

Adopted: May 12, 2010  
Effective: May 29, 2010

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 09-080

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
ZONING MAP AMENDMENTS TO IMPLEMENT A NEW ZONING CLASSIFICATION  
FOR THE URBAN CENTER COMPREHENSIVE PLAN DESIGNATION

WHEREAS, on December 21, 2005, the county council adopted a series of ordinances to complete the 10-year update to the Snohomish County Growth Management Act Comprehensive Plan required by RCW 36.70A.130(3), including Amended Ordinance No. 05-069 that amended the General Policy Plan (GPP) Future Land Use Map (FLUM); and

WHEREAS, on December 21, 2005, the county council also adopted Amended Ordinance No. 05-090 adopting areawide rezones to implement the FLUM designations, including those for Urban Centers; and

WHEREAS, the county council has now adopted new GPP policies and development regulations adopting the new Urban Center zone, which replaces the Urban Center Demonstration Program (UCDP); and

WHEREAS, the proposed areawide rezones provide the underlying zoning classification that will be implemented with new development regulations, which pertain to the development of the new Urban Center zone and which are also currently under consideration by the county council; and

WHEREAS, the proposed areawide rezones in the Southwest Urban Growth Area (UGA) implement and are consistent with the GMACP and FLUM; and

WHEREAS, the proposed areawide rezones are necessary to achieve consistency between the comprehensive plan and development regulations; and

WHEREAS, on April 28, 2009, after proper notice including individual direct mail notice to affected property owners, the Snohomish County Planning Commission (planning commission) held a public hearing to receive public testimony concerning the proposed areawide rezones; and

WHEREAS, on April 28, 2009 the planning commission deliberated on the proposed areawide rezones as recommended by the Department of Planning and Development Services at an advertised public meeting; and

WHEREAS, at the conclusion of its deliberations the planning commission voted to recommend adoption of the proposed areawide rezones as enumerated in its recommendation letter of May 8, 2009; and

WHEREAS, on August 12, 2009, the county council adopted Ordinance 09-038, amending the Snohomish County GMA Comprehensive Plan – General Policy Plan Future Land Use Map to re-designate 61 acres at Point Wells (Paramount of Washington) from Urban Industrial to Urban Center with a concurrent rezone from Heavy Industrial to Planned Community Business; and

WHEREAS, on January 27, 2010 the county council adopted Emergency Ordinance No. 10-004 setting an effective date of May 2, 2010 for Ordinance No. 09-038; and

WHEREAS, on October 14, 2009, the county council adopted Ordinance No. 09-096, regulating the use of mobile home parks and zoning all mobile home parks located within urban residential designations to the new Mobile Home Park zone, and excluding the Westburg and Village Green mobile home parks that are located within the urban center designation from the rezone to the Mobile Home Park zone; and

WHEREAS, the inclusion of the Westburg and Village Green mobile home parks in the areawide rezone to Urban Center is consistent with the policy and zoning of property designated Urban Center; and

WHEREAS, the county council determined that the rezone of the Point Wells (Paramount of Washington), Westburg and Village Green properties are appropriate; and

WHEREAS, on September 30, and December 9, 2009 and April 21 and May 5, 2010, the county council held public hearings after proper notice, heard public testimony related to the proposed areawide rezones, and considered the entire record, including the planning commission's recommendations on the proposed areawide rezones; and

WHEREAS, after the public hearings, the county council deliberated on the proposed areawide rezones.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The county council makes the following findings:

- A. The county council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. The county council adopts the following additional general findings of fact related to the areawide rezones:
  1. The areawide rezone amendments were developed from findings of fact and conclusions in Amended Ordinance No. 09-079 amending development regulations in title 30 SCC.
  2. There has been early and continuous public participation in the review of the proposed amendments.
  3. The general public, various interested agencies and parties were notified of public hearings by means of legal notices, including publication in the newspaper and posting of the affected properties, notice on the county website, and direct mail notices to affected property owners.

4. The planning commission held public hearings on zoning map amendments on April 28, 2009, held deliberations, and forwarded a recommendation to the county council.
  5. After proper notice, the county council held public hearings on September 30, and December 9, 2009 and April 21 and May 5, 2010, to consider the entire record and hear public testimony on Ordinance 09-080 adopting zoning map amendments to implement the FLUM.
- C. This is a non-project action under the State Environmental Policy Act (SEPA) and therefore, PDS completed an environmental checklist and issued a Determination of Nonsignificance (DNS) on April 16, 2009, Addendum #1 to the DNS on July 14, 2009, Addendum #2 to the DNS on September 15, 2009, Addendum #3 to the DNS on November 13, 2009, and Addendum #4 to the DNS on April 8, 2010.

**Section 2.** The county council makes the following conclusions, based on its findings of facts and on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

- A. The areawide rezones, as mapped in Exhibit A and described in Exhibit B, are consistent with and implement the 2005 GMACP and FLUM.
- B. SEPA requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance of a Determination of Nonsignificance (DNS) on April 16, 2009, Addendum #1 to the DNS on July 14, 2009, Addendum #2 to the DNS on September 15, 2009, Addendum #3 to the DNS on November 13, 2009, and Addendum #4 to the DNS on April 8, 2010.
- C. This action rezones a total of 1,455.58 acres of unincorporated properties within the Southwest UGA. These areas are shown in Exhibits A, which is attached hereto and incorporated herein by this reference as if fully set forth.
- D. The county council concludes that the areawide rezones comply with the GPP and the title 30 SCC, the Unified Development Code (UDC).
- E. The areawide rezones bear a substantial relationship to the public health, safety and welfare.
- F. There has been early and continuous public participation in the review of the proposed areawide rezones, as required by the GMA and consistent with chapters 30.73 and 30.74 SCC.
- G. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

**Section 3.** The county council bases its findings and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion, which should be deemed a finding is hereby adopted as such.

**Section 4** Based on the foregoing findings and conclusions, the county council adopts the areawide rezones as mapped in the following document which is attached hereto and incorporated by reference as if fully set forth herein:

Maps showing the rezones incorporated herein as Exhibit A (seven maps).

**Section 5.** Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 12<sup>th</sup> day of May, 2010.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

---

Dave Gossett  
Council Chair

ATTEST:

---

Sheila McCallister  
Asst. Clerk of the Council

(X) APPROVED  
( ) EMERGENCY  
( ) VETOED

DATE: May 19, 2010

Aaron Reardon  
Snohomish County Executive

ATTEST:

Cora Palmer

Approved as to form only:

---

Deputy Prosecuting Attorney

Exhibit A  
Amended Ordinance No. 09 - 080  
Areawide Rezone Maps

Exhibit B  
 Amended Ordinance No. 09 - 080  
 Areawide Rezones

<b>Southwest UGA</b>		
<b>Existing Zone</b>	<b>Rezone</b>	<b>Acreage</b>
PCB	UC	1,312.58
CB	UC	1
PCB-TPV	UC	138
LDMR	UC	4
<b>Total Acreage</b>		<b>1,455.58</b>