

COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



ORDINANCE NO. 97-076

REVISING THE EXISTING URBAN GROWTH AREA
FOR THE CITIES OF ARLINGTON AND MARYSVILLE
AND THE UNINCORPORATED SMOKEY POINT AREA
TO ESTABLISH SEPARATE URBAN GROWTH AREAS FOR
THE CITIES OF ARLINGTON AND MARYSVILLE;
AMENDING AMENDED ORDINANCE NO. 94-120 AND AMENDED ORDINANCE NO. 94-125

WHEREAS, the Growth Management Act, Chapter 36.70A RCW (hereinafter the GMA) requires Snohomish County to designate an urban growth area (UGA) or areas 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 county previously designated a Final UGA for Arlington, Marysville and the Smokey Point area on June 28, 1995, (Amended Ordinance No. 94-120) after holding public hearings from April 19, 1994 through January 18, 1995, in conformance with the requirements of the GMA; and

WHEREAS, Amended Ord. No. 94-120 included provisions addressing the need to establish a future UGA boundary between the two cities; and

WHEREAS, the cities of Arlington and Marysville and the Marysville Fire District, as a result of extensive negotiations, have reached a comprehensive agreement for the settlement of a number of issues of importance relating to Smokey Point, Island Crossing and surrounding areas including, but not limited to:

1. Agreements between the cities of Marysville and Arlington for the establishment of urban growth areas;
2. Agreements for water and sewer utility service to the Smokey Point area by the City of Marysville and potential sale of utilities in the Island Crossing area to Arlington;
3. A long term interlocal agreement for provision of fire and emergency medical services in the Smokey Point area by the Marysville Fire District;
4. Agreements for coordinated land use planning in areas located between the two cities, including protections relating to the Arlington Airport;
5. Resolution and dismissal of all pending litigation between the parties to the agreements; and

WHEREAS, implementation of these various Arlington - Marysville agreements will require further discussion, and importantly, the cooperation and assistance of Snohomish County; and

WHEREAS, the Snohomish County Planning Commission considered an amendment to the Growth Management Act Comprehensive Plan (GMACP) to revise the existing UGA for the cities of Arlington and Marysville and the unincorporated Smokey Point area to establish separate UGAs for the Cities of Arlington and Marysville, according to the settlement agreement reached by the two cities, in a public

workshop session on February 11, 1997, at public hearings on February 25, 1997 and March 25, 1997; and

WHEREAS, the County Council held public hearings on Sept 15, 1997 to consider the entire record and hear public testimony on Ord. No. 97-076, revising the existing UGA for the Cities of Arlington and Marysville and the unincorporated Smokey Point Area to establish separate UGAs for the Cities of Arlington and Marysville.

NOW, THEREFORE BE IT ORDAINED:

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

- A. Pursuant to the Growth Management Act, and specifically RCW 36.70A.110, counties are required to consult with cities located within its boundaries and each city is to propose the location of urban growth areas.
- B. Pursuant to RCW 36.70A.110, the County is required to attempt to reach agreement with each city on the location of an urban growth area within which the city is located.
- C. At the time of adoption of Snohomish County Amended Ordinance No. 94-120, Snohomish County and the cities of Marysville and Arlington were unable to reconcile differences relating to the establishment of individualized urban growth areas for the cities of Marysville and Arlington within the areas of Smokey Point and Island Crossing.
- D. Pursuant to Amended Ordinance No. 94-120, Snohomish County originally established an urban growth area for the cities of Arlington and Marysville and the unincorporated Smokey Point and Island Crossing areas.
- E. At the urging of Snohomish County, and on their own initiative, the cities of Marysville and Arlington and the Marysville Fire District entered into extended negotiation and mediation in an effort to resolve litigation between those parties and to settle a number of growth and planning issues, all of which have a significant relationship to the appropriate apportionment of each city's urban growth area.
- F. As a result of the lack of individualized urban growth areas for the cities of Marysville and Arlington, numerous conflicts have arisen regarding sewer and water utility service, planning and zoning issues, and related matters pertaining to properties proposed for development. Examples of such conflicts include concerns arising from the siting of proposed Navy housing and proposals for the development of various commercial properties which are pending in the area of Smokey Point.
- G. Pursuant to WAC 365-195-060 (5), the State Department of Community Development has interpreted the Growth Management Act to include as a part of the adoption of urban growth areas a reflection of a cooperative effort among jurisdictions to accomplish the requirements of the Act on a regional basis. WAC 365-195-060 (5) reads as follows:

(5) Urban growth areas. The adoption of urban growth areas by counties should reflect a cooperative effort among jurisdictions to accomplish the requirements of the Act on a regional basis. As growth occurs, most lands within urban growth areas should ultimately be provided with local urban services by cities, either directly or by contract. Other service providers are appropriate within urban growth areas for regional or county-wide services, or

for isolated unincorporated pockets characterized by urban growth. Provisions should be made for the phasing of development within each urban growth area to ensure that services are provided as growth occurs. In proposing urban growth areas, cities should endeavor to accommodate projected urban growth through infill within existing municipal boundaries. But in some cases expansion will be logical. Interlocal agreements should be negotiated regarding land use management and the provisions of services to such potential expansion areas so that such growth can occur in a manner consistent with the cities' comprehensive plans and development regulations.

- H. The Snohomish County Council finds that the efforts of Marysville, Arlington and the Marysville Fire District in successfully negotiating and mediating a comprehensive interlocal agreement on October 7, 1996 is consistent with the intent of RCW 36.70A.110 and WAC 365-195-060 (5).
- I. The County adopted a single UGA for the Cities of Arlington and Marysville and the unincorporated Smokey Point and Island Crossing areas which included provisions addressing the need to establish future separate UGAs for the two cities.
- J. The GMA authorizes local governments planning under its provisions, to amend their comprehensive plans more frequently than once a year ... "whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court" (RCW 36.70A.130(2)(b)).
- K. Action is needed by Snohomish County as soon as possible, to amend its comprehensive plan by revising the existing combined Arlington - Smokey Point - Marysville UGA to establish separate UGAs for the two cities, to insure timely implementation of the Arlington - Marysville annexation and service area agreement and to also address an existing emergency.
- L. This emergency relates to the need to resolve the multiple annexation/service area related lawsuits and ensuing utility service conflicts which have occurred during the past year and which have created great uncertainty and hardship for many unincorporated property owners and land developers in this area.
- M. Although an appeal of Arlington's Utility Comprehensive Plan by Marysville and an appeal by Arlington of Marysville's comprehensive plan, which was filed in 1996 by Arlington with the Central Puget Sound Growth Management Hearings Board, have been withdrawn under the terms of the annexation and service areas settlement agreement, full and permanent implementation of that portion of the agreement is contingent on the commitment made by both cities to enter into an interlocal planning agreement with each other and for Snohomish County to formally revise the existing combined Arlington - Smokey Point - Marysville UGA to establish separate UGAs for each of the two cities.
- N. The cities of Arlington and Marysville reached agreement on October 7, 1996 regarding the revision of the UGA in which each city is located so as to establish separate UGAs for each of the cities and they have presented that agreement to Snohomish County for its approval and implementation.
- O. The proposed separate Arlington and Marysville UGAs taken together do not include any area which was not included in the combined Arlington - Smokey Point - Marysville UGA adopted by Amended Ordinance No. 94-120 nor do they exclude any area which was in that combined UGA.

- P. The proposed boundaries for the separate Arlington and Marysville UGAs are based on a combination of important GMA related urban service, utility extension, land use planning, community identity, physical feature and property parcel/ownership pattern factors and determinants. These boundaries are a product of the necessary balancing and compromising between the sometimes conflicting aspects of these factors and determinants. The overlapping urban and utility service areas of the two cities, combined with the scarcity of distinguishing physical features in the vicinity of the boundary between the proposed separate Arlington and Marysville UGAs, required greater reliance on the use of major land parcel and ownership patterns to establish a logical line of division.
- Q. The GMA and Snohomish County's comprehensive plan strongly encourages the County to work with its cities to provide for the orderly transition of unincorporated to incorporated areas within UGAs through a variety of methods including joint planning processes and interlocal agreements for coordination of annexations, capital facilities financing, new development reciprocal impact mitigation and coordination of development standards and permit processing.

