# APPENDIX 2-1

## Plans, Policies, and Agreements


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1/10/1991

# NORTH SNOHOMISH COUNTY
# REGIONAL WATER SUPPLY
# JOINT OPERATING AGREEMENT (JOA)

WHEREAS, an adequate and safe water supply for North Snohomish County is important to both existing citizens and the long-term comprehensive plans of the Participants and Snohomish County; and

WHEREAS, the State, Snohomish County, and public water purveyors jointly agreed to prepare a Coordinated Water System Plan (CWSP) for North Snohomish County; and

WHEREAS, the preliminary finding and recommendations of the CWSP concludes that projects that provide for the joint use and operation of transmission, storage, and pumping facilities as defined by the CWSP, is in the best interest of the citizens of the County; and

WHEREAS, independent of the preliminary findings and recommendations of the CWSP, the current and near-term water needs of the City of Marysville (Marysville), Tulalip Tribes (Tribes), and Public Utility District No. 1 of Snohomish County (PUD) require immediate steps to construct a transmission line to the Sunnyside vicinity.

NOW THEREFORE, Marysville, the PUD, the Tribes, (Participants) as the initial signatories to this JOA, agree as follows:

1. GENERAL

A. There is an immediate need for additional water supply in North Snohomish County; and

B. A proposed 30 inch pipeline (Pipeline) from the Everett Transmission line to the Sunnyside vicinity, to be contracted and owned by Marysville, is consistent with the preliminary findings of the CWSP and the near-term needs of the Participants; and

C. The issues concerning the rights of the City of Everett to deliver water to Marysville, the Tribes, and the PUD for retail distribution as defined by the Amended Agreement Between PUD No. 1 of Snohomish County and the City of Everett for Multipurpose Development of the Sultan River are resolved and met by this JOA; and

D. The Participants will assist Marysville, as the lead agency, in completing the necessary environmental review of relevant actions proposed, including the construction of the Pipeline per the agreement of the Participants herein and associated SEPA documents (SEIS and FEIS) and be responsive to such environmental findings in accordance with SEPA; and

E. The Participants acknowledge the requirement to incorporate land use planning in water supply planning; and

F. The Participants recognize that any delay may result in higher cost for the proposed Pipeline, in which all Participants will share proportionately; and

G. A fundamental incentive for the Participants to enter into this JOA is the commitment of all of the Participants to cooperate toward regional solutions for long range water supply needs through the year 2040.

2. INTENT

A. The general intent of the Participants is to cooperatively plan, design, construct, operate, and maintain the water transmission pipelines and related facilities generally identified in Attachment A.

B. The specific intent of this JOA is to initiate the construction of the Pipeline, allocate its capacity to the Participants, and provide for future cooperation. Prior to completion of the Pipeline the Participants agree to amend this JOA pursuant to 3D.

C. It is the desire of the Participants that this JOA be incorporated into a final CWSP. When the CWSP is completed and approved by the State Department of Health, (Health) this JOA will be amended to provide for implementation of the CWSP provisions consistent with the JOA.

3. SCHEDULE - REGIONAL PROJECTS

A. The Participants agree to cooperate with Marysville, the lead agency, in the Environmental Review, as defined in paragraph 1D to be completed on or about February 28, 1991.

B. The Participants agree to expedite completion of the construction of the Pipeline as early in 1991 as possible, consistent with appropriate environmental review and permitting requirements, with a goal of completing the project by September 1, 1991.

C. The Participants agree to immediately initiate joint negotiations with the City of Everett for a regional wholesale water contract rate.

D. Prior to Pipeline completion, the Participants will develop detailed procedures for the management, operation, maintenance, and financing of the Pipeline and associated JOA projects as an amendment to this JOA.

E. Within 6 months following the CWSP approval by Health and subject to the unanimous agreement of the Participants, the JOA will be amended to incorporate the recommendations for development of additional facilities, as outlined in the CWSP that are consistent with the JOA.

4. WATER SUPPLY - CAPACITY RIGHTS

Unless otherwise modified in writing and agreed to by all parties, the capacity rights and the cost share agreed to herein shall be as outlined below.

A. Capacity Rights - Each Participant shall be entitled to purchase capacity in the Pipeline in proportion to the year 2010 Peak Day demand forecast, as shown on attachment B. Capacity rights will be based on the percentage of actual pipeline capacity which is estimated to range from 17.3 - 20 MGD, depending on operating conditions. Each participant will pay the percentage of the cost of the pipeline that corresponds to the percentage of capacity, as specified in Table 1, within 60 days of the date that Marysville gives notice to the Participants of completion of the Pipeline and the estimated cost of the same. The final cost will be based on the audited record of the project and Participant payments will be adjusted accordingly. If a Participant fails to make full payment within 60 days, the remaining Participants will have the option to purchase the capacity rights of the non-paying Participant in the same ratio of their assigned capacity per Table 1. Any capacity not purchased by the PUD or Tribe shall remain with Marysville.

Table-1

Assigned Capacity Rights

| | % of Pipeline Capacity |
|---|---|
| Marysville | 56.44 |
| PUD | 16.55 |
| Marysville/PUD Overlap | 7.21 ** |
| Tribes | 19.80 |
| Total | 100.00 |

** The Marysville/PUD overlap area supply will be assigned to the utility eventually providing service to the area, with the initial assignment of the Pipeline capacity being divided equally between Marysville and the PUD. Payment to Marysville will be adjusted when final capacity assignments are determined.

B. Operation and Maintenance - As provided in 3D, the Participants will establish operation and maintenance (O&M) charges that include a minimum charge and a charge based on quantity of water delivered. O&M payments will be made on a monthly basis.

C. Additional JOA Participants. Other agencies can purchase capacity rights from the Pipeline only with unanimous consent of the Participants. Other agencies will be given the opportunity to become a JOA participant for future projects.

D. Wholesaling Water. A Participant claiming the right to wholesale water delivered through the Pipeline may do so as long as the other Participants to the JOA are not negatively impacted, and the Participant in fact has legal authority to wholesale such water.

Wholesaling outside a Participants designated service area (per Attachment A) shall not trigger or impact the provisions of paragraphs 4E or 4H without the agreement and concurrence of the other Participants.

E. Tulalip Tribes Supply. The Tribes' capacity rights are based on the Pipeline capacity to the Sunnyside Standpipe. Marysville agrees to wheel water to the Tribes' as shown in Table 1, to the extent possible within the capacity limits of Marysville's existing distribution system while also providing for Marysville's own use of said system. In order to wheel the capacity rights as shown in Table 1, it may eventually be necessary to upgrade Marysville's distribution system. The cost for those necessary upgrades shall be paid proportionately on the basis of benefits received. A wheeling charge shall be established by the two parties.

It is anticipated that additional transmission and storage facilities will be constructed in the 116th Street area when additional capacity for the Tribes and Marysville is needed or other system improvements are made. The estimated quantity of water available to the Tribes by the year 2040 is based on the Tribes' projections as shown on Attachment B.

F. Additional Facilities. The Participants agree that the Pipeline will meet only a portion of the Participants' future projected needs and that additional facilities, including a second pipeline intertie with Everett and a regional reservoir, will be required.

Projected needs will be identified annually based on the Participants designated service areas. The preliminary designated service area and projections are shown in Attachments A & B.

Planning for these additional facilities will commence no later than the date on which any Participant's demand on the Pipeline reaches 60 percent of said Participant's capacity rights, as enhanced by Lease Backs, if any. Construction of additional facilities will commence no later than the date on which any Participant's demand on the Pipeline reaches 85 percent of said Participant's capacity rights, as enhanced by Lease Backs, if any.

G. Quality. The objective of the Participants is to maintain the quality of the water in the Pipeline at the same quality required to meet State drinking water standards.

H. Financing. Financial participation in additional facilities will be based on each Participant's projected need for each such facility.

I. Lease Back Capacity Rights. The actual water needs of each Participant will be reviewed annually against the projected need which shall be calculated to the completion date of construction for additional capacity. If additional facilities will not be completed prior to the time projected needs of a Participant exceed the capacity rights of the Participant, then the remaining Participants agree to lease unused capacity rights in excess of their projected

needs. Lease terms shall include payments to the lessor based upon a proportionate cost of the lessor's Debt Service and Operation and Maintenance (O & M) for the leased capacity. Leases shall terminate upon availability of additional capacity from additional facilities unless otherwise agreed by the Participants.

5. COSTS

A. The cost of the Pipeline shall include the cost of construction, as defined in the State BARS system exclusive of legal fees incurred in litigation directly between Participants in this Agreement.

B. O & M costs for the Pipeline shall include costs as defined in the State BARS system that are directly attributable to operation and maintenance of the Pipeline. Marysville will establish separate accounting for O & M costs for the Pipeline.

C. Debt Service for each Participant shall include either actual Debt Service on debt issued for the Participant's proportionate share, or the amortized value at 8 percent over 20 years for cash spent by the Participant for its proportionate share, or a combination of both, if applicable.

6. INCENTIVE FOR PARTICIPATION

If a Participant fails to participate in the planning, financing, or construction of additional facilities as outlined in the CWSP and generally identified on Attachments A and B, said Participant will be required to sell to the other Participants any then unused capacity rights in the Pipeline at cost.

7. REOPENER OF AGREEMENT

The Participants agree to act in good faith to assist the City of Marysville in completing the Pipeline by September 1, 1991. The Participants agree to seek all lawful means to expedite completion of the project in accordance with the schedule outlined in the FEIS. Should any Participant breach this covenant of good faith and fail to jointly pursue all lawful means to complete construction of the Pipeline the non-defaulting Participants may reopen the JOA.

8. ADMINISTRATIVE, LEGAL AND OTHER PROVISIONS

All Participants reserve the legal rights to challenge any documents promulgated in relation to the CWSP water supply program, except this document and the related Pipeline project. This document is binding upon the Participants except for allegations of the breach of this agreement by a Participant.

The execution of this JOA and the participation of the Tulalip Tribes in the processes contemplated by the JOA do not constitute nor imply any abrogation, diminishment or waiver of its existing or reserved rights or sovereign powers, whether arising under treaty, statute or common law.

IN WITNESS WHEREOF, the Participants hereto have caused this agreement to be executed by their proper Officers on the 10th day of January 1991.

City of Marysville

By: Rita Matheny
Rita Matheny, Mayor

Attest:

By: Phillip E. Dexter
Phillip E. Dexter, City Clerk

Approved As To Form:

By: Grant K. Weed
Grant Weed, City Attorney

Public Utility District No. 1
of Snohomish County

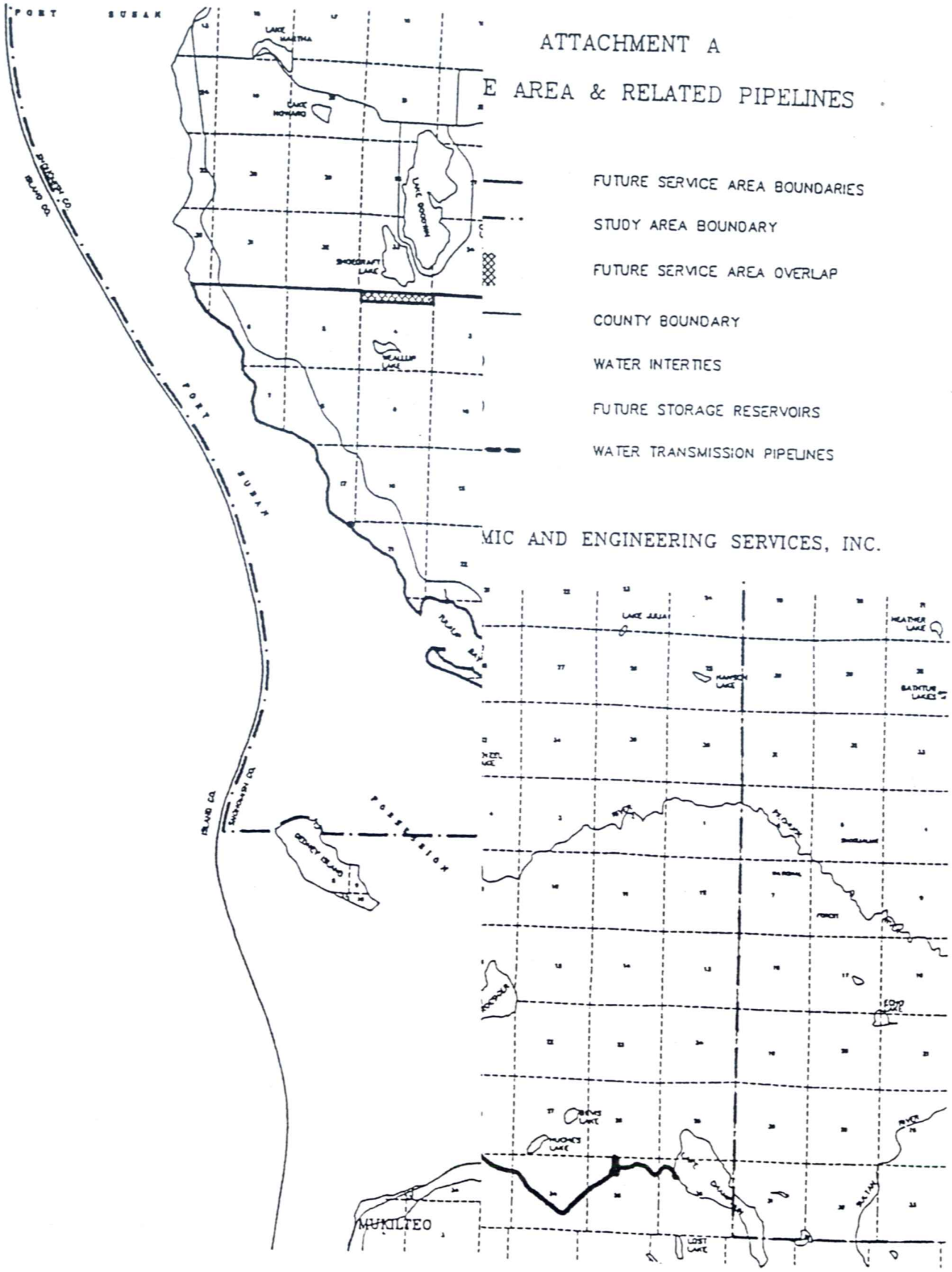
By: Charles N. Earl
Charles N. Earl
District Manager

Approved as to form:

By: Douglas S. Hale
Dated: 1/11/91

The Tulalip Tribes of Washington

By: Stanley G. Jones Sr.
Stanley G. Jones, Sr.
Chairman


ATTACHMENT A
E AREA & RELATED PIPELINES
FUTURE SERVICE AREA BOUNDARIES
STUDY AREA BOUNDARY
FUTURE SERVICE AREA OVERLAP
COUNTY BOUNDARY
WATER INTERTIES
FUTURE STORAGE RESERVOIRS
WATER TRANSMISSION PIPELINES
MIC AND ENGINEERING SERVICES, INC.
FORT SUSAN
LAKE MARTHA
LAKE HOWARD
LAKE GOODWIN
SHOCKEYAFT LAKE
MCALLUP LAKE
FORT SUSAN
ISLAND CO.
SNOHOMISH CO.
FORESHORE
MUKILTEO
LAKE JULIA
HEATHER LAKE
HAMPTON LAKE
BATHTUB LAKES
LOST LAKE

ATTACHMENT B

WATER REQUIREMENTS FORECAST FOR
MARYSVILLE - LAKE STEVENS - TULALIP TRIBES SERVICE AREAS (1)

(Peak Day MGD)

| SERVICE AREA | YEAR 2000 | 2010 | 2020 | 2040 |
|---|---|---|---|---|
| Marysville (2) | 9.71 | 11.66 | 13.68 | 17.72 |
| Lake Stevens/PUD | 0.75 | 3.42 | 5.93 | 10.96 |
| Marysville/PUD Overlap (3) | 1.04 | 1.49 | 2.05 | 3.17 |
| Tulalip Tribes | 3.11 | 4.09 | 5.34 | 6.39 |
| TOTAL | 14.61 | 20.66 | 27.00 | 38.24 |

Footnotes:

(1) Forecast as currently developed through the Coordinated Water System Plan.

(2) Demand forecast assumes current supply of 1.9 MGD from Edwards Springs and Lake Goodwin wells will serve other users.

(3) Demand to be assigned to utilities based upon final resolution of service area overlap.

11/6/89

# WATER SUPPLY CONTRACT

This Contract is made and entered into by and between the City of Everett, a municipal corporation of the State of Washington, hereinafter referred to as "Everett," and the City of Marysville, a municipal corporation of the State of Washington, hereinafter referred to as "Marysville."

WHEREAS, Everett owns and operates a water supply system located in the Sultan Basin of Snohomish County, Washington. Said system has regional supply capability for domestic, commercial and industrial water consumption; and

WHEREAS, pursuant to RCW 35.92.170 and 35.92.200 Everett is authorized to enter into contracts with other municipalities to supply said municipalities with water. Pursuant to WAC 248-54 Everett has prepared a Water System Plan identifying certain areas of north Snohomish County as being within its long-range wholesale water supply service area; and

WHEREAS, Marysville owns and operates a water supply system in north Snohomish County, Washington, and Marysville distributes said water on a retail basis to domestic, commercial and industrial customers within its city limits and within the boundaries of a larger area surrounding the city known as the Rural Utility Service Area ("RUSA"). The boundaries of RUSA have been approved by the Snohomish County Boundary Review Board, and any amendments thereto are subject to review and approval by said Board. Marysville also has certain wholesale water intertie agreements with surrounding municipalities, water districts and public water purveyors; and

ORIGINAL

WHEREAS, Marysville is in need of a major new source of water to meet the existing and projected demands of its water distribution system. A study of available and alternative sources has identified Everett as being the best source for wholesale water supply in the foreseeable future. Pursuant to WAC 248-54 Marysville has updated its Water System Plan to include an intertie with Everett;

NOW, THEREFORE, for the mutual benefits to be derived the parties agree as follows:

1. Sale of Water. Everett hereby agrees to sell to Marysville, and Marysville hereby agrees to buy from Everett, treated water in accordance with its usual and accustomed rates and conditions for customers similarly situated.

2. Point of Delivery. Everett shall deliver water to Marysville at an agreed point of delivery along Everett's Northern Transmission Pipeline corridor. Said point of delivery shall be located at the intersection of Hewitt Avenue East (20th Street S.E.) and the BPA power line right-of-way. Marysville shall install, at its cost, a master meter system at the point of delivery. Said master meter installation shall include telemetry of flow data and any necessary control functions and shall meet the specifications and approval of Everett and shall become the property of Everett after its installation. The point of delivery shall be the upstream flange of the valve downstream of said master meter and check valve.

3. Quantity of Water. Marysville will construct a 24-inch or 30-inch-diameter transmission pipeline at the point of delivery. Everett

shall not be responsible for storage or pressure variances. Everett agrees to use best efforts to provide a regular and uninterrupted supply of water at said point of delivery throughout the term of this contract. It is understood that Marysville anticipates ultimately reaching average peak demands of 18 million gallons per day. Average peak demands anticipated in the near future are shown on Table I attached hereto. Everett's facilities have, or will have in the future, the capacity to supply Marysville's water quantity demand. Everett and Marysville shall develop a technical operating plan to accommodate the operational needs of both parties. The quantity of water delivered shall be measured by the master meter referred to in paragraph 2 above. Nothing herein, however, shall be construed as obligating Marysville to take or purchase any minimum quantity of water from Everett at any time except as Everett's rates require minimum payment related to connection size.

4. Quality of Water. Everett agrees that all water delivered to Marysville at the point of delivery shall be of the same standard and quality as that normally delivered by Everett to master meter customers east of the Snohomish River. Everett shall be responsible for meeting state and federal standards for safe, high-quality drinking water at the point of delivery. All water supplied by Everett for use or sale by Marysville shall be upon the express condition that after it has passed the point of delivery the same becomes the property of Marysville, and Everett shall not be liable for any damages or loss resulting from degradation of water quality which may occur beyond said point. Further, Everett shall not be responsible for

changes in water quality or operating problems which may result from mixing of different sources of water in the Marysville system. If Marysville maintains other sources, it shall provide means to assure that non-Everett water will not backflow into the Everett system.

5. Rates and Charges. Rates shall be established by ordinance of the City of Everett. The current water rate under Ordinance No. 1256-86, Section 3B(2) is incorporated herein by reference. Everett agrees that Marysville shall be served with notice of any future rate modifications that will impact Marysville at least thirty (30) days prior to consideration of said ordinance by the Everett City Council. Rates shall be based on cost-of-service principles in any future rate adjustment; provided that it is agreed that the "outside the city limits" surcharge of up to 25% on non-filtration charges shall apply to the Marysville rate. Current and future rates shall exclude in-City water distribution costs.

6. Payments by Marysville. Everett shall bill Marysville for water delivered through the master meter on a monthly basis. Said bill shall be payable within thirty (30) days after receipt of the invoice. Delinquent bills shall accrue interest at the rate of 12% per annum.

7. Resale or Distribution of Water by Marysville. After water has passed the point of delivery and has entered Marysville's transmission pipeline, said water becomes the property of Marysville and the use and distribution of the same shall be under the exclusive authority of Marysville, subject only to the following express limitations:

a. Marysville shall not allow any new retail or wholesale customer connections to any portion of its water system which is transmitting water purchased from Everett if said

connection is 12 inches in diameter or greater, or supplies more than one million gallons per day, unless Marysville first obtains approval from Everett for such connections. For example, Marysville shall not supply any major resource recovery facility with water purchased from Everett without first obtaining approval from Everett.

b. Marysville will distribute water purchased from Everett in a manner consistent with the Water System Plans of Everett and Marysville, as approved by the Washington State Department of Health.

c. Marysville shall not serve water purchased from Everett in areas outside the service area shown in Exhibit A hereto.

8. Term of Contract. The term of this Contract shall be from the date of its mutual acceptance by both cities until July 1, 2020. Marysville shall have a right to renew this Contract for an extended term of similar duration and for a quantity of water at least as large as that specified herein.

9. Construction, Operation and Maintenance of Capital Improvements. Marysville shall construct all capital improvements to the water system and shall own all capital improvements downstream from the point of delivery, and shall assume exclusive responsibility for the operation, maintenance and repair of the same. All construction, operation, maintenance and repairs shall be in strict compliance with standards approved by the Washington State Department of Health. By separate agreement, Marysville may contract with Everett for certain inspection, repair and maintenance services relating to the transmission main. Marysville shall annually provide a water system report to include number of customers, consumption, peak use, and other information useful in optimizing joint operations.

10. Uncontrollable Forces. Neither party hereto shall be considered to be in default in respect to any obligations hereunder if prevented from fulfilling such obligations by reason of uncontrollable forces. Either party rendered unable to fulfill any obligation hereunder by reason of an uncontrollable force shall exercise due diligence to deal with such uncontrollable force with all reasonable dispatch.

11. Legal Relationship of the Parties; Indemnification.

a. It is agreed that the operation of the wholesale water intertie, and the transmission and distribution of water downstream from the point of delivery, is Marysville's sole responsibility and that Marysville is not acting in any capacity as an agent or representative of Everett, nor are the cities acting in joint venture on this project. If any litigation, liability, costs or damages arise from said actions, Marysville agrees to indemnify and hold Everett harmless from the same.

b. Marysville shall be solely responsible for conducting all environmental reviews, preparing all engineering plans, acquiring all right-of-way, and obtaining al governmental approvals for this intertie project. If any litigation, liability, costs or damages arise from said action, Marysville agrees to indemnify and hold Everett harmless from the same.

c. Everett shall be solely responsible for obtaining approval of its updated Water System Plan relating to this intertie, and assuring that this intertie is consistent with the November 17, 1981, contract between Everett and Public Utility District No. 1 of Snohomish County relating to the use of wager generated by the Sultan Basin project. If any litigation, liability, costs or damages arise from said actions, Everett agrees to indemnify and hold Marysville harmless from the same. Provided that said indemnification shall exclude any costs or damages incurred by Marysville as a result of causes beyond the control of Everett including but not limited to a court order prohibiting performance of Everett's obligations under this agreement.

12. Assignment; Successors Bound. Neither this Contract nor any right or privilege herein shall be assigned by either party without the written

consent of the other party. This Contract shall apply to and be binding upon the lawful successors of either party.

13. Notices. All notices complying with this Contract shall be sent by registered mail as follows:

To the City of Everett;

Mayor
City of Everett
Everett City Hall
3002 Wetmore Avenue
Everett, WA 98201

To the City of Marysville:

Mayor
City of Marysville
Marysville City Hall
514 Delta Avenue
Marysville, WA 98270

IN WITNESS WHEREOF, the parties have caused this Contract to be approved by their respective Mayors and City Councils on the dates indicated below.

DATED: [illegible]

CITY OF EVERETT

WILLIAM E. MOORE, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

(0067+)

DATED: 6th November, 1989

CITY OF MARYSVILLE

RITA MATHENY, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

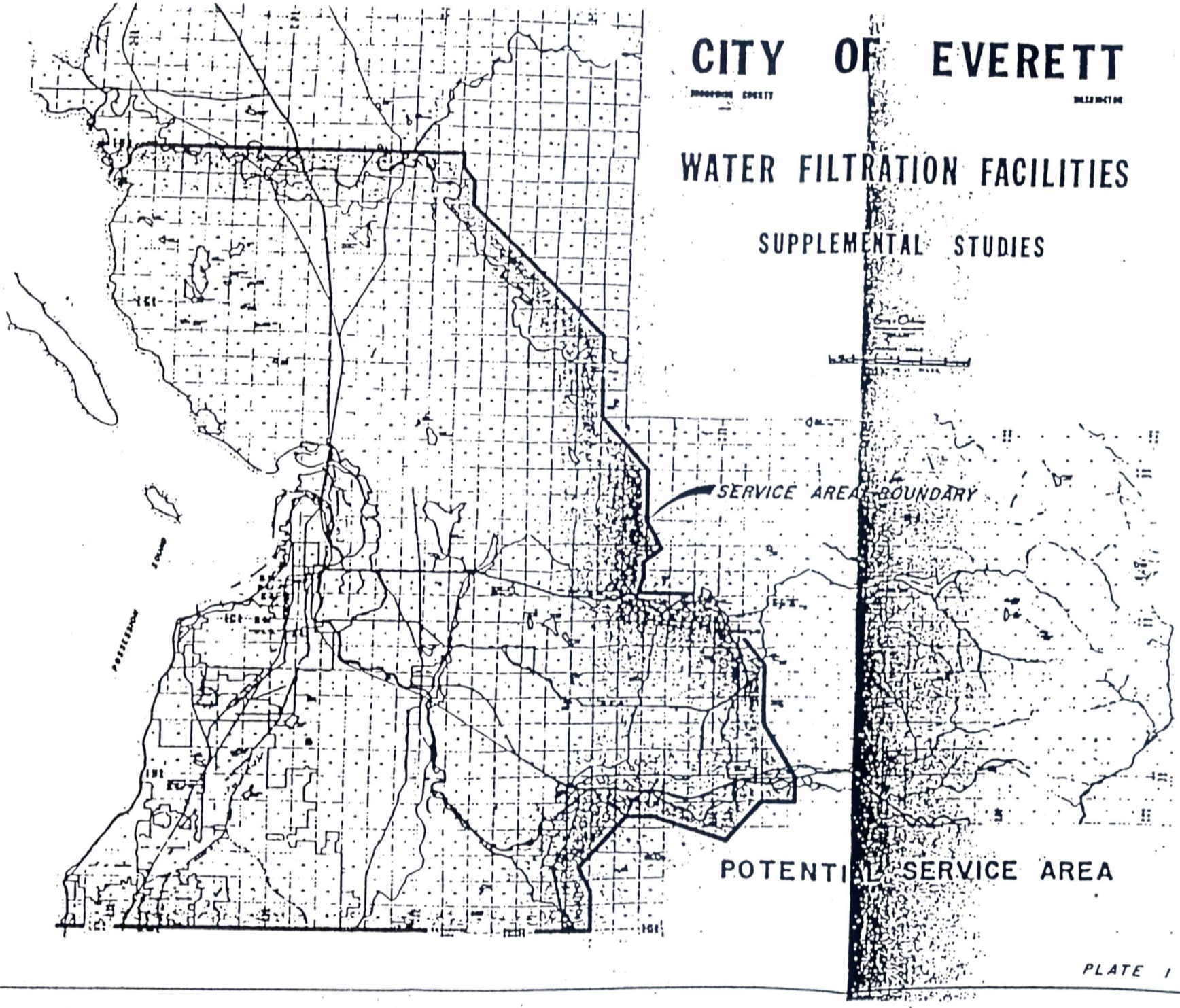

CITY OF EVERETT
WATER FILTRATION FACILITIES
SUPPLEMENTAL STUDIES
SERVICE AREA BOUNDARY
POTENTIAL SERVICE AREA
PLATE 1

TABLE1

Marysville Water Supply Demand (Approx.)

| | Oct. - Mar. Daily Avg.[3]/Peak[1] | | Apr. - Sept. Daily Avg.[2]/Peak[1] | | Average Year Daily Avg./Peak[1] | |
|---|---|---|---|---|---|---|
| | (ADD) | (MDD) | (ADD) | (MDD) | (ADD) | (MDD) |
| 1988 | 3.045 | 6.091 | 3.902 | 7.804 | 3.388 | 6.78 |
| 1990 | 3.240 | 6.481 | 4.152 | 8.304 | 3.605 | 7.21 |
| 1995 | 3.754 | 7.507 | 4.809 | 9.619 | 4.176 | 8.352 |
| 2000 | 4.294 | 8.588 | 5.502 | 11.003 | 4.777 | 9.554 |
| 2005 | 4.850 | 9.701 | 6.214 | 12.429 | 5.396 | 10.792 |
| 2010 | 5.408 | 10.805 | 6.929 | 13.857 | 6.016 | 12.032 |
| 2015 | 5.952 | 11.905 | 7.626 | 15.253 | 6.622 | 13.244 |
| 2020 | 6.470 | 12.940 | 8.290 | 16.58 | 7.198 | 14.396 |
| 2025 | 6.952 | 13.904 | 8.907 | 17.814 | 7.734 | 15.468 |
| 2030 | 7.390 | 14.779 | 9.468 | 18.936 | 8.221 | 16.442 |
| 2035 | 7.779 | 15.558 | 9.967 | 19.933 | 8.654 | 17.308 |
| 2040 | 8.120 | 16.241 | 10.404 | 20.809 | 9.034 | 18.068 |

[1]Peaking factor assumed = 2.0
[2]Seasonal (summer) factor = 1.152
[3]Seasonal (winter) factor = 0.899

2. Master Meters.

a. Master meter rates shall be required for water districts, water associations or other organizations providing water service to 100 or more permanent services. Organizations serving less than 100 services and all other customers shall be charged at the individual meter rate.

b. The consumption charges for master meters shall be as follows:

i. For master meters connected east of the Snohomish River the water charge shall be:

| | |
|---|---|
| First 1,000 cu. ft., 0-1,000 cu. ft. | $ 8.78 |
| Next 1,000 cu. ft., 1,000-2,000 cu. ft. | .53 per 100 cu. ft. |
| Next 7,000 cu. ft., 2,000-9,000 cu. ft. | .40 per 100 cu. ft. |
| Next 211,000 cu. ft., 9,000-220,000 cu. ft. | .15 per 100 cu. ft. |
| Over 220,000 cu. ft. | .11 per 100 cu. ft. |

In addition to said water charge, there shall be added a 25% surcharge and then to such charge there shall be added a filtration charge of $.24 per 100 cu. ft. to arrive at the total monthly charge. No surcharge shall be applied to the filtration charge;

provided that the minimum monthly charge shall be:

| Meter Size | Minimum Water Charge | Minimum Filtration Charge | Total Minimum Charge |
|---|---|---|---|
| 1/2 thru 1 inch | $ 8.78 | $ 2.40 | $ 11.18 |
| 2 inch | 9.84 | 2.88 | 12.72 |
| 3 inch | 12.49 | 4.08 | 16.57 |
| 4 inch | 15.28 | 5.72 | 21.00 |
| 6 inch | 18.88 | 7.68 | 26.56 |
| 8 inch | 24.08 | 10.80 | 34.88 |
| 10 inch | 38.88 | 19.68 | 58.56 |
| 12 inch | 75.83 | 75.60 | 151.43 |

In addition to the minimum water charge, there shall be added a 25% surcharge. No surcharge shall be added to the filtration charge.

ii. For master meters connected west of the Snohomish River, the charge shall be as follows:

Basic Charge:

(without pumping) . . . . . $.33 per 100 cu. ft.
(with pumping) . . . . . $.42 per 100 cu. ft.

plus the

Filtration Charge: . . . . . $.24 per 100 cu. ft.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. 1387

A RESOLUTION OF THE CITY OF MARYSVILLE AUTHORIZING THE EXECUTION OF A LONG-TERM WHOLESALE WATER SUPPLY CONTRACT WITH THE CITY OF EVERETT.

WHEREAS, the City of Marysville is in need of a major new source of water to meet the existing and projected demands of its water distribution system. A study of available and alternative sources has identified the City of Everett as being the best source for wholesale water supply in the foreseeable future. Pursuant to WAC 248-54, the City of Marysville has updated its Water Supply Plan to include an intertie with the City of Everett's water system; and

WHEREAS, pursuant to RCW 35.92.170, 35.92.200 and 35A.80.010, the City of Marysville and the City of Everett are authorized to enter into a Wholesale Water Supply Contract; and

WHEREAS, a Wholesale Water Supply Contract has been negotiated between the cities and it would be in the best interest of the City of Marysville, and its retail water customers, for the same to be immediately signed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AS FOLLOWS:

The City of Marysville hereby consents to the terms of the Water Supply Contract with the City of Everett, a copy of which is attached hereto and incorporated herein by this reference, and hereby authorizes the Mayor to sign the same on behalf of the City.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 6th DAY OF November, 1989.

CITY OF MARYSVILLE

By Rita Mathews
Mayor

Attest:

Phillip E Dexter
City Clerk

Approved as to form:

City Attorney

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. 1387

A RESOLUTION OF THE CITY OF MARYSVILLE AUTHORIZING THE EXECUTION OF A LONG-TERM WHOLESALE WATER SUPPLY CONTRACT WITH THE CITY OF EVERETT.

WHEREAS, the City of Marysville is in need of a major new source of water to meet the existing and projected demands of its water distribution system. A study of available and alternative sources has identified the City of Everett as being the best source for wholesale water supply in the foreseeable future. Pursuant to WAC 248-54, the City of Marysville has updated its Water Supply Plan to include an intertie with the City of Everett's water system; and

WHEREAS, pursuant to RCW 35.92.170, 35.92.200 and 35A.80.010, the City of Marysville and the City of Everett are authorized to enter into a Wholesale Water Supply Contract; and

WHEREAS, a Wholesale Water Supply Contract has been negotiated between the cities and it would be in the best interest of the City of Marysville, and its retail water customers, for the same to be immediately signed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON AS FOLLOWS:

The City of Marysville hereby consents to the terms of the Water Supply Contract with the City of Everett, a copy of which is attached hereto and incorporated herein by this reference, and hereby authorizes the Mayor to sign the same on behalf of the City.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 6th DAY OF November, 1989.

CITY OF MARYSVILLE

By Rita Mathews
Mayor

Attest:

Phillip E. Dexter
City Clerk

Approved as to form:

City Attorney

10/15/91

# EVERETT AND JOA PARTICIPANTS
# WATER SUPPLY CONTRACT

**THIS CONTRACT** is made and entered into by and between the City of Everett, a municipal corporation of the State of Washington, hereinafter referred to as "Everett," and the City of Marysville (Marysville), and Public Utility District No. 1 of Snohomish County (PUD), municipal corporations of the State of Washington, and the Tulalip Tribes of Washington (Tribes), a federally recognized Indian Tribe, hereinafter referred to as "Participants."

**WHEREAS**, Everett owns and operates a water supply system located in the Sultan Basin of Snohomish County, Washington. Said system has regional supply capability for domestic, commercial and industrial water consumption; and

**WHEREAS**, pursuant to RCW 35.92.170, RCW 35.92.200 and RCW 39.94, Everett is authorized to enter into contracts with other municipalities and recognized tribes to supply said municipalities with water. Pursuant to WAC 248-54, Everett has prepared a Water System Plan identifying certain areas of north Snohomish County as being within its long-range wholesale water supply service area; and

**WHEREAS**, the Participants own and operate water supply systems in north Snohomish County, Washington, and distribute said water on a retail basis to domestic, commercial and industrial customers within their respective service areas; and

**WHEREAS**, the Participants have entered into a Joint Operating Agreement (JOA) for the purpose of initiating construction of a 30-inch pipeline by Marysville from the Everett transmission line to the Sunnyside vicinity, allocating pipeline capacity among the Participants, and cooperating in a regional solution to meet future water supply needs; and

**WHEREAS**, the Participants together with Washington State, Snohomish County, Everett and other public water purveyors have jointly agreed to prepare a Coordinated Water System Plan (CWSP) for north Snohomish County; and

**WHEREAS**, the execution of this contract and the participation of the Tribes in the processes contemplated by the contract do not constitute nor imply any abrogation, diminishment or waiver of the Tribes existing or reserved rights or sovereign powers, whether arising under treaty, statute or common law; and

**WHEREAS**, the preliminary findings and recommendations of the CWSP demonstrate an immediate need for additional water supply to meet current and near term water needs of the Participants and a need for long-term regional solutions through joint use and operation of water transmission and storage facilities; and

**WHEREAS**, a study of available and alternative sources has identified Everett as being the best source for water supply for the Participants' service areas in the foreseeable future. Pursuant to WAC 248-54, Marysville and Everett have updated their respective Water System Plans to include an intertie with Everett;

**NOW, THEREFORE**, for the mutual benefits to be derived, the parties agree as follows:

1. Delivery of Water. Everett hereby agrees to deliver to the Participants, and the Participants hereby agree to pay Everett for the delivery and treatment of water to be used as their primary source of supply in accordance with its usual and accustomed rates and conditions for customers similarly situated and as provided in Section 5 hereof.

2. Point of Delivery. Everett shall deliver water to the Participants at agreed connection points along Everett's Northern Transmission Pipeline corridor. Said agreed connection points include existing connections located at 73rd Avenue S.E., 91st Avenue S.E., 103rd Avenue S.E. and at Williams Road. Said agreed connection points also include new connections to be located at Woods Creek Road and the Seattle City Light power line right-of-way (Seattle R/W). Other future connection points shall be subject to mutual agreement. Participants shall install, at their cost, a master meter system at the Seattle R/W new connection point. Said master meter installation shall include telemetry of flow data and any necessary control functions and shall meet the specifications and approval of Everett and shall become the property of Everett after its installation. The Woods Creek Road new connection and other future connections shall be installed per Everett's standard policies for new service connections or by other mutually agreeable means. The actual point of delivery at each connection point shall be the upstream flange of the valve downstream of each master meter and check valve.

3. Quantity of Water. Marysville will construct a 30-inch pipeline from the Seattle R/W point of delivery as Phase 1 of the preliminary CWSP and JOA. Everett and the Participants agree that each have, and will continue to make significant capital

investments in water supply facilities which are interdependent, and that coordinated planning will be required throughout the term of this contract to maximize public benefits and minimize costs. In the design of Marysville's 30-inch pipeline and future Participants' water supply projects, Everett shall not be responsible for storage except as it relates to Everett's existing storage at Lake Chaplain. Everett agrees to use best efforts, subject to meeting the requirements of all Everett customers, to provide a regular and uninterrupted supply of water at said point of delivery. (Everett will exercise best efforts to operate so as to supply water at a hydraulic head of not less than 440' mean sea level at the Seattle R/W connection point and the hydraulic equivalent at other connection points throughout the term of this contract.) It is understood that the Participants will reach peak demands of 18 million gallons per day through Marysville's transmission pipeline before the expiration of this contract and that additional facilities, including a second pipeline connection to Everett and a regional reservoir, will be required to meet long range demands. Estimated average daily demands and peak day demands of the Participants, for the near future (Phase 1) are shown on Exhibit A attached hereto. Everett's facilities have, or will have in the future, the capacity to supply the Participants' water quantity demands. Everett and the Participants shall develop a technical operating plan to accommodate the operational needs of the parties. The quantity of water delivered shall be measured by the master meters referred to in paragraph 2 above. Nothing herein, however, shall be construed as obligating the Participants to take or purchase any minimum quantity of water from Everett at any time except as Everett's rates require minimum payment related to each connection.

4. <u>Quality of Water</u>. Everett agrees that all water delivered to the Participants at the points of delivery shall be of the same standard and quality as that normally delivered by Everett to master meter customers east of the Snohomish River. Everett shall be responsible for meeting state and federal standards for safe, high-quality drinking water at the point of delivery. All water supplied by Everett for use or sale by the Participants shall be upon the express condition that after it has passed the point of deliver the same becomes the property of the Participants, and Everett shall not be liable for any damages or loss resulting from degradation of water quality which may occur beyond said point. Further, Everett shall not be responsible for changes in water quality or operating problems which may result from mixing of different sources of water in the Participants' systems. Participants shall provide means to assure that water will not backflow into the Everett system.

5. Rates and Charges. Rates shall be established by ordinance of the City of Everett. The charges for water service shall include a base rate, a minimum charge for each connection, and a filtration charge. The base rate for water and the minimum charge for each connection shall be established by ordinance of the City of Everett and shall be based on cost of service principles; provided that it is agreed that rates may include usual and accustomed charges imposed on the City utility by the City's general fund. The rate structure may include a minimum charge for each point of connection without regard to consumption plus a commodity charge. The Participants agree to read each of the master meters on a monthly basis and provide Everett with the readings by the 7th day of each month. Everett agrees that the Participants shall be served with notice of any future rate modifications that will impact the Participants at least thirty (30) days prior to consideration of said modifications by the Everett City Council.

In addition to the base rate for water, Participants agree to pay the ordinance filtration rate. If flow telemetry is installed on all of the Participants' connections, or mutually agreeable daily meter-readingsare arranged and the Participants' daily average of water consumption exceeds 3 MGD, the Participants may elect to pay the filtration charge in accordance with the following formula:

$$R = \frac{P}{X} \left(\frac{M + C + DS + O}{Q}\right)$$

R = Additional cost for filtered water computed to the nearest ten-thousandth of a dollar per 100 cubic feet.

M = Maintenance & Operation costs for Lake Chaplain filtration plant for preceding year.

C = Additional Capital Outlay costs attributable to filtration plant for preceding year.

DS = Annual debt service, exclusive of reserve interest income, if reserve funded from bond proceeds, attributable to total project costs for all past and future construction of Lake Chaplain filtration plant, including coverage.

O = Annual overhead attributable to filtration plant to be determined from previous years expense as follows:

O = 2% of filter plant material, supplies and utilities costs and 14% of labor costs at filter plant including fringe benefits.

$$P = \frac{\text{JOA Participants Maximum Daily Demand (day of highest Participant use in preceding year)}}{\text{JOA Participants Average Daily Demand (for preceding year)}}$$

Q = Quantity of water produced in previous year expressed in 100 cubic feet. (Filter Plant Meter Reading)

$$X = \frac{\text{System Maximum Daily Demand (day of highest system use in preceding year)}}{\text{System Average Daily Demand (for preceding year)}}$$

The filtration charge according to the above formula shall commence in April following one full calendar year (January through December) starting the January after the date of the Participants' election to pay by formula (formula date). Commencing on said formula date Everett agrees to establish a Participants' sinking fund made up of the bond coverage funds required for the Annual Debt Service (DS) for the Lake Chaplain filtration plant facilities. Bond coverage funds collected from the Participants under the Rate Formula (R) above shall be placed in this sinking fund and the principal and interest from investments of said funds shall be used for Additional Capital Outlay Costs (C) attributable to the filtration plant before other City funds are used thereby reducing the (C) value in the Rate Formula (R) by the amount used or if revenue bonds are required for future construction the amount of bonds required shall be reduced by the amount collected or remaining in the sinking fund including interest on investments at the time of issue of the bonds.

In the event the Sinking Fund exceeds One Million Dollars ($1,000,000) during the term of the bond issue(s), funds in excess of One Million Dollars ($1,000,000) shall be used to defray Maintenance & Operations (M) costs. At the expiration of the term of the bond issue(s) any balance remaining in the Sinking Fund shall be credited to Maintenance and Operations (M) until fully utilized.

6. Payments by Participants. On a monthly basis, Everett shall bill Marysville for water delivered through the Phase I JOA pipeline master meter and each Participant, directly, for water delivered through master meters at connection points which serve one Participant only. Bills for water delivered at future

connection points which serve more than one Participant shall be sent to an agency designated by the Participants. Said bills shall be payable within thirty (30) days after receipt of the invoice. Delinquent bills shall accrue interest at the rate of twelve percent (12%) per annum for any delinquency greater than sixty (60) days.

7. Resale or Distribution of Water by the Participants. After water has passed the points of delivery and has entered the PUD's system or Marysville's transmission pipeline, said water becomes the property of the Participants according to the point of delivery and/or their respective capacity right as established in the JOA and the use and distribution of the same shall be under the exclusive authority of the Participants, subject only to the following express limitations.

a. Ordinance No. 1347-87 (EMC 14.15.460) requires that new connections outside the City of Everett greater than 12 inches are subject to Everett Water System Plan modification. Participants agree not to allow any customer connection to Participants' water systems which is using water purchased from Everett if said connection is greater than 12 inches in diameter, or supplies more than one million gallons per day, unless Participants first obtain approval from Everett for said connection. Everett's approval shall not be unreasonably withheld and shall be based on the water supply impacts to the Everett water system caused by said connection.

b. The Participants will distribute water received from Everett in a manner consistent with the Everett Water System Plan, the CWSP, and the individual Participants' Water Systems Plans, as approved by the Washington State Department of Health if appropriate.

c. The Participants shall not serve water received from Everett, pursuant to the terms of this agreement, in areas outside the service area shown in Exhibit B attached hereto.

8. Term of Contract. The term of this Contract shall be from the date of its mutual acceptance by all parties until July 1, 2020, with provisions for amendment to incorporate Phase 2 facilities and demands to be consistent with the CWSP. The Participants shall have a right to renew this Contract for an extended term of similar duration and for a quantity of water consistent with the demands projected by the CWSP.

9. Construction, Operation and Maintenance of Capital Improvements. The Participants shall construct all capital

improvements to their water systems and shall own all capital improvements downstream from the points of delivery and shall assume exclusive responsibility for the operation, maintenance and repair of the same. All construction, operation, and maintenance and repairs shall be in strict compliance with standards approved by the Washington State Department of Health as appropriate. By separate agreement, the Participants may contract with Everett for certain inspection, repair and maintenance services relating to the 30-inch pipeline. The Participants shall annually provide to Everett a water system report to include number of customers, peak use and other information useful in optimizing joint operations.

10. Uncontrollable Forces. None of the parties hereto shall be considered to be in default in respect to any obligations hereunder if prevented from fulfilling such obligations by reason of uncontrollable forces. All parties rendered unable to fulfill any obligation hereunder by reason of an uncontrollable force shall exercise due diligence to deal with such uncontrollable force with all reasonable dispatch.

11. Assignment; Successors Bound. Neither this Contract nor any right or privilege herein shall be assigned by any party without the written consent of the other parties. This Contract shall apply to and be binding upon the lawful successors of all parties.

12. Notices. All notices complying with this Contract shall be sent by registered mail as follows:

To Everett

Mayor
City of Everett
Everett City Hall
3002 Wetmore Avenue
Everett, WA 98201

To the PUD

Manager
PUD No. 1 of Snohomish County

2320 California
Everett, WA 98201

To Marysville

Mayor
City of Marysville
Marysville City Hall
514 Delta Avenue
Marysville, WA 98270

To the Tribes

Executive Director
Tulalip Tribes of
Washington
6700 Totem Beach Road
Marysville, WA 98270

**IN WITNESS WHEREOF**, the parties have caused this Contract to be executed by their proper Officers on the 15th day of October, 1991.

CITY OF EVERETT

PETE KINCH, Mayor

ATTEST:

Sharon L. Marks, Deputy City Clerk
DONNA L. RIDER, City Clerk

APPROVED AS TO FORM:

BRUCE E. JONES, City Attorney

CITY OF MARYSVILLE

RITA MATHENY, Mayor

ATTEST:

PHILLIP E. DEXTER, City Clerk

APPROVED AS TO FORM:

GRANT WEED, City Attorney

PUBLIC UTILITY DISTRICT NO. 1
OF SNOHOMISH COUNTY

CHARLES N. EARL, District Manager

APPROVED AS TO FORM:

By:
Dated: 10/9/91

THE TULALIP TRIBES OF
WASHINGTON

STANLEY G. JONES SR., Chairman

ATTEST:

By: Marie M. Zackuse
MARIE M. ZACKUSE, Secretary

(0110)

EXHIBIT A

## WATER REQUIREMENTS FORECAST FOR MARYSVILLE - LAKE STEVENS - TULALIP TRIBES SERVICE AREAS (1)

(Peak Day MGD)

| SERVICE AREA | YEAR 2000 | 2010 | 2020 | 2040 |
|---|---|---|---|---|
| Marysville (2) | 9.71 | 11.66 | 13.68 | 17.72 |
| Lake Stevens/PUD | 0.75 | 3.42 | 5.93 | 10.96 |
| Marysville/PUD Overlap (3) | 1.04 | 1.49 | 2.05 | 3.17 |
| Tulalip Tribes | 3.11 | 4.09 | 5.34 | 6.39 |
| TOTAL | 14.61 | 20.66 | 27.00 | 38.24 |

Footnotes:

(1) Forecast as currently developed through the Coordinated Water System Plan.

(2) Demand forecast assumes current supply of 1.9 MGD from Edwards Springs and Lake Goodwin wells will serve other users.

(3) Demand to be assigned to utilities based upon final resolution of service area overlap.

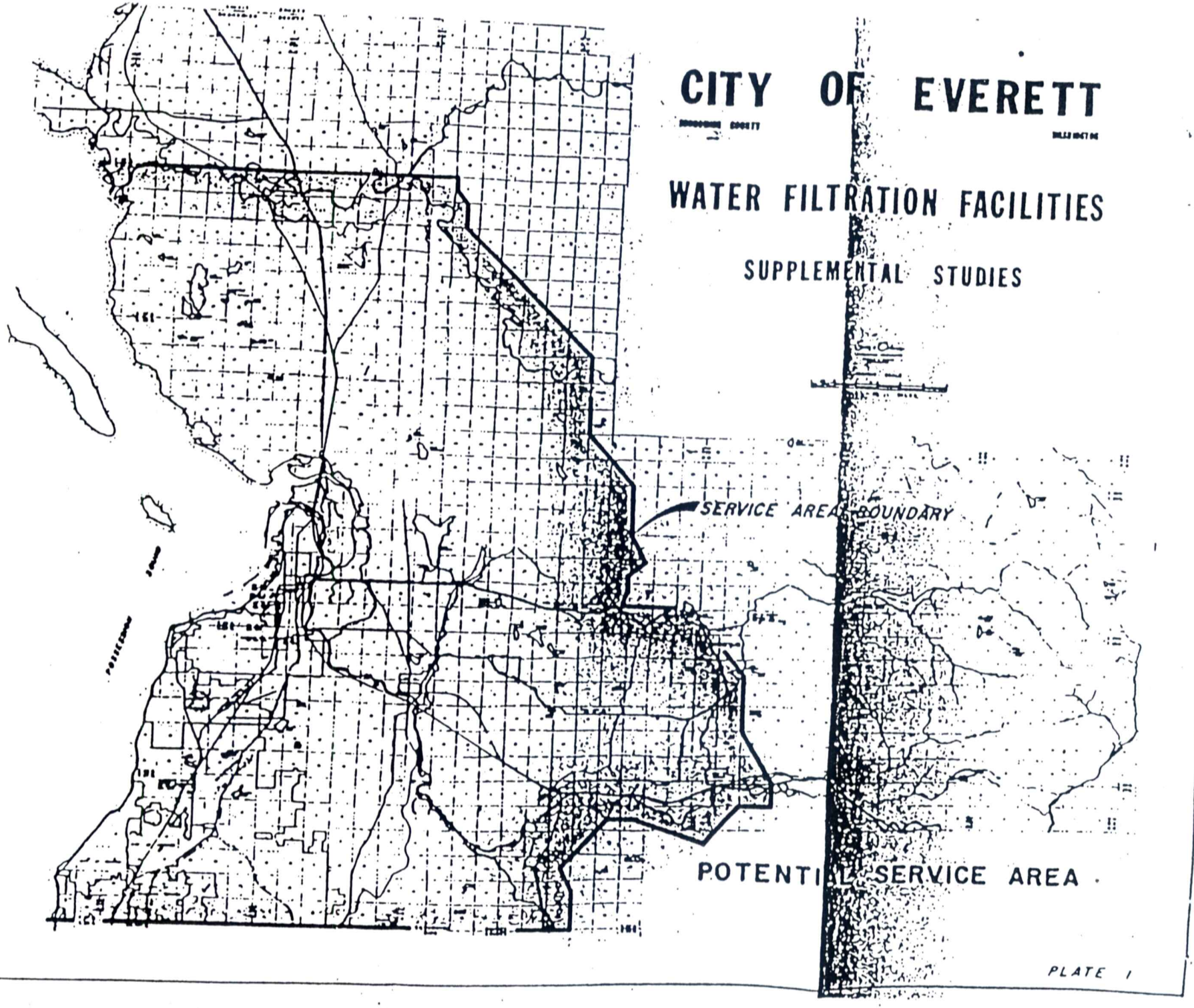

CITY OF EVERETT
WATER FILTRATION FACILITIES
SUPPLEMENTAL STUDIES
SERVICE AREA BOUNDARY
POTENTIAL SERVICE AREA
PLATE 1

EXHIBIT B

7/26/93

# DEBT SERVICE AGREEMENT

THIS AGREEMENT is entered into by and between the City of Marysville, Washington, a municipal corporation ("City"), and The Tulalip Tribes of Washington, an Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (25 USCA 476) ("Tribes"), as follows:

WHEREAS, on January 10, 1991 the City, Tribes and Public Utility District No. 1 of Snohomish County entered into the North Snohomish County Regional Water Supply Joint Operating Agreement (JOA); and

WHEREAS, the JOA provides that each participant shall be entitled to purchase capacity in the pipeline in proportion to the year 2010 peak day demand forecast; and

WHEREAS, the Tribes have elected to purchase their share of capacity in the water pipeline, said share being 19.80% of said capacity, or 4.09 MGD, peak day; and

WHEREAS, pursuant to the JOA, by letter dated November 25, 1992, the City sent notice to the Tribes of completion of the pipeline and provided a statement of construction costs, including the Tribes' cost share for their purchase of capacity in the pipeline; and

WHEREAS, pursuant to Resolution No. 93-110, the Board of Directors of the Tribes' authorized payment of their 1993 installment of the pipeline construction cost share; and

WHEREAS, on or about January 4, 1993, the Tribes tendered payment to the City in the sum of $129,035.42, representing payments of principal in the amount of $18,865.53 and accrued interest in the amount of $110,169.89 for 1991 and 1992; and

WHEREAS, pursuant to paragraph 5(C) of the JOA, the Tribes have elected to finance the purchase of their proportionate share of capacity and wish to purchase their capacity on the same general terms as the City's debt service for the construction of the pipeline project;

NOW, THEREFORE, the City and the Tribes agree as follows:

1. For and in consideration of its proportionate share of capacity in the City's 30-inch water pipeline, the Tribes agree to pay the City the remaining balance of $1,094,886.50 amortized over a period of nineteen (19) years pursuant to the terms of the Promissory Note attached hereto as **Exhibit A** and the Debt Service Schedule attached as **Exhibit B**, each of which is incorporated herein by this reference.

2. The Tribes guarantee all payments on the attached Promissory Note in a timely manner, and if any of said payments becomes delinquent, the Tribes agree to pay the same promptly upon demand according to the terms of said Note.

3. In order to secure the timely and proper payment of the Tribes' indebtedness, the Tribes agree to establish a cash reserve account in the amount of the average annual debt service as calculated pursuant to column 6 of **Exhibit B.**

4. As further security for the payment of the Tribes' obligation, at such time as water is wheeled to the Tribes as provided in the JOA, the City shall have, and the Tribes expressly consent to the City's right to cease and discontinue the wheeling of said water, if at any time the Tribes' payment on said Promissory Note becomes greater than sixty (60) days' delinquent. Provided, however, the City agrees to provide not less than twenty (20) calendar days' written notice to the Tribes of its intent to discontinue wheeling water to the Tribes.

5. Nothing contained in this agreement shall be deemed to amend the JOA and in the event any provision of this agreement shall conflict with the JOA, the JOA shall control. If any

provision of this agreement is adjudicated to be invalid, such action shall not affect the validity of the remaining portions of this agreement.

IN WITNESS WHEREOF, the City and the Tribes have caused this agreement to be executed by their proper officers on the 26th day of July, 1993.

CITY OF MARYSVILLE

By _____
DAVID A. WEISER, Mayor

Attest:

By _____
MARY SWENSON, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

THE TULALIP TRIBES

By _____
STANLEY G. JONES, SR.
Chairman

# EXHIBIT A

## PROMISSORY NOTE

US $1,094,886.50

June 1, 1993

FOR VALUE RECEIVED, the undersigned Tulalip Tribes of Washington ("Purchaser") promises to pay to the City of Marysville, a Washington municipal corporation, or order, the principal sum of ONE MILLION NINETY-FOUR THOUSAND EIGHT HUNDRED EIGHTY-SIX AND 50/100THS DOLLARS ($1,094,886.50), with interest on the unpaid principal balance from the date of this Note until paid at the per-annum rate as set forth on the debt service schedule attached hereto. Principal and interest shall be payable at 514 Delta Avenue, Marysville, Washington, or such other place as the Noteholder may designate, in consecutive biannual installments per the debt service schedule attached and incorporated herein, on the first day of June and the first day of December, beginning with the month of June, 1993. One-half of the interest shall be due on the first day of June, and the remaining interest plus principal due on the first day of December. Such installments shall continue until the entire indebtedness evidenced by this Note is fully paid, except that any remaining indebtedness, if not sooner paid, shall be due and payable on December 1, 2011.

Interest on the unpaid principal balance shall be computed on a daily basis to the day of Noteholder's receipt of each payment. Interest shall be deducted from each payment, and the balance of the payment applied in reduction of principal.

Purchaser shall pay to Noteholder a late charge of 5% of any installment not received by Noteholder within thirty (30) days after the installment is due.

Purchaser may prepay the principal amount outstanding in whole or in part. Any partial prepayment shall be applied against the principal amount outstanding and shall not postpone the due date of any subsequent installments or change the amount of such installments, unless Noteholder shall otherwise agree in writing.

Time is of the essence. If any installment under this Note is not paid when due and remains unpaid after a date specified by notice to Purchaser, the entire principal amount outstanding and accrued interest thereon shall at once become due and payable at the option of the Noteholder. The date specified shall not be less than 30 days from the date such notice is mailed. Noteholder may exercise this option to accelerate during any default by Purchaser regardless of any prior forbearance. If this Note is placed with an attorney for collection, Noteholder shall be entitled to collect all reasonable costs and expenses of

collection, including, but not limited to, reasonable attorney's fees and title search fees.

Presentment, notice of dishonor and protest are hereby waived by all makers, sureties, guarantors and endorsers hereof. This Note shall be the joint and several obligation of all makers, sureties, guarantors and endorsers and shall be binding upon them and their successors and assigns.

Any notice to Purchaser provided for in this Note shall be given by mailing such notice by certified mail addressed to Purchaser at the address stated below, or to such other address as Purchaser may designate by notice to Noteholder. Any notice to Noteholder shall be given by mailing such notice by certified mail, return receipt requested, to the Noteholder at the address stated in the first paragraph of this Note, or to such other address as may have been designated by notice to Purchaser.

TULALIP TRIBES OF WASHINGTON

By Stanley G. Jones Sr.
STANLEY G. JONES, SR., Chairman

Address: 6700 Totem Beach Road
Marysville WA 98271

TULALIP TRIBES
EVERETT - MARYSVILLE PIPELINE
DEBT SERVICE SCHEDULE

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| | INTEREST RATE | PERCENT PRINCIPAL MATURED (COL 4/COL 7) | PRINCIPAL PAYMENT (due 12/1) | TOTAL ANNUAL INTEREST PAYMENT (1/2 due 6/1) (1/2 due 12/1) | TOTAL DEBT SERVICE PAYMENTS (COL 4 + 5) | OUTSTANDING PRINCIPAL BALANCE |
| 6/1/91 | | | | | | 1,113,752.03 |
| 1991 | | | | 35,054.06 | 35,054.06 | 1,113,752.03 |
| 1992 | 5.00 | 1.693871% | 18,865.53 | 75,115.83 | 93,981.36 | 1,094,886.50 |
| 1993 | 5.25 | 1.848371% | 20,237.56 | 74,172.56 | 94,410.12 | 1,074,648.94 |
| 1994 | 5.60 | 2.042771% | 21,952.61 | 73,110.09 | 95,062.70 | 1,052,696.33 |
| 1995 | 5.80 | 2.280873% | 24,010.67 | 71,880.74 | 95,891.41 | 1,028,685.66 |
| 1996 | 6.00 | 2.300767% | 23,667.66 | 70,488.12 | 94,155.78 | 1,005,018.00 |
| 1997 | 6.15 | 2.730375% | 27,440.76 | 69,068.06 | 96,508.83 | 977,577.24 |
| 1998 | 6.25 | 2.982456% | 29,155.81 | 67,380.45 | 96,536.27 | 948,421.42 |
| 1999 | 6.35 | 3.508137% | 33,271.93 | 65,558.22 | 98,830.14 | 915,149.50 |
| 2000 | 6.50 | 3.485757% | 31,899.89 | 55,089.74 | 86,989.62 | 883,249.61 |
| 2001 | 6.60 | 4.621359% | 40,818.14 | 61,371.96 | 102,190.09 | 842,431.47 |
| 2002 | 6.70 | 5.415309% | 45,620.27 | 58,677.96 | 104,298.23 | 796,811.20 |
| 2003 | 6.80 | 6.328024% | 50,422.40 | 55,621.40 | 106,043.81 | 746,388.79 |
| 2004 | 6.90 | 7.306985% | 54,538.52 | 52,192.68 | 106,731.20 | 691,850.28 |
| 2005 | 7.00 | 8.279623% | 57,282.60 | 48,429.52 | 105,712.12 | 634,567.68 |
| 2006 | 7.00 | 9.783784% | 62,084.73 | 44,419.74 | 106,504.47 | 572,482.95 |
| 2007 | 7.00 | 18.154584% | 103,931.90 | 40,073.81 | 144,005.70 | 468,551.05 |
| 2008 | 7.00 | 24.011713% | 112,507.13 | 32,798.57 | 145,305.71 | 356,043.92 |
| 2009 | 7.00 | 33.526012% | 119,367.33 | 24,923.07 | 144,290.40 | 236,676.59 |
| 2010 | 7.00 | 49.565217% | 117,309.27 | 16,567.36 | 133,876.63 | 119,367.33 |
| 2011 | 7.00 | 100.000000% | 119,367.33 | 8,355.71 | 127,723.04 | 0.00 |
| | | | 1,113,752.03 | | 2,214,101.69 | |

EXHIBIT B

DEBT SERVICE PAYMENTS

| | | |
|---|---|---|
| 1993 BY | 1/24/93 | 129,035.42 |
| | 6/1/93 | 37,086.28 |
| | 12/1/93 | 57,323.04 |
| 1994 | 6/1/94 | 36,555.05 |
| | 12/1/94 | 58,507.65 |
| 1995 | 6/1/95 | 35,940.37 |
| | 12/1/95 | 59,951.04 |
| 1996 | 6/1/96 | 35,244.06 |
| | 12/1/96 | 58,911.72 |
| 1997 | 6/1/97 | 34,534.03 |
| | 12/1/97 | 61,974.79 |
| 1998 | 6/1/98 | 33,690.23 |
| | 12/1/98 | 62,846.03 |
| 1999 | 6/1/99 | 32,779.11 |
| | 12/1/99 | 66,051.04 |
| 2000 | 6/1/00 | 27,544.87 |
| | 12/1/00 | 59,444.76 |
| 2001 | 6/1/01 | 30,685.98 |
| | 12/1/01 | 71,504.12 |
| 2002 | 6/1/02 | 29,338.98 |
| | 12/1/02 | 74,959.25 |
| 2003 | 6/1/03 | 27,810.70 |
| | 12/1/03 | 78,233.10 |
| 2004 | 6/1/04 | 26,096.34 |
| | 12/1/04 | 80,634.86 |
| 2005 | 6/1/05 | 24,214.76 |
| | 12/1/05 | 81,497.36 |
| 2006 | 6/1/06 | 22,209.87 |
| | 12/1/06 | 84,294.60 |
| 2007 | 6/1/07 | 20,036.91 |
| | 12/1/07 | 123,968.80 |
| 2008 | 6/1/08 | 16,399.29 |
| | 12/1/08 | 128,906.41 |
| 2009 | 6/1/09 | 12,461.54 |
| | 12/1/09 | 131,828.86 |
| 2010 | 6/1/10 | 8,283.68 |
| | 12/1/10 | 125,592.95 |
| 2010 | 6/1/11 | 4,177.86 |
| | 12/1/11 | 123,545.18 |

9/5/95

1995

AGREEMENT BETWEEN

CITY OF MARYSVILLE AND THE TULALIP TRIBES

TO WHEEL WATER

IT IS HEREBY AGREED by and between the CITY OF MARYSVILLE, a municipal corporation of Snohomish County, Washington, hereinafter referred to as the "CITY," and the TULALIP TRIBES, hereinafter referred to as "TRIBES."

WHEREAS, the CITY and the TRIBES have a joint operating agreement (JOA) dated January 10, 1991, which envisions coordination in implementation of an adequate and safe water supply for North Snohomish County.

WHEREAS, the CITY hereby agrees to provide the following services to the TRIBES. Conveyance of water originating at the JOA pipeline through the City's existing distribution system and administration of payment to the City of Everett for water utilized through the JOA pipeline.

WHEREAS, it is proposed that a "Wheeling Charge" in accordance with Section 4E of the JOA be established which will fairly and reasonably compensate the City for conveying water through the City's existing water distribution system from the terminus of the Phase I JOA pipeline to the points of connection with the TRIBES as established by this agreement.

NOW, THEREFORE, IT IS AGREED as follows:

I

DEFINITIONS

As used in this Agreement, the following words and phrases shall have the meanings hereinafter set forth unless the context shall clearly indicate that another meaning is intended.

(1) The term "Transmission Main" shall mean that part of the supply system having a primary purpose of carrying a supply of water between the source and the distribution systems and has no direct service connections except by variance by the City Council to individuals or final users tapped into this main.

(2) The term "Service Connections" shall mean those separate connections between a distribution system main and the final consumer.

(3) The term "Distribution Main" shall mean any size water main which has service connections tapped directly to the water main supplying an individual or final consumer.

(4) The term "Distribution Facilities" shall mean that system of pipes and appurtenances used for receiving a supply of water and distributing it directly to the consumers or final users. For the purpose of this contract, it shall be further understood to mean that the "distribution facilities" are separate parts of a water system and as such are all operated and controlled by either the TRIBES or the CITY individually, but not jointly.

(5) The term "Service Meters" shall mean the meter or measuring device installed on a service line or service connection for the purpose of measuring the water service furnished to the final consumer.

(6) The term "Master Meter" shall mean the measuring device placed in the flow of a large main not being a service connection.

(7) The term "Everett and JOA Participants – Water Supply Contract" shall mean that a certain contract and agreement existing between the City of Everett and Joint Operating Agreement participants (specifically the City of Marysville, Public Utility District No. 1 of Snohomish County and the Tulalip Tribes of Washington) as relates to water supply and dated January 10, 1991, as it now exists and as it may be amended in the future.

(8) The term "Cubic Foot" shall mean a unit of measurement of flowing water equal to 7.48 gallons past a given point, usually a meter.

(9) The term "JOA Water Rates" shall include all applicable costs, including the Everett water cost, maintenance and operating costs allocated to the JOA pipeline, power costs, direct overhead costs of the City of Marysville Utility Department, and indirect city overhead costs, all divided by the quantity of water conveyed from Everett from the preceding year in 100 cubic feet increments.

(10) The term "Wheeling Charge" shall include all applicable costs, including Marysville system costs, direct overhead costs of the utility department, and indirect city overhead costs, all divided by the quantity of water metered in the system in 1,000-gallon increments. In addition, there will be a fixed charge levied on a periodic basis for costs associated with meter operation, maintenance, and calibration; meter reading; billing expense; and reports and collection.

(11) The term "Terminal Storage Reservoir" defines a storage reservoir used primarily to provide reserves against transmission failure from the supply, supply or pumping failure, and which permits a reduced sizing in the supply transmission and pumping system to the terminal storage reservoirs.

(12) The term "Peak Day Water" is the 24-hour average flow rate for any maximum usage day during a calendar year.

II

## FUTURE FACILITY ACQUISITIONS

The TRIBES and the CITY agree that, at some future time it may be desirable for the CITY to extend its CWSP boundaries to include a part of the TRIBES service area, the "Distribution Facilities" used exclusively to serve such area may become the property of the CITY at the discretion of the TRIBES and the CITY shall pay to the TRIBES as follows:

If the TRIBES has or should construct additions or replacements to its "Distribution Facilities" in any area within its boundaries and said area becomes the service area of the CITY, the CITY shall pay the TRIBES upon acquiring these facilities the amount of money expended by the TRIBES from general TRIBES or Construction Funds, not covered by assessments for the construction of these improvements computed on a straight line depreciation formula. For these purposes, the depreciation rate for cast or ductile iron pipe shall be 100 years and for concrete cylinder, 3/16" shell or heavier steel pipe or reservoirs shall be 50 years. TRIBES records showing the original cost to be depreciated will be made available to the CITY for verification if and when desired by the CITY. Payment for the facilities acquired by the CITY shall be computed as herein specified but in no case shall it be less than that required under bond covenants for all outstanding revenue obligations of the TRIBES.

Upon City service in areas where facilities were installed under Local Improvement Districts or private plat developments, the CITY shall pay the TRIBES an amount equal to that required under the bond covenants for all outstanding revenue obligations of the TRIBES before acquisition from the TRIBES.

When the CITY serves a future area of the TRIBES's service area, the CITY shall pay for the improvements installed by the TRIBES as outlined above within 180 days from the date of service. Upon final payment, conveyance of said improvements shall be made by issuance of a Bill of Sale by the TRIBES to the CITY.

It is further understood and agreed by the TRIBES and CITY that these provisions with respect to the acquisition of facilities owned by the TRIBES do not apply to existing "Transmission Mains" or appurtenances or those which may be constructed and provided by the TRIBES for the single purpose of supplying water to distribution systems operated independently by the TRIBES or any legally constituted municipality owned and operated distribution system supplied by the TRIBES.

III

## DEDICATED TRIBAL WATER LINE

Should the TRIBES be required or elect to install and maintain a water transmission line or lines within the CITY corporate limits to supply water to the TRIBES' service and/or storage area, the TRIBES agree to apply for, and the CITY agrees to grant, subject to all CITY rules, policies, regulations and ordinances, necessary permits, franchises and rights-of-way to the TRIBES as reasonably required provided further that the TRIBES shall pay for all acquisition of rights-of-way required to be obtained on other than public streets and public properties of the CITY. All necessary permits and/or franchise fees required shall be paid by the TRIBES. The TRIBES agrees to construct along the rights-of-way covered by the leases, permits, and franchises by the CITY's Public Works Department and permitted by the CITY's codes and ordinances. The TRIBES agrees to maintain all the facilities constructed by it within the corporate limits of the CITY in good working order and will save harmless the CITY from any and all claims for damages to property or persons resulting from its failure to comply with this agreement or from acts of omissions by its agents.

IV

## POINTS OF CONNECTION

The CITY agrees to deliver peak day water needed by the TRIBES at the agreed connection points on the regional supply main within the CITY's existing distribution facilities at rates as hereinafter set forth, subject to limits of the "Everett and JOA Participant – Water Supply Contract." Said agreed connection points and peak day water volumes include:

- Single point of connection at 88th Street N.E. with a peak day water demand of 210 gallons per minute.

- Single point of connection at Marine Drive with a peak day water demand of 440 gallons per minute.

- Simultaneous delivery at two points of connection at Marine Drive and 88th Street N.E. with a peak day water demand of 366 gallons per minute and 176 gallons per minute, respectively, for a total of 542 gallons per minute; and an average day water demand of 473 gallons per minute and 240 gallons per minute, respectively, for a total of 713 gallons per minute.

The actual point of delivery at each connection point shall be the upstream flange of the valve downstream of each "Master Meter" and check valve. If the CITY's supply is limited by Everett, the TRIBES' supply will be limited in the same proportion as the entire CITY will be limited. The TRIBES may be delivered water at other points in the CITY's system; however, the amount of water available is limited. The TRIBES may improve the distribution system to increase flow with permission of the CITY.

The agreement to supply water by the CITY to the TRIBES shall be subject to and limited by unavoidable accidents, acts of God, and any conditions beyond the control of the CITY. If the CITY declares an emergency on limited water available through accident, catastrophe, or limitations by Everett by contract or its own emergency and notifies the TRIBES of the limitations imposed by the CITY, the TRIBES shall comply with those limitations or be subject to the CITY's controlling delivery of water at the "Master Meters" during that emergency. The CITY will treat any major interruption to the supply to the TRIBES as an urgent matter and will attempt to restore or cause to be restored normal service to the TRIBES as expeditiously as possible. As such, the TRIBES agrees to save and hold harmless the CITY, its officers, agents, and employees, from and against any and all liabilities, claims, actions, or damages by the TRIBES and customers thereof relating to or arising out of unavoidable accidents, acts of God, catastrophe, limitations by Everett either through contract or its own emergency, and any and all other conditions beyond the control of the CITY. Any and all claims arising out of such circumstances by customers of the TRIBES shall be referred directly to the TRIBES and it shall review, adjust, and/or defend said claims at its own expenses, as appropriate.

The quantity of water delivered shall be measured by the "Master Meters" referred to in Section VI herein. Nothing herein, however, should be construed as obligating the TRIBES to take or purchase any minimum quantity of water from the CITY at any time.

V

## STORAGE DEFICIENCY DEMAND CHARGE

The CITY shall implement a demand charge based on the TRIBES' deficient water storage or control thereof and the equivalent cost to provide storage, when the instantaneous flow rate for the sum of all supply points exceeds 4.09 million gallons per day as determined by the 15-minute peak instantaneous flow rate, and such demand charge shall be applied only if the average demand factor exceeds 1.3 as outlined in the following paragraphs.

Such demands charge and method of application thereof shall be as follows:

(1) The policy of the CITY is to supply "Peak Day Water" to the TRIBES at the 24-hour average flow rate. The TRIBES shall provide or pay for storage for peaking rates above such average flow rate as described herein.

(2) A demand charge will be applicable to the TRIBES when it is found to have deficient storage as determined in the following paragraphs.

(3) The "Master Meter" or meters to the TRIBES will be monitored by the CITY to determine applicability of the demand charge. Demand metering equipment telemetered to the CITY's Public Works Department will be installed on "Master Meters" at the TRIBES expense and maintained by the CITY.

(4) A day for purposes of the schedule commences at 9:00 a.m. and ends at 9:00 a.m. the following calendar day.

(5) The demand factor for each "Master Meter" service is the peak flow rate as defined in subparagraph 13 of this section divided by the 24-hour average flow rate of the same day as shown on the telemetered chart in the CITY's Public Works Department for each "Master Meter."

(6) The 10 maximum flow days each year for each "Master Meter" service will be used to determine the average demand factor from which storage deficiency will be calculated. (Such, 10 maximum flow days need not necessarily be consecutive.) The average demand factor is the average of the demand factors of the 10 maximum flow days for each "Master Meter" service each year.

(7) A demand charge for each "Master Meter" service shall be applied only when the average factor for that meter exceed 1.3.

(8) The deficient storage volume of each "Master Meter" service for charge calculation rate shall be $S=0.22\ (F-1.0)\ Q$: Where $S$ = storage deficiency in gallons. $F$ = average demand factor and $Q$ = average daily quantity of water in gallons used in the 10 maximum flow days for each "Master Meter" for each year.

(9) The demand charge shall be calculated by applying a storage deficiency rate per month per thousand gallons of deficient storage. The base rate beginning in 1995 is $5.50 per month per thousand gallons based on an Engineering News Record Index of Construction Costs for 20 cities of 5,432.08. The rate in subsequent years will be adjusted based upon the ratio of the current ENR index in January of the year in which the demand charge is applied to 5,432.08.

(10) The demand charge will be calculated by the first of November of each year after evaluation of the summer months (June, July, and August) water delivery flow rates. The monthly storage deficiency demand charge billing shall commence in January of the year following the instantaneous flow rate exceeding 4.09 million gallons per day and the demand factor exceeding 1.3 and continue for one calendar year until the following January at which time a new charge, if any, shall be applied.

(11) Peak flow caused by accidents in the TRIBES' water system will be excluded in determining the demand charge. Documentation shall be provided by the TRIBE to the Public Works Director of the CITY within 30 days after an accident.

(12) Artificially created flow rates shall be disallowed in calculating the demand charge, such as a catastrophe causing fires or water line ruptures and electrical storms interfering with the telemetering signals.

(13) The peak flow rate under paragraph (5) above shall be the average of not less than a 15-minute peak rate as shown on the telemetered chart.

VI

MASTER METER

All water supply delivered by the CITY to the TRIBES through the permanent supply points at Marine Drive and 88th Street N.E. shall be measured through the "Master Meter." Said "Master Meter" shall include telemetry of flow data and any necessary control functions and shall meet all specifications and approval of the CITY. All costs of installation, maintenance, repair, and replacement thereof shall be borne by the TRIBES. The "Master Meter" and facilities to the downstream face of the meter vault shall be owned by the City of Marysville.

Access to the meter and the flow records shall be made available to the CITY at all times. The CITY shall maintain, repair, and replace the remote control recording equipment at the meter at TRIBES expense. The meter shall be checked by the CITY for accuracy on an annual basis as part of normal maintenance. However, either party to this agreement may, at its option, request or cause to be tested the main line meter for accuracy at any other time between the annual checks. All tests shall be conducted in a manner agreeable to both parties and the costs of the testing other than the annual check shall be borne in the following manner: If both parties agree to the test, then costs will be shared equally. If either of the parties singularly requests the test, then the cost shall be borne by the party causing the test to be performed providing the test indicates the meter to be performing within 2% of the degree of accuracy guaranteed by the manufacturer of the equipment. In the event the meter is not performing within the allowable limits (2% of the manufacturer's guaranteed accuracy) then the party benefiting as a result of the malfunction shall bear the cost of the test that the meter is not functioning within the herein agreed tolerance, then an adjustment in charges for water supply shall be determined as follows:

The meter error percentage determined from the test shall be used to adjust recorded deliveries and shall apply for a period of time being one-half the time between the last satisfactory test and the test at which the malfunction was determined, plus all of the time between discovery of the error and completion of repairs or adjustment of the meter. Either a credit or additional billing at the rates hereinafter provided for water supply shall accrue to the appropriate party. The "Master Meter" installation shall include a blank meter case with cover plate for testing meter immediately downstream of the "Master Meter" at Marine Drive and 88th Street N.E. with appropriate valving and bypass around said meter and meter case to facilitate testing of meter. The CITY will provide and insert test meter for accuracy certification of "Master Meter." A strainer immediately upstream of "Master Meter." will be included as part of the "Master Meter" installation.

The CITY shall construct, purchase, and install a new "Master Meter" facility meeting all CITY specifications at each connection point and at such other locations as mutually agreed between the parties. Within thirty (30) days of the construction, purchase, and installation of

such meter facility, the TRIBES shall reimburse the CITY for all expenses associated with the metering facility. Said meters shall be installed in an adequately drained vault separate from pressure-reducing equipment. The CITY shall operate, maintain, repair, and test the "Master Meters" and may bill the TRIBES for the cost of such services in the month following the month in which the costs are incurred. The CITY shall provide documentation of all maintenance, repairs, and testing to the TRIBES, along with its billing for such services.

Should the test meter record a higher consumption than the master meter, consumption will be adjusted to the test meter as aforementioned. Consumption will continue to be based upon an adjustment to the test meter unless the master meter is recalibrated.

VII

WATER QUALITY

The CITY will make every reasonable effort to deliver a quality of water to the TRIBES equal to the quality delivered to the CITY by the City of Everett under Section 4G of the "Everett and JOA Participants Water Supply Contract," and the CITY makes no other promise, representation, or warranty regarding the quality of water delivered to the TRIBES. In the event sources of other water, such as from the CITY's well system are available and the CITY determines in its discretion to supply such water, and the TRIBES agrees to accept such water, the quality of such water shall be "well water" and the CITY shall not be required to treat, filter, or otherwise modify the water provided by such other supplies.

The TRIBES shall provide means, at its own expense, to assure that water will not backflow into the CITY system. The CITY further agrees that it will continue to cooperate on an ongoing basis with the City of Everett to pursue compliance with the Federal Safe Drinking Water Act – Public Law 93-523.

VIII

WATER RATE

The City will be compensated for City of Everett water utilized through the JOA pipeline defined as "JOA Water Rate" and through a "wheeling charge" for water transmittal through the City's existing water distribution system." The cost to the TRIBES shall be the sum of the "Wheeling Charge" plus the "JOA Water Rate." The cost to the Tribes shall be adjusted yearly on December 31st based upon costs and water quantities established one year prior to the effective date (e.g., December 31, 1995, adjusted cost based upon 1994 costs and water quantities).

The rate to be paid by the TRIBES to the CITY for water shall be based on the sum of the "JOA Water Rate" plus the "Wheeling Charge" computed from the following formulas:

1. "JOA Water Rates" at termination of JOA pipelines – storage needs provided by each purveyor.

$$R = E + \frac{(P + M)(1.0 + OH) + 1.25DS + TD}{QE}$$

| | | |
|---|---|---|
| R | = | JOA water rate (per 100 cf) |
| E | = | Everett cost (per 100 cf) |
| P | = | Power cost for preceding year |
| M | = | Maintenance and operating cost for preceding year allocated to pipeline |
| OH | = | Water utility overhead rate |
| DS | = | Future debt service |
| TD | = | Transmission Depreciation |
| QE | = | Quantity of water conveyed from Everett for preceding year in 100 cf |

2. "Wheeling Charge" to JOA participants for water furnished through the Marysville distribution system from any source. Storage needs provided by each purveyor.

$$W = \frac{(MV)(1.0 + OH)}{QM} + C$$

| | | |
|---|---|---|
| W | = | Wheeling Charge (per 1,000 gallons) |
| MV | = | Marysville system costs (per 1,000 gallons) |
| OH | = | Water utility overhead rate |
| QM | = | Quantity of water metered into the system exclusively for Marysville and the Tribes from all sources, including water metered at JOA pipeline (per 1,000 gallons) |
| C | = | Customer costs associated with meter maintenance, operation and replacement, meter reading, billing expense, and reports and collection |

3. Total cost to TRIBES will be "Wheeling Charge" and "JOA Water Rates."

4. Rate Component Descriptions.

<u>Everett Cost = E</u>:

The Everett Water Cost shall be the then current water charges paid by the CITY as determined by the "Everett and JOA Participants – Water Supply Contract" and any additional charges as agreed to in the future between the City of Everett and the CITY of Marysville or as determined by law. The rate shall continue to be computed to the nearest ten thousandth of a dollar.

Power Cost = P:

Power cost shall include all electrical and heating charges at the CITY's existing water supply facilities, such as, standby wells, reservoirs, and the meter pits for the preceding year and such other wholesale facilities as may be constructed by the CITY.

Maintenance and Operations Cost = M:

Maintenance and Operation Costs shall include all repairs of pumps, motors, and heaters at the standby wells serving the wholesale customers, telemetering repairs or additions, all labor costs for above and daily maintenance and operation of standby wells, transmission and distribution system maintenance, telemetering, "Master Meter" readings, and other maintenance and operation costs attributable to either "JOA Water Rate" or "Wheeling Charge" and the equipment necessary to perform said work.

JOA Transmission Depreciation = TD:

Is defined as the total cost including but not limited to material, labor, engineering, sales tax, legal, administration, etc. of various segments of the JOA transmission line divided by the useful life. For this purpose, the depreciation rate for cast or ductile iron pipe shall be 100 years and for concrete cylinder, PVC, 3/16-inch shell or heavier steel pipe shall be 50 years. City records showing the original or estimated cost to be depreciated will be made available to the Tribes for verification if and when desired by the Tribes.

Depreciation shall continue until the useful life of the facility, defined above, is reached. At such time it is assumed a replacement facility will be constructed. The cost of the replacement facility will be borne by the City of Marysville. At the time the facility is replaced, the depreciation cost to the Tribes will be revised to reflect the replacement costs.

Marysville System Costs = MV:

The following is a breakdown of system costs by expense item for JOA participants using the Marysville distribution system:

i) Supply – Supply meters other than JOA pipeline.

ii) Pumping and Treatment Costs

- Operation of equipment
- Power
- Supplies
- Maintenance of structures
- Maintenance of equipment

iii) Transmission and Distribution Costs:

- Outside engineering
- Trans. and disr. line expense
- Supplies, excluding meters
- Other operating expenses
- Maintenance of structures and improvements
- Maintenance of mains
- Maintenance of miscellaneous plant, excluding storage, meters, and hydrants

iv) Wheeling Charge Depreciation:

Depreciation will include distribution pipelines associated with wheeling water from the JOA pipeline to the points of connection with the Tulalip Tribes. For this purpose, the depreciation rate for cast or ductile iron pipe shall be 100 years and for concrete cylinder, 3/16-inch shell or heavier steel pipe shall be 50 years. City records showing the original or estimated cost to be depreciated will be made available to the Tribes for verification if and when desired by the Tribes.

Depreciation shall continue until the useful life of the facilities, defined above, is reached. At such time it is assumed that replacement facility(ies) will be constructed. The cost of the replacement facility(ies) will be borne by the City of Marysville. At the time portions of the distribution system are replaced, the depreciation cost to the Tribes will be revised to reflect the replacement costs.

Water Utility Overhead Rate = OH:

The formula for determining the overhead reate is attached as Exhibit B and includes the following components.

- General and specific overhead direct and indirect associated with water service excluding meter reading and billing cost
- Professional services
- Insurance
- Taxes and assessments: It is understood that the Tribes are not subject to the same taxes as the City. At the Tribes' option and expense they may seek to have its portion of such taxes exempted from payment by the City, in which case the credit would be passed on to the Tribes. Written proof of such exemption shall be provided to the City reflecting such tax exemption, if any.
- Transmission and distribution supervision

Future Debt Service = DS:

Future debt service shall include bonded debt service required for any future pumping, or distribution lines as may be required. Cost will be included in the appropriate formula added to this agreement at the second billing period to the TRIBES after sale of bonds issued for construction of the above future facilities. In the event the CITY elects to finance any future facilities out of CITY general construction funds, then such total costs will be added to this agreement by the second billing period of the following year and paid for under maintenance and operation costs.

The CITY bond covenants require a bond coverage of 1.25 times the Debt Service which is incorporated in the rate formula. The CITY policy is to use any coverage money not required for the bond reserve fund, refunding of bonds, or the retirement of bonds for JOA pipeline improvements to the extent possible.

It is understood that debt service is an alternative to depreciation in the formula. With both parties' concurrence, a facility(ies) can be exempt from depreciation charge if future replacement or repair is anticipated to be financed through issuing bonds. Whereby the annual cost for facility replacement would be included as debt service. Specific facilities that were exempt from depreciation would be attached as an addendum to this agreement.

(5) Initial Water Rates:

The initial water rate to the TRIBES shall be 0.5539 cents per 100 cubic feet for "JOA Water Rate," 0.24 cents per 1,000 gallons for "Wheeling Charge," and a flat rate of $250 per month for customer fixed costs associated with meter maintenance, operation, replacement, reading, billing expense, reports, and collection. Such rates will be effective the following month after date of execution of this agreement and actual connection to the City's distribution system; and billings to the TRIBES for water consumed after this date shall be computed at this rate through December 31, 1996.

IX

NOTICE OF NEGOTIATION

A thirty (30) day advance notice of negotiation with the City of Everett for any future rate change or any other change to the Everett and JOA Participants Water Supply Contract which may impact the TRIBES shall be given to the TRIBES by written notice, and the TRIBES shall have the right to be present at such meetings.

X

## BILLING AND PAYMENT

The period of billing for water supplied under this agreement shall be on regular monthly intervals.

The "Master Meter" shall be read and recorded near the last normal workday of the month in which the service was furnished. Billing to the TRIBES will be made by the 10th day of the month following, and payment to the CITY becomes due by the 30th day of the month in which the statement is received. If any payment or portion thereof due to the CITY shall remain unpaid for 15 days following its due date, the TRIBES shall be charged with and pay to the CITY interest on the amount unpaid from its due date until paid at the rate of 12% per annum. In the event the CITY is required to collect any delinquent fees, rates, costs, or billings which become past due, both parties stipulate and consent to both venue and jurisdiction of the Snohomish County Superior Court. The substantially prevailing party in such action shall be entitled to its cost and reasonable attorney fees from the other party.

XI

## TERM AND EXPIRATION

(1) The term of this contract shall be from the date of its mutual acceptance by all parties until July 1, 2020, plus such extensions as may be mutually agreed upon.

XII

## DISPUTE RESOLUTION

The parties desire to avoid and settle without litigation future disputes which may arise between them relative to this agreement. Accordingly, the parties agree to engage in good faith negotiations to resolve any such dispute. In the event they are unable to resolve any such dispute by negotiation, then such dispute concerning any claim arising out of or relating to this agreement or the performance or interpretation thereof shall be submitted to arbitration in accordance with the arbitration rules of the American Arbitration Association (hereinafter "Rules") then in effect, and the award rendered by the arbitrator shall be binding as between the parties. The judgment on such award may be entered in any court having jurisdiction thereof.

The written demand for arbitration shall contain a statement of the question to be arbitrated and the name of the independent arbitrator appointed by that party. The other party to this agreement shall, within ten (10) days of the receipt of the written demand, appoint an independent arbitrator and give notice in writing thereof to the party who commenced arbitration. A third independent arbitrator shall be appointed by requesting a list of five (5) arbitrators from the American Arbitration Association. The selection of the third independent arbitrator shall be

made by each party to this agreement taking turns striking names from said list until one such name shall remain. A coin shall be tossed to determine which party strikes the first name. The arbitrator selected from the list, hereafter "independent arbitrator", shall select a time, date, and place for hearing, and shall give each party not less than thirty (30) days' notice in writing thereof.

The parties agree that after any such demand for arbitration has been made, they shall, before the hearing thereof, make discovery and disclosure of all matters relevant to such dispute, to the extent and in the manner provided by the Federal Rules of Civil Procedure. All questions that may arise with respect to the obligation of discovery and disclosure and the protection of the disclosed and discovered materials shall be referred to the independent arbitrator. A stenographic record shall be made of any arbitration hearing.

The parties shall share the cost of arbitration.

This agreement shall be construed, and the legal relations between the parties hereto, shall be determined in accordance with the substantive law of the State of Washington.

The substantially prevailing party in any arbitration action or action to enforce judgment or any appeal thereof shall be entitled to all costs and its reasonable attorney fees.

## XIII

## WAIVER, ASSIGNMENT, NOTICES, AND ENTIRETY

(1) Waiver: No waiver by either party hereto of any terms or conditions of this agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall the waiver of any breach be deemed to construed to constitute a waiver of any subsequent breach, whether of the same or any other term or condition of this agreement.

(2) Assignment: Except where one of the parties merges or combines with another entity, neither this agreement nor any of the rights, interest, or obligations created hereunder may be assigned by either party without the written consent of the other party. This agreement shall be binding upon and inure to the benefit of the respective customers and assigns of the parties.

(3) Notices: Notices required or permitted to be given hereunder shall become effective upon being deposited as registered or certified mail in a United States Post Office, addressed as follows:

To The Tulalip Tribes:

Chairman, Board of Directors
The Tulalip Tribes
6700 Totem Beach Road
Marysville, WA 98271-9715

To The City:

Honorable Mayor
City of Marysville
Marysville City Hall
514 Delta Avenue
Marysville, WA 98270

or to such other address as may be substituted in writing by the addressee.

(4) Entirety: Except as provided the Settlement and Compromise Agreement between the parties dated April 25, 1983 which shall remain in full force and effect, unchanged, and except as provided in the JOA between the parties, all prior negotiations and agreements between the parties hereto relating to the subject matter hereof are merged into and superseded by this agreement, and shall constitute the entire agreement between the Tribes and the City concerning the sale of water to the Tribes for the use as hereinbefore provided.

DATED this 5th day of September, 1995

TULALIP TRIBES

By: Stanley G. Jones Sr.
Title

(Seal)

Attest: Chairman
Title

CITY OF MARYSVILLE

By: David Weiser
Mayor

(Seal)

Attest: Mary E. Swenson
City Clerk

Interlocal file

6/23/03

2003

AGREEMENT BETWEEN

CITY OF MARYSVILLE
AND
PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY (PUD)

FOR WATER SUPPLY

THIS AGREEMENT IS ENTERED into by and between the CITY OF MARYSVILLE, a municipal corporation of Snohomish County, Washington, hereinafter referred to as the "City," and PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, hereinafter referred to as "PUD," and is effective upon execution by both parties.

WHEREAS, the City and the PUD are participants in a joint operating agreement (JOA) dated January 10, 1991, which envisions coordination in the implementation of an adequate and safe water supply for the City and North Snohomish County, Washington; and

WHEREAS, the PUD and the City each own capacity rights in and utilize for their respective water utility purposes a 30-inch pipeline (the "JOA-I Pipeline" or "Pipeline") which was built by the City pursuant to the JOA; and

WHEREAS, the City owns, operates and maintains the JOA-I Pipeline and the PUD has agreed to compensate the City for the PUD's share of Pipeline operation and maintenance costs; and

WHEREAS, the City agrees to make City of Everett water available to the PUD at points along the JOA-I Pipeline based on the PUD's "assigned capacity share" in the Pipeline, in accordance with the JOA; and

WHEREAS, it is proposed that a charge be established which will fairly and reasonably compensate the City for operation and maintenance costs associated with making water supply from Everett available to the PUD through the JOA-I Pipeline to the point of connection with the PUD as established in this Agreement.

NOW, THEREFORE, IT IS AGREED as follows:

I

## DEFINITIONS

As used in this Agreement, the following words and phrases shall have the meanings hereinafter set forth unless the context shall clearly indicate that another meaning is intended.

(1) The term "Transmission Main" shall mean that part of the water supply system having as its primary purpose carrying a supply of water between the Everett source of supply and either Party's respective water distribution facilities.

(2) The term "Service Connections" shall mean those separate connections between a distribution system main and the final consumer.

(3) The term "Distribution Main" shall mean any size water main which has service connections tapped directly to the water main and having as its primary purpose supplying an individual or final consumer. