effective in a timely fashion.

14. An emergency exists within the meaning of RCW 36.70A130(2)(b).

15. This ordinance is necessary for the immediate preservation of public peace, health, and safety within the meaning of Snohomish County Charter Section 2.120.

Section 2. Based on the foregoing findings of fact, the County Council makes the following conclusion:

Designating the area legally described in Exhibit "A" to this ordinance from Urban Industrial to Urban Medium Density Residential (6-12 du/acre) on the Snohomish County General Policy Future Land Use map serves the public peace, health, and safety of the residents of the planning area and the county as a whole.

Section 3. Based on the foregoing findings and conclusions, the Future Land Use Map of the Snohomish County Growth Management Act Comprehensive Plan - General Policy Plan adopted as a portion of Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, last amended by Amended Ordinance No. 95-117 on January 1-0, 1996, is amended by re-designating the area legally described in Exhibit 'A" as Urban Medium Density Residential (6-12 du/acre).

Section 4. Based on the foregoing findings of fact, the County Council makes the following conclusion:

Zoning the area described in Exhibit "A" to this ordinance from R-5 and IP to Low Density Multiple Residential serves the public peace, health, and safety of the residents of the planning area and the county as a whole.

Section 5. Based on the foregoing findings and conclusions, the Snohomish County Council hereby adopts a rezone of the area legally described in Exhibit 'A" from R-5 and IP to Low Density Multiple Residential.

Section 6. All development activity on the subject property must comply with all applicable county policies and requirements. All development activity on the subject property shall be subject to an official site plan approved by the Director of Planning and Development Services under such terms and conditions as the Director determines appropriate.

Section 7. The Director of Planning and Development Services shall to the extent practicable process applications for development of the subject property for Navy housing, as described in this ordinance, in accordance with priority permit processing procedures established under chapter 14.01 SCC.

Section 8. This ordinance shall take effect immediately upon passage by the County Council.

DATED: Oct 14, 1996

Richard C Johnson  
Chair

ATTEST:

Sheila McCallister  
Clerk of the Council

APPROVED            ( X )  
EMERGENCY        ( X )  
VETOED             ( )

Dated: 10/16/96

Gary Weikel  
for County Executive **GARY WEIKEL**  
Executive Director

ATTEST:

Sheila McCallister

Approved as to form only:

[Signature]  
Prosecuting Attorney

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**Exhibit A - Legal Description**

THAT PORTION OF THE SOUTH 3/5THS OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN SNOHOMISH COUNTY WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE DUE SOUTH ALONG THE WEST LINE OF SAID SECTION A DISTANCE OF 1060.00 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 88 DEGREES 35 MINUTES 08 SECONDS EAST ALONG THE NORTH LINE OF SAID SUBDIVISION 1450.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 35 MINUTES 08 SECONDS EAST ALONG SAID NORTH LINE 860.00 FEET TO THE WEST LINE OF THE EAST 290.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 33 MINUTES 50 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 266.07 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 33 MINUTES 28 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 290.03 FEET TO THE EAST LINE OF THE SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 33 MINUTES 50 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 1331.05 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 25 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1142.26 FEET TO THE SOUTHEAST CORNER OF LOT 12, AS SHOWN ON BINDING SITE PLAN AND RECORD OF SURVEY RECORDED IN VOLUME 26 OF SURVEYS PAGES 235 AND 236, RECORDS OF SAID COUNTY; THENCE NORTH 00 DEGREES 6 MINUTES 57 SECONDS EAST ALONG THE EAST LINE OF SAID SURVEY 614.15 FEET TO THE NORTHEAST CORNER OF LOT 10, AS SHOWN ON SAID SURVEY; THENCE NORTH 88 DEGREES 35 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT, 60.91 FEET TO THE SOUTHEAST CORNER OF SURVEY RECORDED UNDER RECORDING NUMBER 8409045019; THENCE DUE NORTH 600.01 FEET TO THE NORTHEAST CORNER OF LOT 1, OF SURVEY RECORDED UNDER RECORDING NUMBER 8804065010; THENCE NORTH 88 DEGREES 35 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 58.38 FEET TO THE EASTERLY TERMINUS OF RIGHT OF WAY FOR 168TH STREET NORTHEAST, AS CONVEYED TO SNOHOMISH COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 8405080247; THENCE DUE NORTH ALONG SAID EASTERLY TERMINUS 50.02 FEET TO THE SOUTH LINE OF LOT 15 OF SURVEY RECORDED UNDER RECORDING NUMBER 8407195007; THENCE SOUTH 88 DEGREES 35 MINUTES 08 SECONDS EAST ALONG SAID SOUTH LINE 122.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 15; THENCE NORTH 00 DEGREES 16 MINUTES 57 SECONDS EAST ALONG THE EAST LINE OF SAID SURVEY 329.95 FEET TO THE POINT OF BEGINNING.

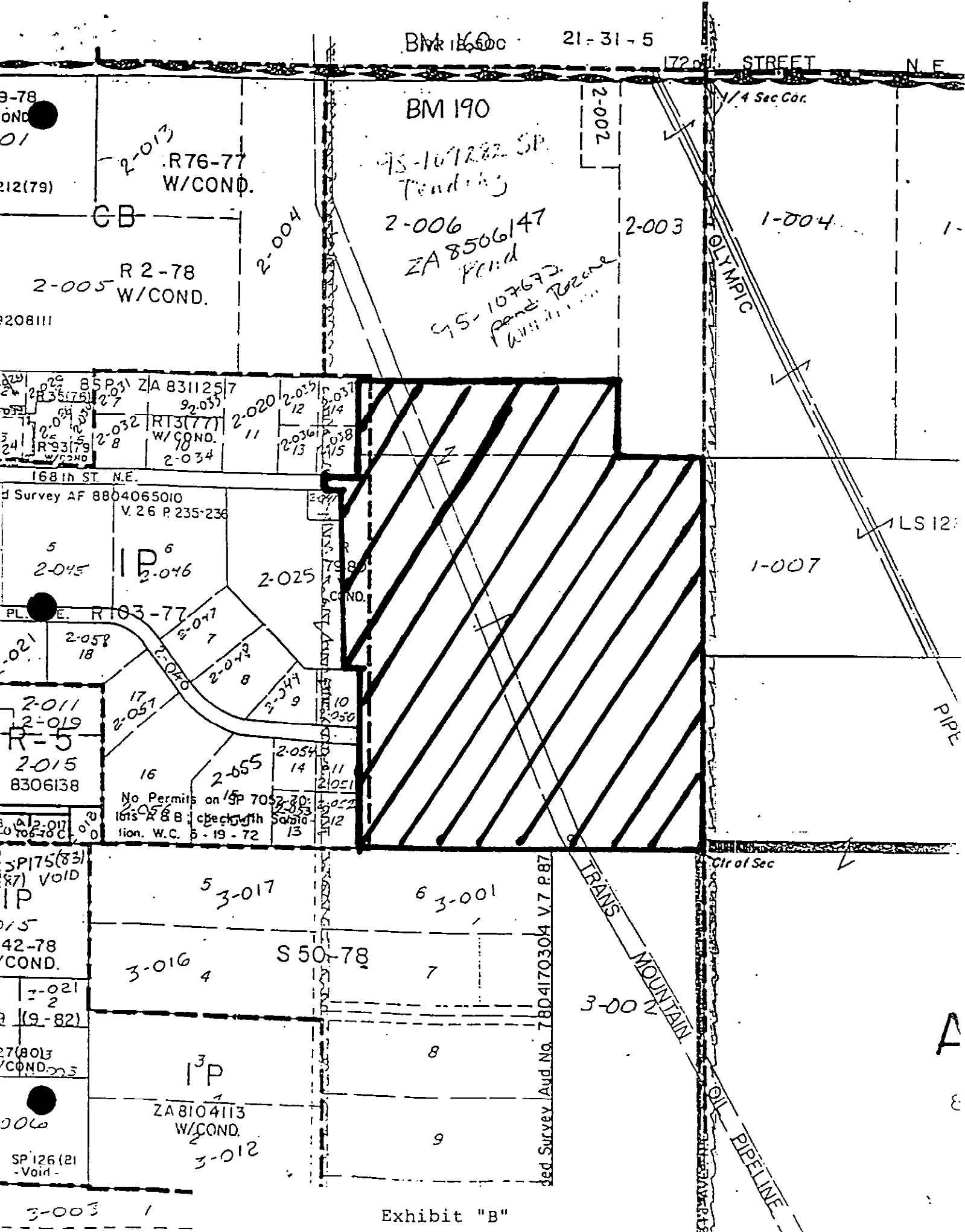


Exhibit "B"

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