Section 2. Based on the foregoing findings, the Snohomish County Council makes the following conclusions:

- A. The revision to the Arlington - Marysville UGA to establish a separate UGA for each city is consistent with the requirements of the GMA and the planning goals set out in RCW 36.70A.020 and WAC 365-195-060(5).
- B. The revision to the Arlington - Marysville UGA to establish a separate UGA for each city is consistent with decisions issued by the Central Puget Sound Growth Management Hearings Board interpreting the GMA's requirements for UGAs.
- C. The revision to the Arlington - Marysville UGA to establish a separate UGA for each city 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.
- D. The revision to the Arlington - Marysville UGA to establish a separate UGA for each city is consistent with the future land use map and all other elements and components of the GMACP.
- E. There has been early and continuous public participation in the establishment of separate Arlington and Marysville UGAs.
- F. The planning commission and the county council have fully considered public input from citizens and the two cities in making recommendations and decisions on the establishment of separate Arlington and Marysville UGAs.
- G. The county has met all state and local requirements for interjurisdictional coordination, public notice, and environmental review with regard to the establishment of separate Arlington and Marysville UGAs.
- H. Consistency and coordination of the separate UGAs with each of the two cities' GMA-based comprehensive plans are addressed and ensured by the continuing joint city/county planning process established in the countywide planning policies, ongoing planning cooperation between the two cities and the county, and the GMACP.

- I. The revision to the Arlington - Marysville UGA to establish a separate UGA for each city is consistent with the provisions for designating UGAs contained in the Washington State Department of Community, Trade and Economic Development's technical guidebook "The Art and Science of Designating Urban Growth Areas".
- J. The boundaries of the separate Arlington and Marysville UGAs reflect the appropriate and necessary balancing of a combination of important but sometimes conflicting GMA related urban service, utility extension, land use planning, community identity, physical feature and property parcel/ownership pattern factors and determinants.
- K. The public notice requirements established by state and county law have been met and exceeded.
- L. SEPA compliance for the proposed action has been satisfied by the GMACP, Final EIS.

Section 3. The county council bases its findings 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. Section 4 of Amended Ordinance No. 94-120 as adopted on June 28, 1995, is amended to read:

Section 4. Based on the foregoing findings and conclusions, the county council hereby adopts separate ~~((the))~~ UGA boundaries ~~((boundary))~~ for the City ~~((Cities))~~ of Arlington and the City of Marysville ~~((and surrounding unincorporated areas))~~, shown on two maps entitled "Arlington UGA" and "Marysville UGA" ~~((Arlington/Smokey Point/Marysville UGA North and South))~~ and incorporated herein by reference as Exhibits A and B. These 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 boundaries ~~((boundary))~~ of the Arlington UGA and Marysville UGA are ~~((is))~~ depicted on county assessor's maps incorporated herein as Exhibits C and D~~((B))~~.

Section 5. Amended Ordinance No. 94-120 as adopted on June 28, 1995, is amended to delete Exhibits A and B which were therein incorporated and to add and incorporate therein new Exhibits A, B, C and D, which are attached hereto and incorporated herein by this reference

Section 6. The GMA Comprehensive Plan Future Land Use Map adopted by Amended Ordinance 94-125 on June 28, 1995 and last amended by Ordinance No. 97-067 on July 2, 1997, is amended to show the boundaries of the Arlington UGA and the Marysville UGA as depicted in Exhibits A and B which are attached hereto and incorporated herein by this reference.

Section 7. 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 15th day of Sept, 1997.

ATTEST:

Snohomish County, Washington

Sheila McAllister
Asst. Clerk of the County Council

John Harmer
Chair, County Council

- Approved
- Emergency
- Vetoed

Date 9/17/97
Robert J. Drewel
County Executive

ROBERT J. DREWEL
County Executive

Approved as to form only:

ATTEST:

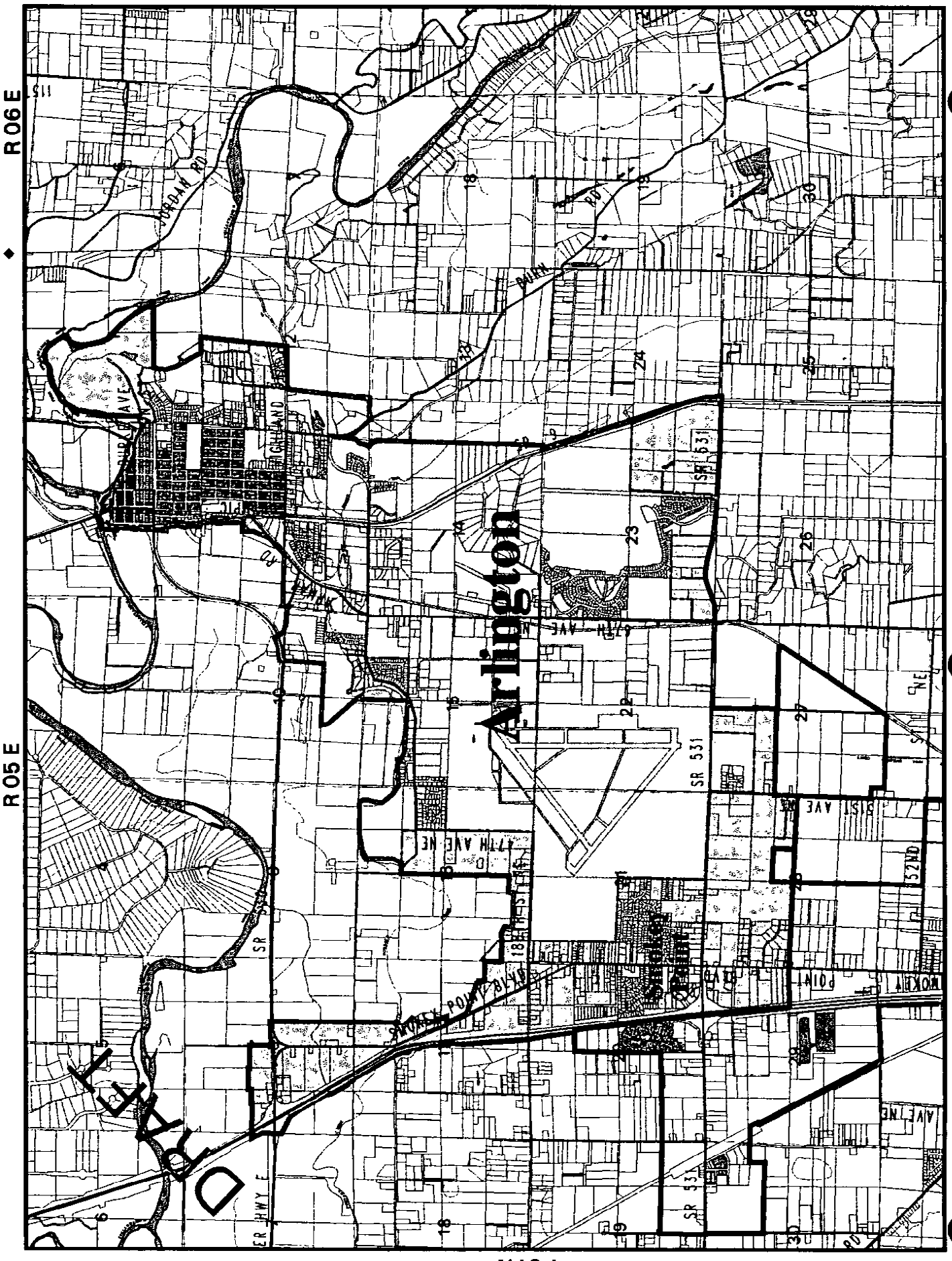
Josh W. Spitz
Deputy Prosecuting Attorney

Marilyn Abel Date 9/17/97

D-1

R06 E





R05 E



T 31 N

ARLINGTON Urban Growth Area

EXHIBIT A

-  Proposed Urban Growth Area Boundary
-  Incorporated City Area Boundary
-  Incorporated City Area
-  Arlington Urban Growth Area

