



CO00019116

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 99-005

ADOPTING MAP AND TEXT AMENDMENTS
TO THE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN

WHEREAS, the Snohomish County Council adopted a GMA Comprehensive Plan on June 28, 1995; 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 County amended its plan and development regulations in response to the Board's order on November 27, 1996; and

WHEREAS, the Board issued an Order of Compliance in *Sky Valley* on October 2, 1997, finding the County to be in compliance with its Final Decision and Order, except for the Rural Residential - Rural Diversification (RR-RD) plan designation; and

WHEREAS, the Board remanded the RR-RD designation to the County with instructions to insure that this designation does not result in a pattern of urban growth in a rural area; and

WHEREAS, in response to the order, the Snohomish County Planning Commission and the County Council did not adopt any changes to the Snohomish County GMA Comprehensive Plan based on testimony and findings that urban growth would not result from an RR-RD designation with a maximum density of one dwelling unit per 2.3 acres; and

WHEREAS, the Board issued a Second Order of Compliance in the *Sky Valley* case on September 8, 1998, finding that the RR-RD designation continued to constitute an impermissible pattern of urban growth in rural areas; and

WHEREAS, the Board remanded the RR-RD designation to the County for a second time with instructions to bring it into compliance with the GMA and to explain in writing how the County's action on this part of the rural element harmonizes with the GMA's planning goals; and

WHEREAS, the Planning Commission and County Council have held hearings on proposed GMA comprehensive plan and development regulation changes to comply with the Board's second order; and

WHEREAS, the Snohomish County Planning Commission held a hearing on December 15, 1998, on plan and code amendments; and

WHEREAS, the Snohomish County Council held public hearings on February 24 and March 3, 1999 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 of fact and conclusions:

- A. The County Council has harmonized the goals of the GMA and considered their balance in enacting the amendments to the plan's rural element. The amendments are consistent with the goals of the GMA, specifically the following:
1. Urban growth: The reduction of the maximum density from 1 dwelling unit per 2.3 acres to 1 dwelling unit per 5 acres makes the density in the Darrington area consistent with that of other rural areas of the county. This density will assure that a pattern of urban growth will not occur in the Darrington area. In addition, the new Rural/Urban Transition Area overlay designation adjacent to the urban growth area (UGA) boundary will ensure that enough flexibility is maintained to allow the potential future inclusion and subdivision of these areas within an expansion of the Darrington UGA.
 2. Reduce sprawl: The density of 1 dwelling unit per 5 acres reduces the permissible density in this rural area and therefore will not allow the inappropriate conversion of undeveloped land into sprawling, low-density development. In addition, historic and projected population growth in the Darrington has been very low and does not pose a threat to the character of the rural area. For the life of the county's GMA comprehensive plan, population is expected to grow by not more than approximately 330 persons within Census Tract 537 which includes the Town of Darrington.

3. **Transportation:** The increase of the minimum required lot size is consistent with the transportation goal because it would prevent an urban pattern of development in this rural area. This would support the Transportation Element of the County's GMA Comprehensive Plan which aims for efficient multimodal transportation systems supporting growth primarily in the urban areas.
4. **Housing:** The amendments will not interfere with the goal of affordable housing to all economic segments of the county's population. A range of affordable housing is available within the UGA of the Town of Darrington.
5. **Economic development:** The amendments will not change the rural uses that are permitted uniquely within the Darrington area. They provide economic opportunities to a rural residential population that has a much higher proportion of low to moderate income persons than any other area of the county.
6. **Property rights:** The amendments make the minimum required lot size and rural development potential in this area consistent with all other rural areas of the county. Property owners in this area will therefore have the same development rights as other rural residential property owners in the county.
7. **Permits:** The amendments do not affect or change development regulations that the County has adopted and that provide for timely and fair processing consistent with this goal.
8. **Natural resource industries:** The amendments contribute to the maintenance and enhancement of natural resource-based industries, principally the timber industry, by reducing permitted rural residential densities next to designated commercial forest lands. The low projected growth rates together with the countywide requirements for setbacks from commercial forest land will further protect the area's natural resource lands.
9. **Open space and recreation:** The decrease in allowable density will be beneficial to the conservation of fish and wildlife habitat and encourage the retention of open space.
10. **Environment:** The amendments do not affect or change critical area regulations that the County has adopted and that provide for the protection and enhancement of the area's natural environment. The lower density provided in the amendments will reduce the environmental impacts of development in the Darrington area.
11. **Citizen participation and coordination:** The amendments were advertised in local newspapers and notice of the Planning Commission hearing was mailed to more than 2,000 property owners within and adjacent to the RR-RD designation,

exceeding the notice requirement of the county code for plan and code amendments. The Planning Commission held one hearing and received oral testimony from several individuals and organizations. The Planning Commission also received, reviewed and considered written testimony which was submitted and is part of the commission's hearing record.

12. Public facilities and services: The amendments reduce the potential need for rural services and facilities consistent with the needs identified and planned for in other rural areas throughout the county.
13. Historic preservation: The amendments reduce potential pressures for the development of historic structures and sites in the area consistent with this state goal.
14. Shoreline Management Act Goals: The action is consistent with the goals of the Shoreline Management Act and the county's Shoreline Master Program.
15. The Darrington Area Rural Advisory Council (DARAC) supported Alternative 1 in testimony before the Planning Commission. DARAC requested that the county delete from the Future Land Use Map that portion of the Rural Urban Transition area (RUTA) within the floodplain of the Sauk-Suiattle rivers to the northeast of the town, commenting that this floodplain area was in general inappropriate for urban development. The County Council agrees and will remove this area from the RUTA designation. (Planning Commission Exhibit No. 5 and testimony to Planning Commission of Marvin Kastning, President of DARAC; testimony to County Council of Klaus Schilde, PDS staff).