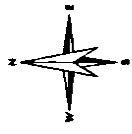
July 16, 1997



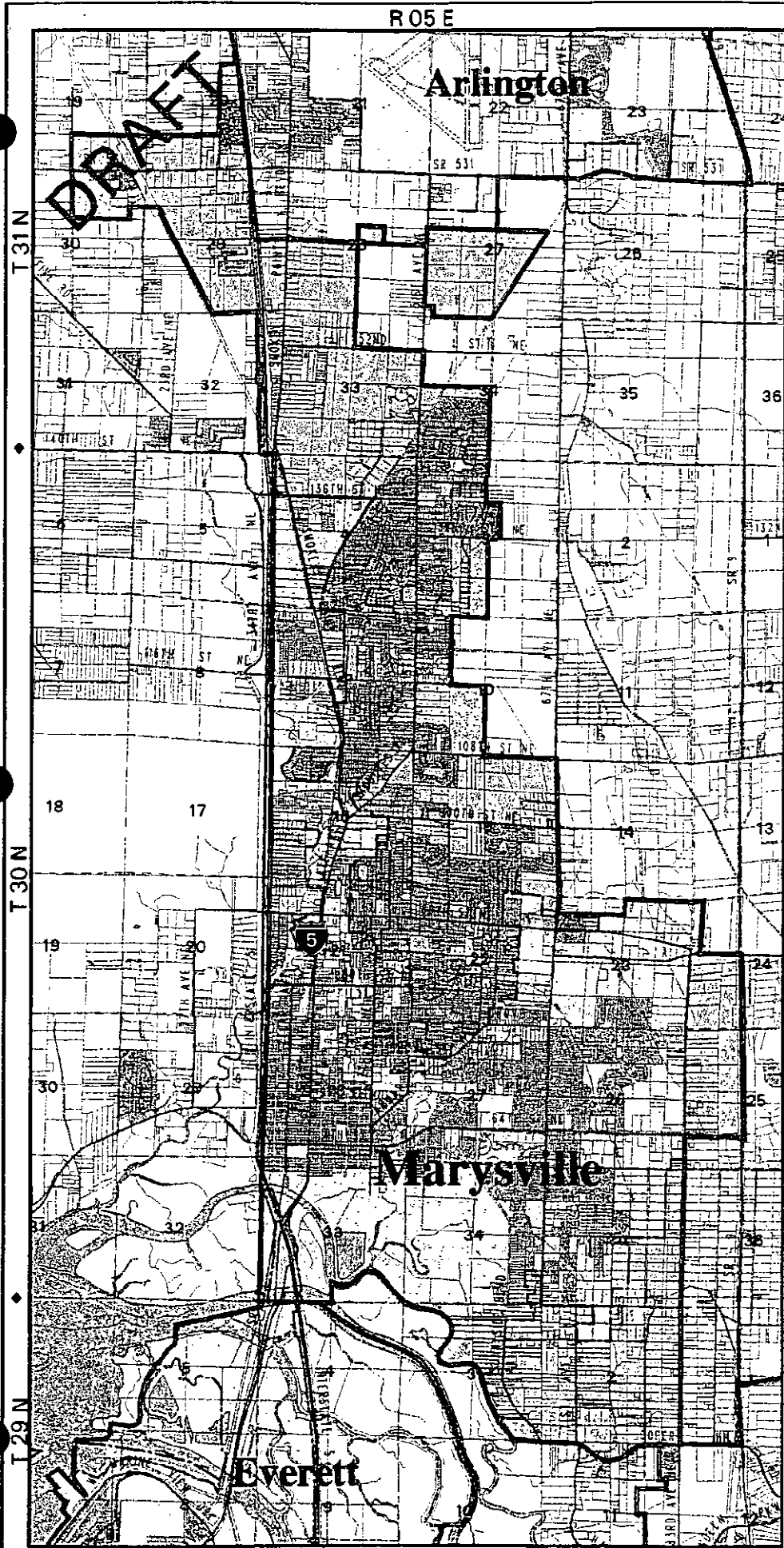
Scale in Feet

Original map scale 1:24,000

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



Snohomish County



MARYSVILLE Urban Growth Area

EXHIBIT B

-  Proposed Urban Growth Area Boundary
-  Incorporated City Area Boundary
-  Incorporated City Area
-  Marysville Urban Growth Area

July 16, 1997

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Scale in Feet
Original map scale 1:30,000

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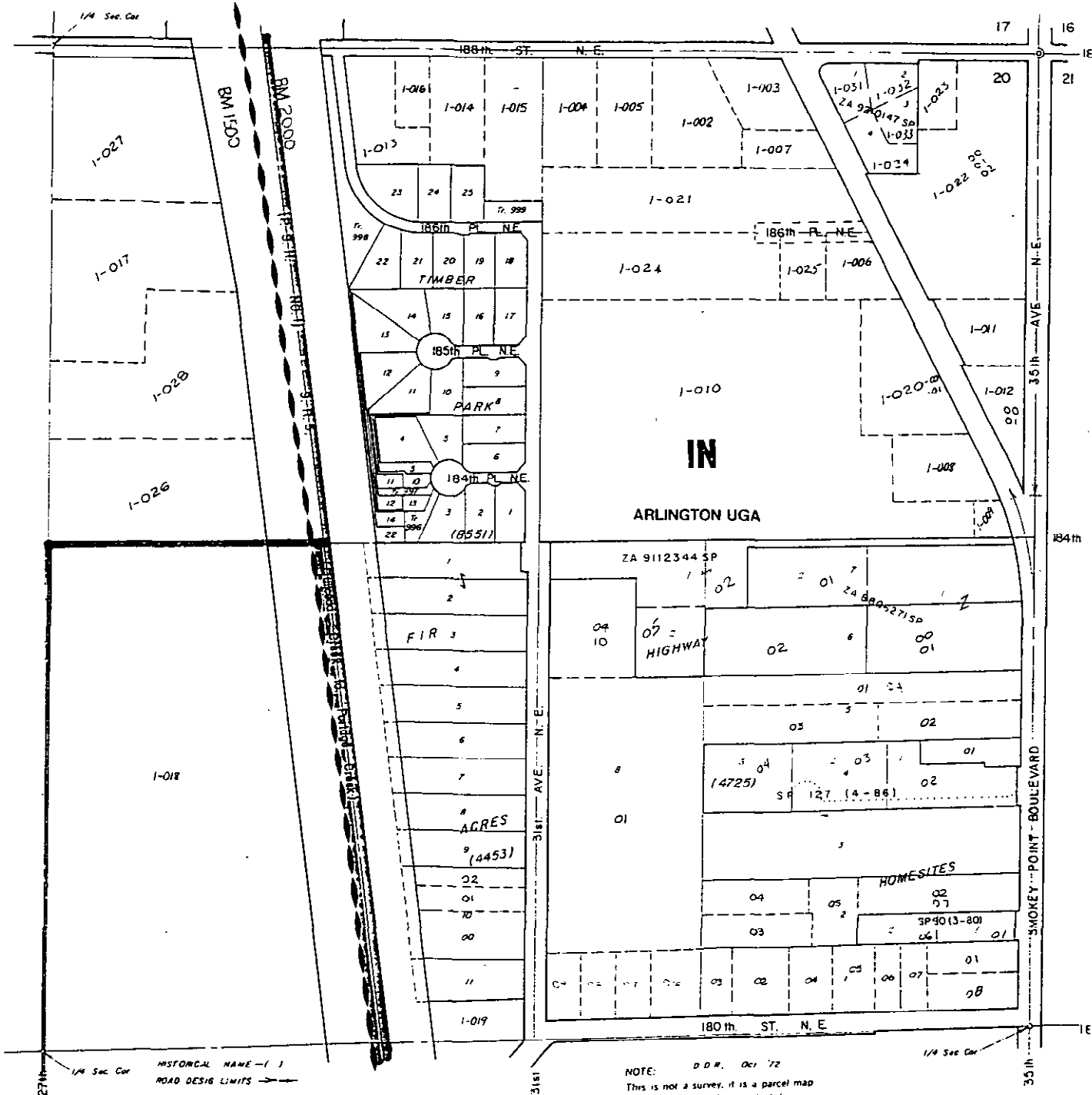


Snohomish County

Arlington
EXHIBIT C

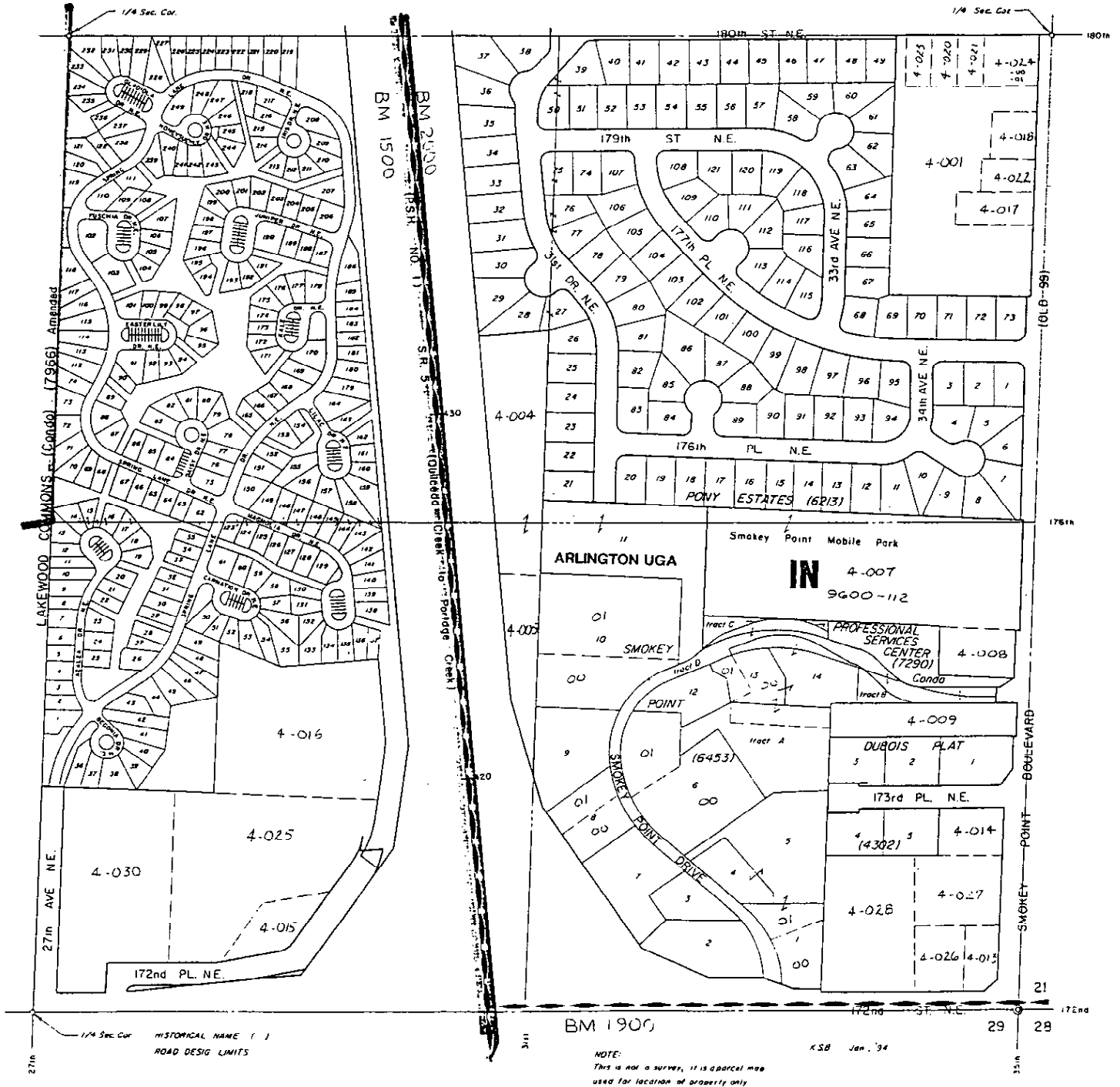
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1" = 200'



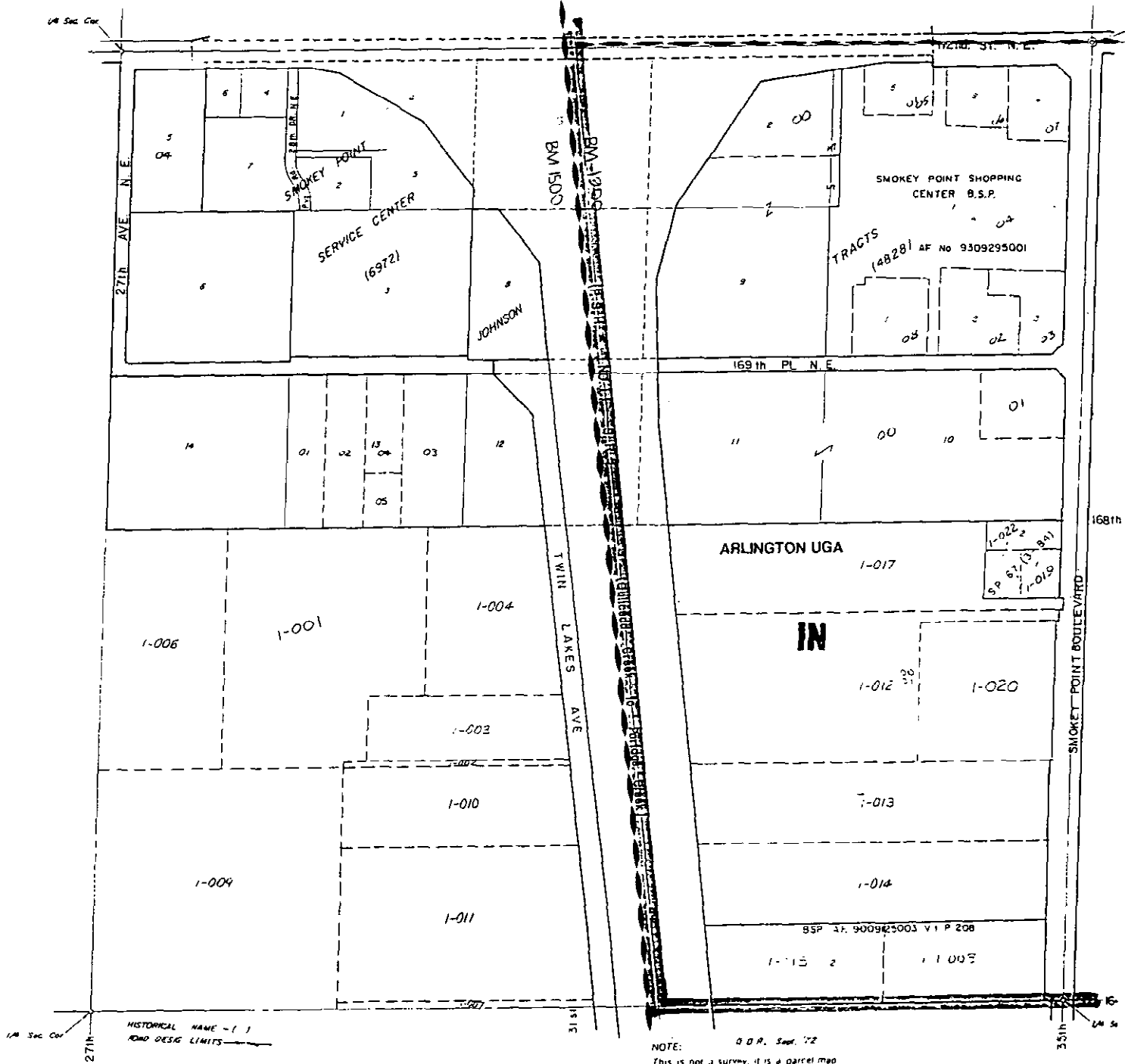
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1" = 200'



N. E. 1/4, SEC. 29, T. 31, R. 5 E.

1" = 200'



NOTE: O.D.R. Sept. 72
This is not a survey, it is a parcel map
used for location of property only

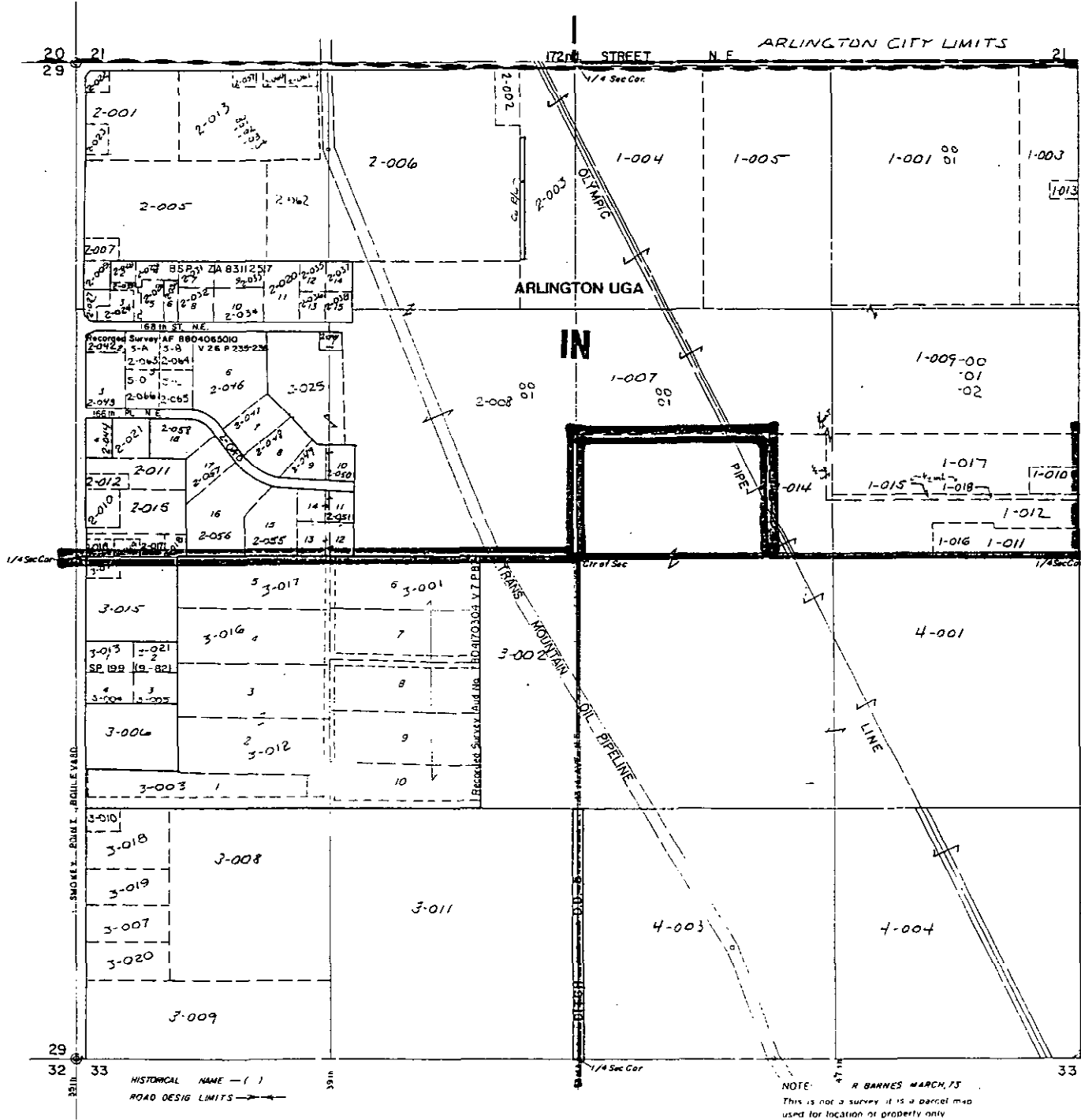
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1" = 200'



SEC. 28, TWP. 31N, R5E.W.M.

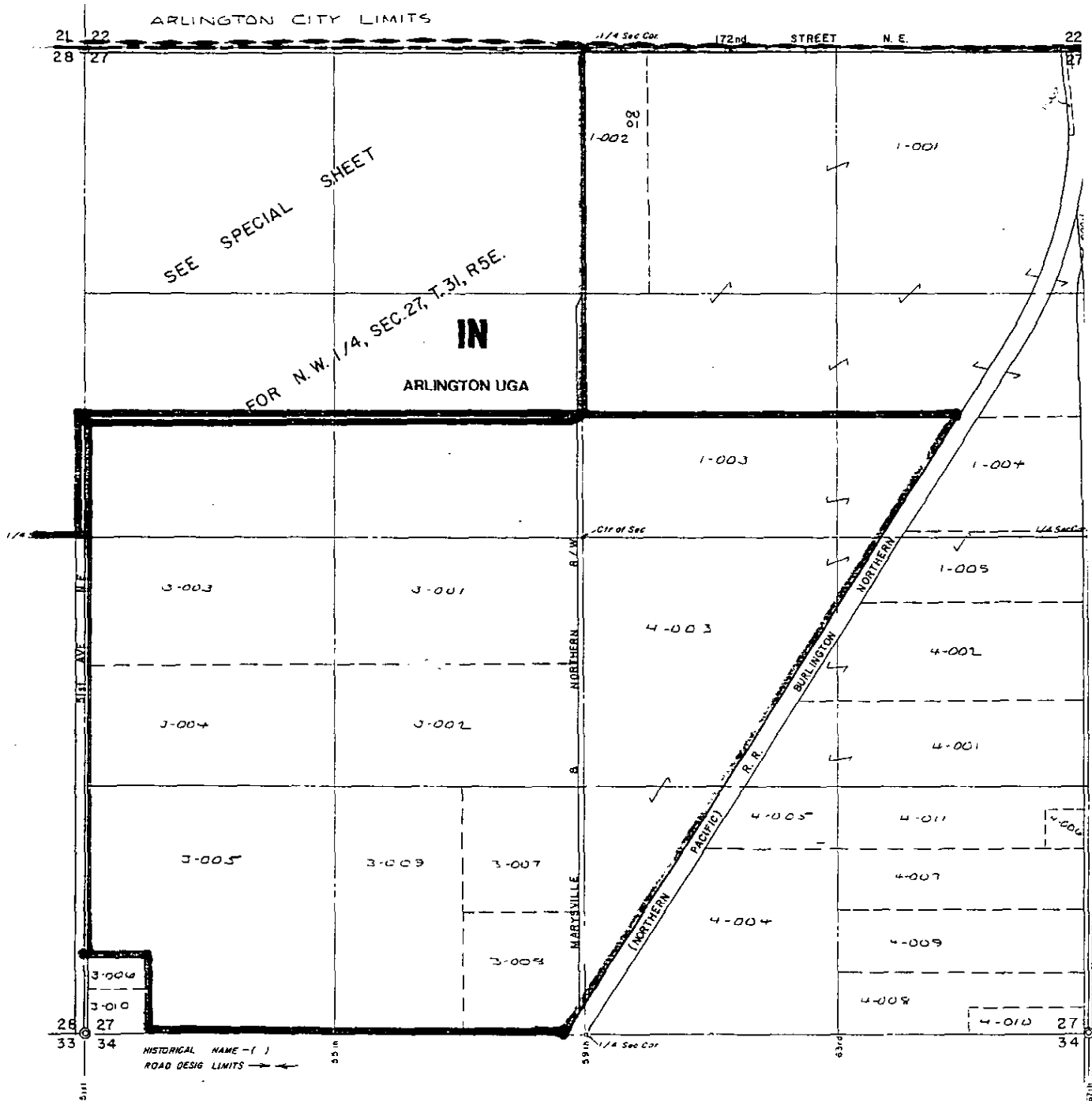
1" = 400' 6M 1900



NOTE: R. BARNES MARCH, 15
This is not a survey, it is a parcel map
used for location of property only

SEC. 27, T. 31N, R. 5E.W.M.

1" = 400' B.M. 1900



SEE SPECIAL SHEET

FOR N.W. 1/4, SEC. 27, T. 31, R. 5E.
IN
ARLINGTON UGA

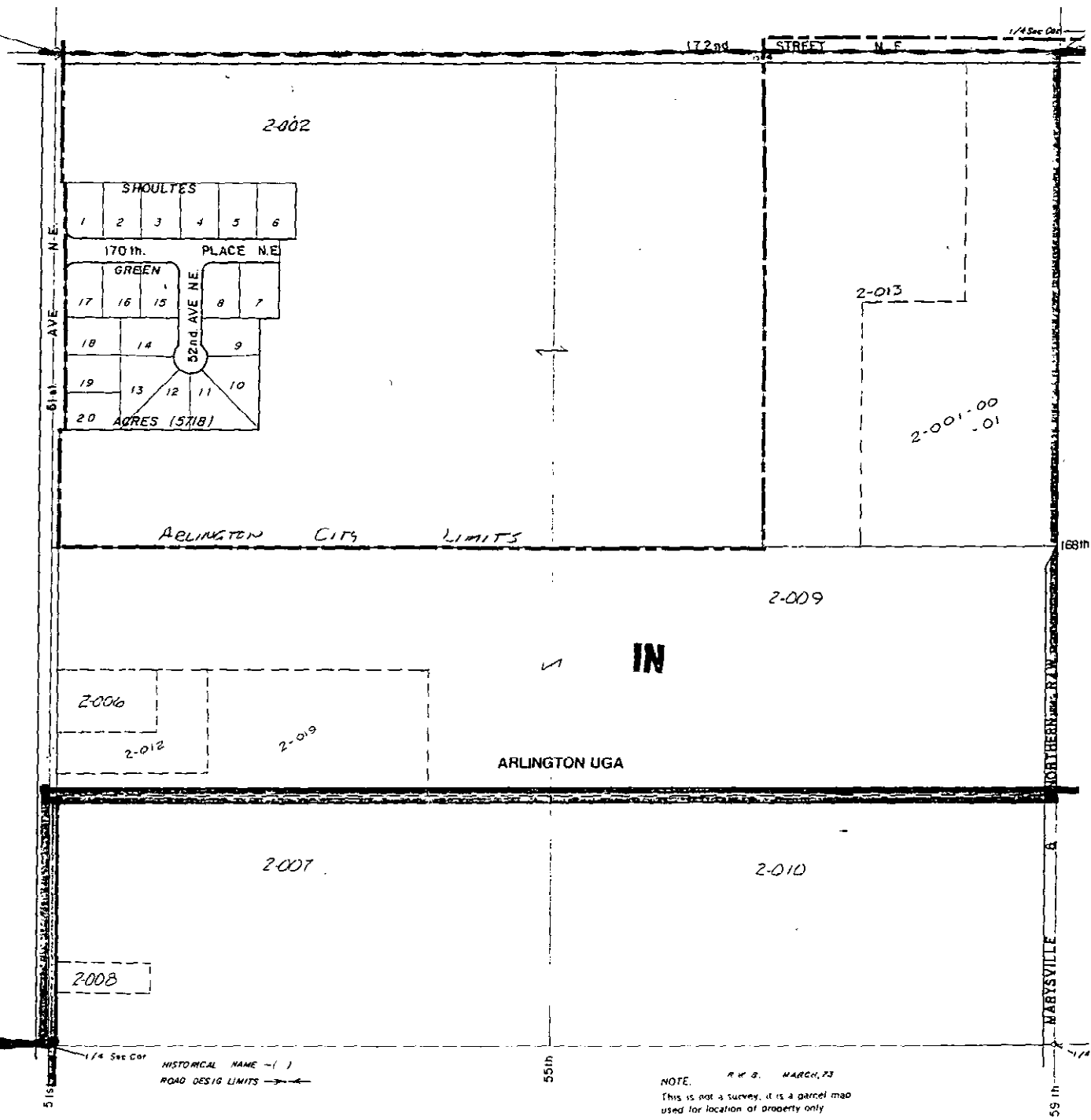
HISTORICAL NAME - ()
ROAD DESIG LIMITS → ←

NOTE: R.W. B. MARCH, 73
This is not a survey, it is a parcel map
used for location of property only

N. W. 1/4, SEC. 27, T. 31N, R5E.W.M.

1" = 200' B.M. 1900

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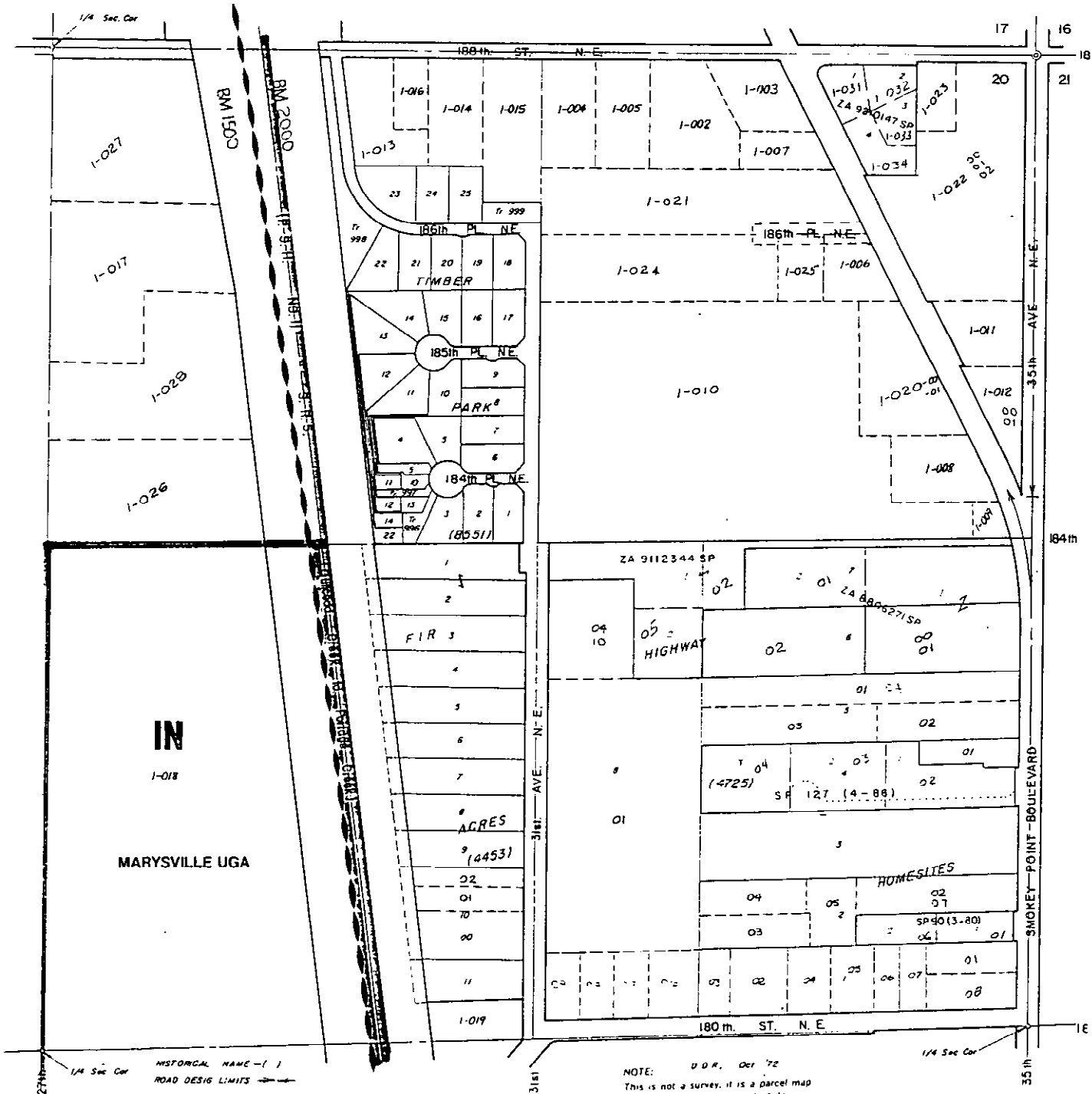
HISTORICAL NAME - ()
ROAD DESIG LIMITS →

NOTE. R.H.B. MARCH, 73
This is not a survey, it is a parcel map
used for location of property only

Marysville
EXHIBIT D

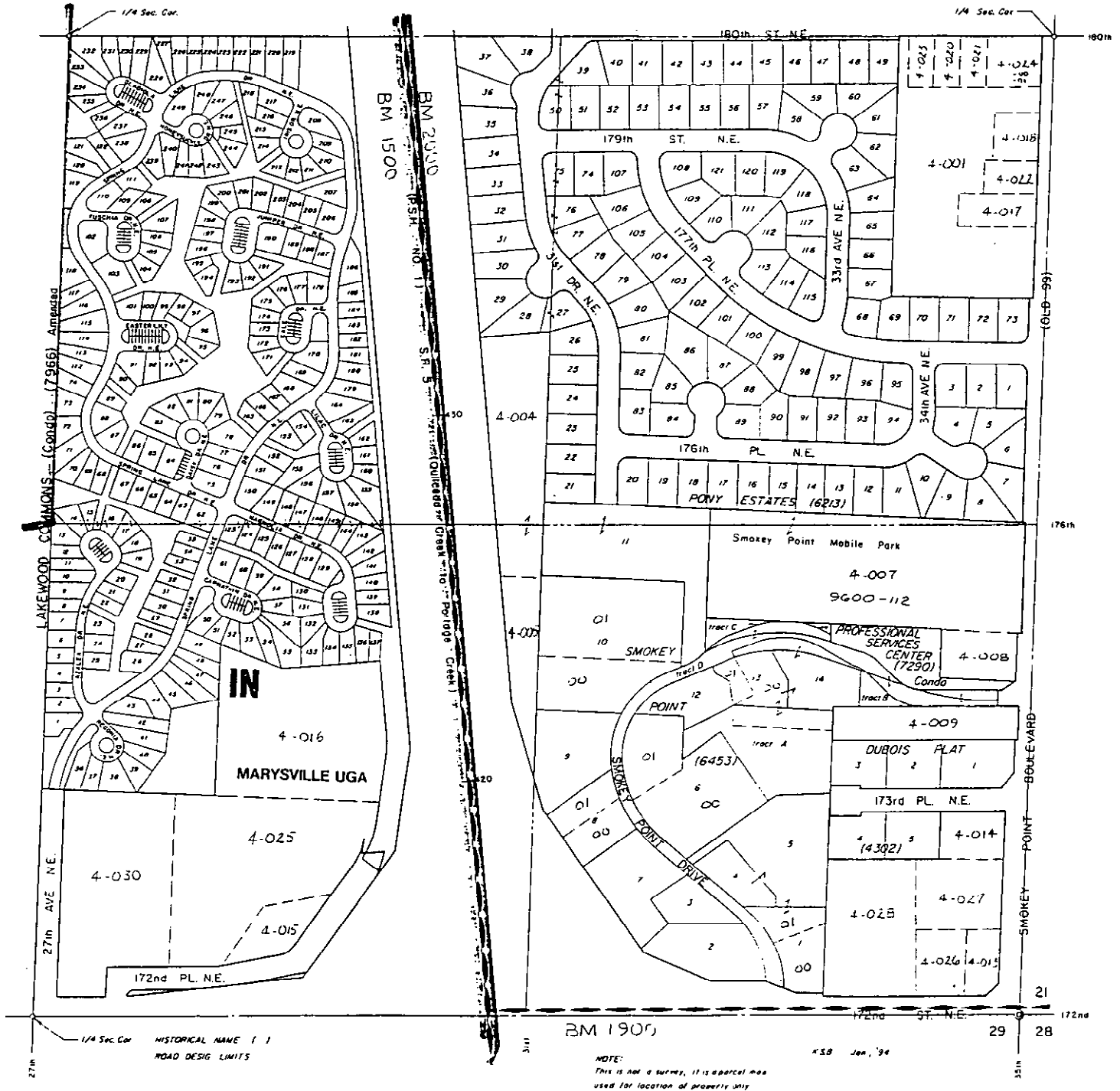
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1" = 200'



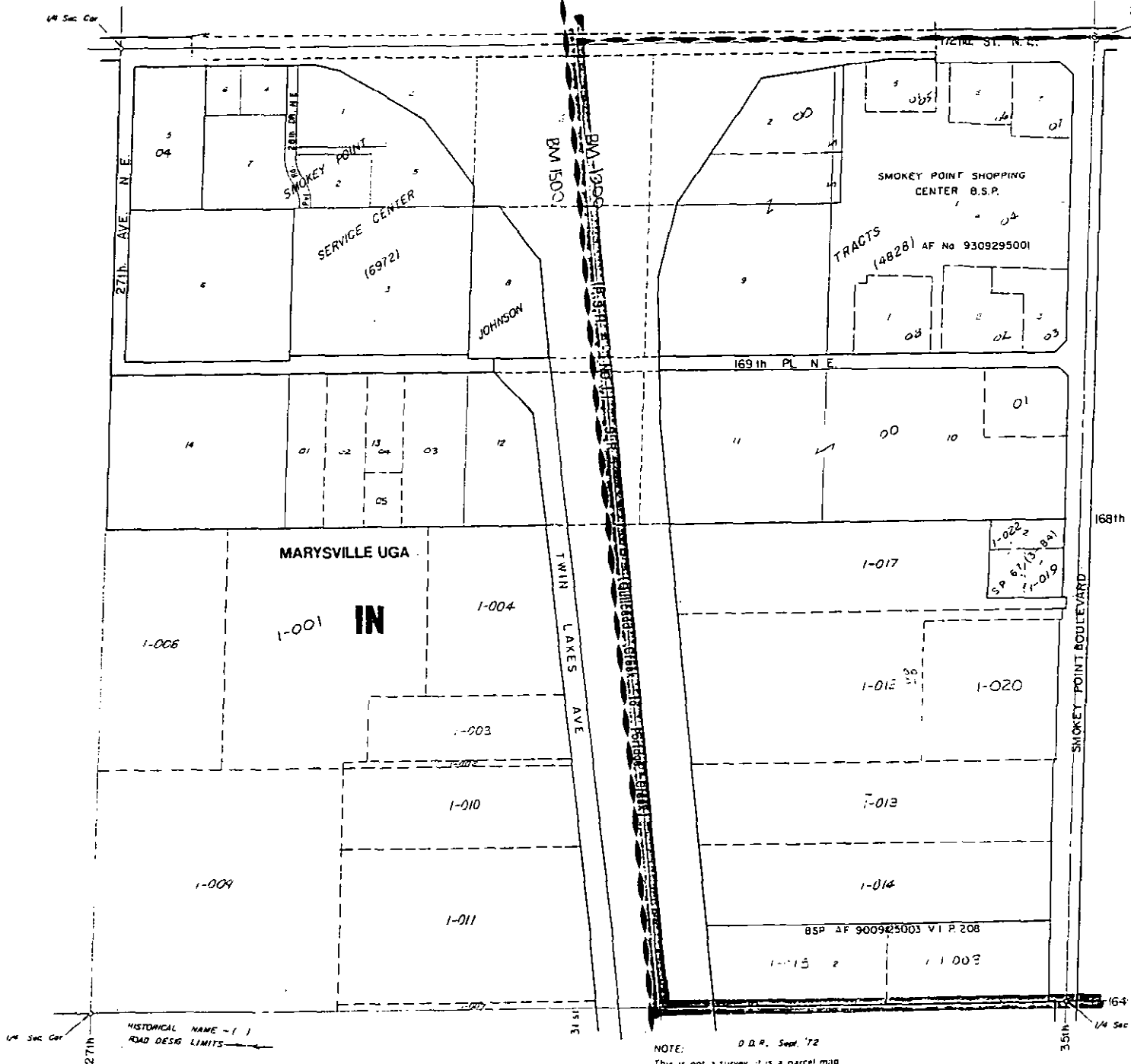
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1" = 200'



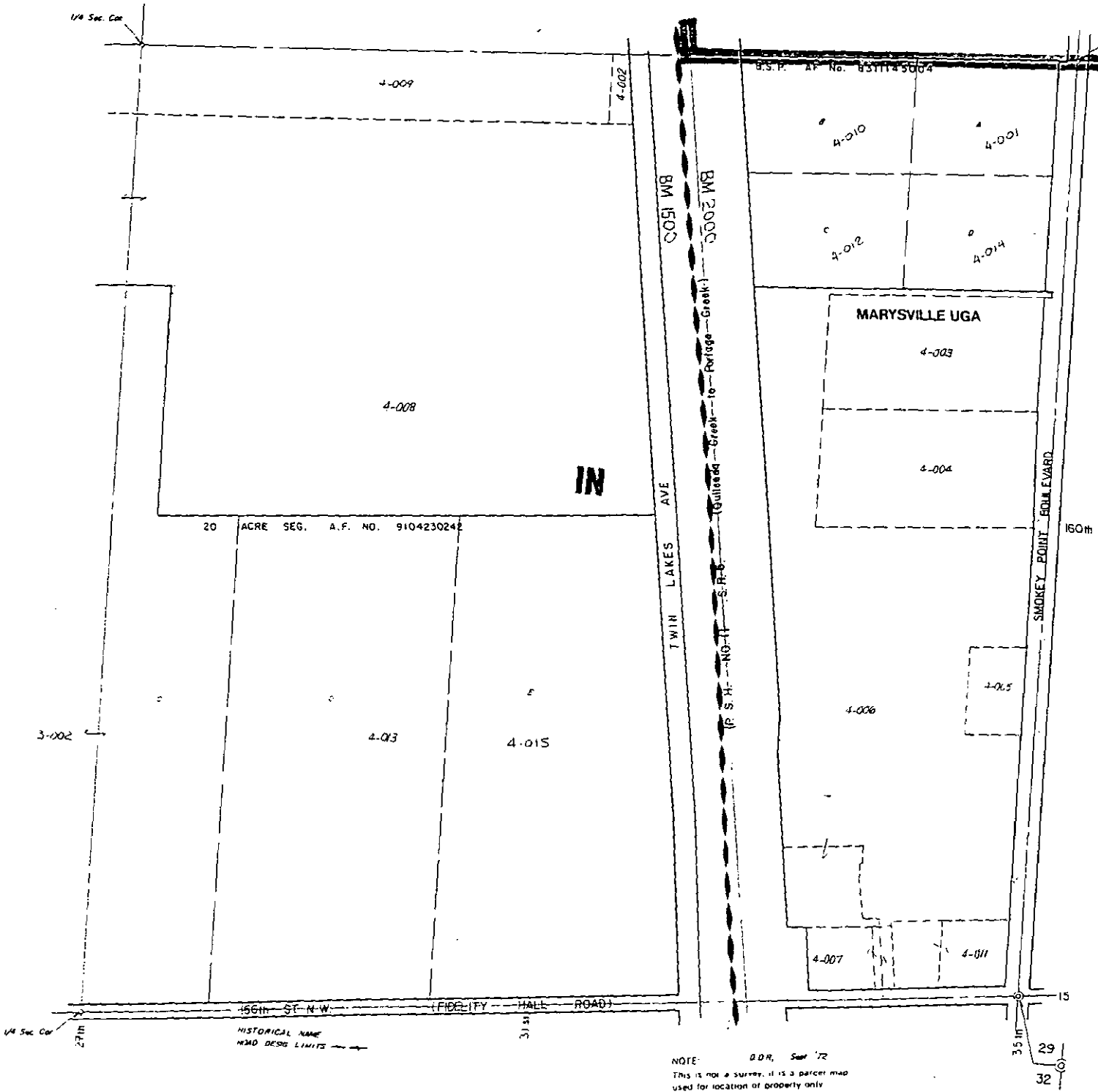
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1" = 200'



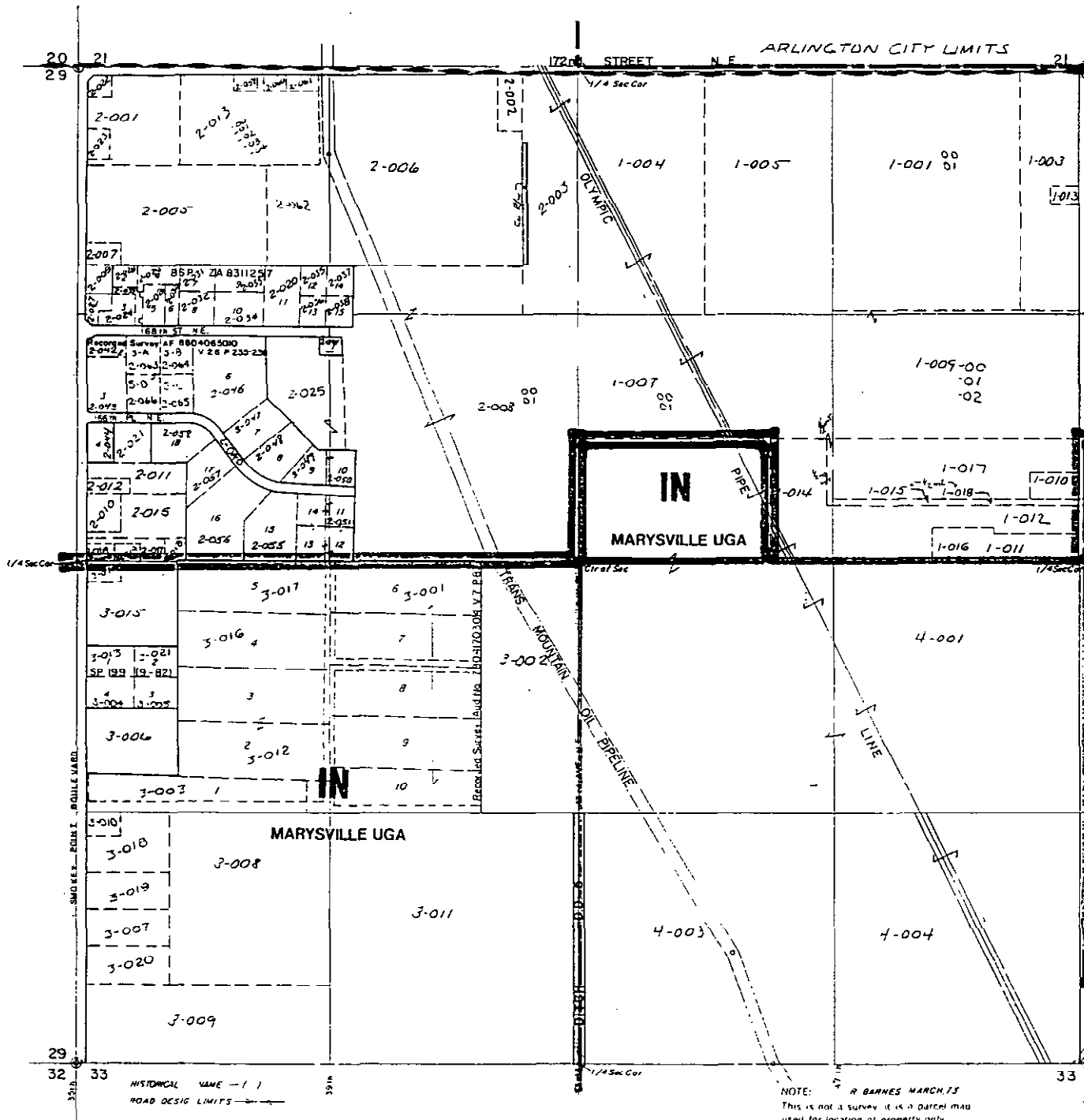
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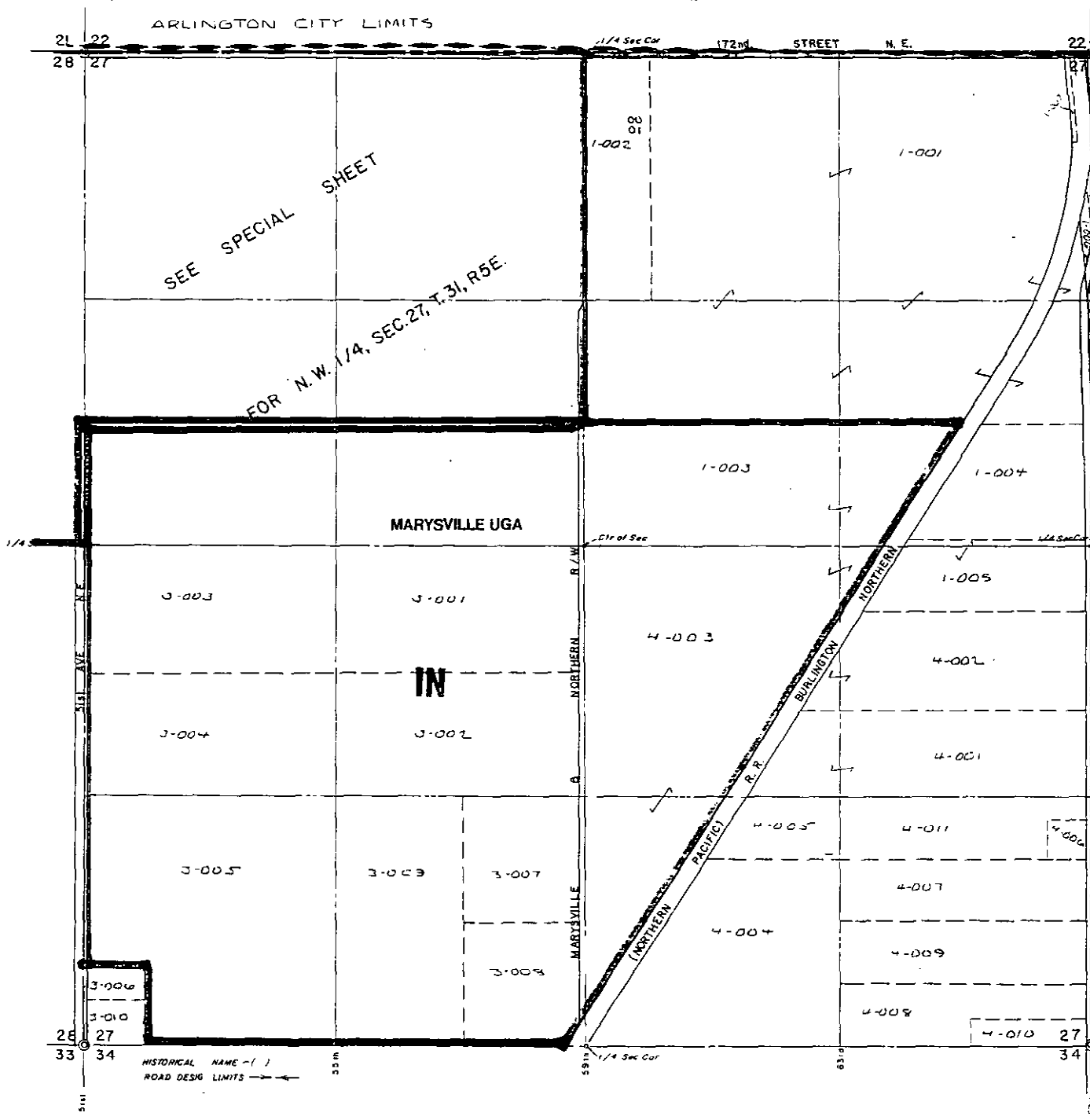
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1" = 400' BM 1900



SEC. 27, T. 31N, R. 5E. W. M.

1" = 400' B.M. 1900



N. W. 1/4, SEC. 27, T. 31N, R5E.W.M.

1" = 200' B.M. 1900

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