Based on the above findings and conclusions, the Council concludes that the rural element of the GMA comprehensive plan, as amended by this action, supports and furthers all of the goals of the GMA and the County's vision of GMA planning for Snohomish County.

- B. The amendments meet the requirements of the GMA, specifically for development in rural areas by maintaining a level of rural character outside designated UGAs consistent with the Snohomish County GMA Comprehensive Plan and applicable GMA provisions.
- C. All applicable elements of the GMA comprehensive plan are consistent with and support the proposed amendments.
- D. The amendments maintains consistency between the General Policy Plan (GPP) and the county's GMA development regulations.

E. Addendum No. 10 to the Final Environmental Impact Statement (FEIS) for the Snohomish County GMA Comprehensive Plan was prepared to satisfy SEPA requirements for the first Darrington remand proposal and also applies to the subject action. The addendum described the proposed comprehensive plan and development regulation amendments and analyzed their impacts. The amendments recommended in response to the second remand order are within the range of alternatives and scope of analysis contained in the FEIS and the previously issued addenda and result in no new significant adverse environmental impacts. Proposed Alternative 1 is a combination of Options 2 and 3 described in Addendum No. 10. Proposed Alternatives 2 and 3 correspond to Options 3 and 2 of Addendum No. 10, respectively. The addendum performs the function of keeping the public apprised of the refinement of the original comprehensive plan proposal by adding new information. SEPA compliance has been satisfied by this document.

Section 2. The County Council bases its findings of fact and conclusions on the entire record of the Planning Commission and the County Council, including all testimony and exhibits.

Section 3. Based on the foregoing findings and conclusions, the Snohomish County Growth Management Act Comprehensive Plan-General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Ordinance No. 98-142 on January 11, 1999, is amended as indicated below:

Amend Policy LU 6.B.9 on page LU-23 to read:

6.B.9 Within the Rural Residential designation and within that portion of the Rural Residential-Rural Diversification designation that has a Rural/Urban Transition Area overlay, subdivisions may exceed the basic density of 1 lot per 5 acres if the rural cluster subdivision technique is used, all of its criteria and requirements for the maintenance and enhancement of the rural character are met, and the maximum lot yield does not exceed 1 lot per 2.3 acres.

Amend the second paragraph of the second column on page LU-49 to read:

Rural Residential RD (RR- RD: 1 dwelling unit per ~~2.3~~ 5 or more acres). This designation applies only to the rural residential area that has historically been designated as Rural Diversification in the Darrington Area Comprehensive Plan. This designation will continue to allow a mix of rural residential housing and small home-based, rural industrial/commercial uses. The implementing zone is the Rural Diversification zone.

Section 4. The County Council hereby amends the Future Land Use Map of the Snohomish County GMA Comprehensive Plan-General Policy Plan adopted as Exhibit A in Section 4 of Amended Ordinance No. 94-125 on June 28, 1995, and last amended by Ordinance No. 98-142 on January 11, 1999, is amended as indicated below:

Amend the legend of Map 4 (Future Land Use-General Policy Plan) by adding a Rural/Urban Transition Area overlay designation as shown on Attachment A which is attached to this ordinance and incorporated by reference.

Amend the legend of Map 4 (Future Land Use-General Policy Plan) by replacing the words "Rural Residential-RD (1 DU/2.3 Acres)" with "Rural Residential-RD (1 DU/5 Acres)."

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 3rd day of March, 1999.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Richard L. Luman

Chair

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
 VETOED
 EMERGENCY

Date: 3-4-99

[Signature]
County Executive

APPROVED AS TO FORM

[Signature]
Deputy Prosecuting Attorney

ATTEST:

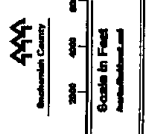
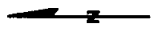
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YUVAH COUNTY
FUTURE LAND USE
 General Policy Plan
 Attachment A

Adopted
 03/03/99

LEGEND

- National Forest (includes some private and non-federal public lands)
- Commercial Forest
- Commercial Forest - Forest Transition Area
- Low Density Rural Residential (1 DU/20 Acres)
- Rural Residential-10 (1 DU/10 Acres)
- Rural Residential-10 (1 DU/10 Acres)
- Rural Residential-6 (1 DU/5 Acres)
- Rural Residential - RD (1 DU/5 Acres)
- Rural Residential (1 DU/5 Acres Basic)
- Urban Low Density Residential (4 - 6 DU/1/2 Acres)
- Other Land Uses (See Subarea or UGA Comprehensive Plans)
- Rural Commercial
- Urban Commercial
- Rural Industrial
- Urban Industrial
- Incorporated Cities, Towns, Villages, & Rights-of-Way
- Rural/Urban Transition Area
- Urban Growth Area Boundary
- Incorporated City Boundary
- Aerial Right-of-Way
- FUD Percol Boundary
- 100 Foot Contour above Mean Sea Level
- Mineral Lands



Yuba County is a member of the California Statewide Planning and Research Council. The Council is a voluntary organization of local government officials who meet regularly to discuss and coordinate regional planning and development issues. The Council's primary purpose is to provide a forum for the exchange of information and ideas among local government officials and to coordinate their efforts in the development of a regional growth strategy. The Council's membership includes all counties in California. The Council's headquarters are located in Sacramento, California. The Council's website is <http://www.california.gov/planning>.

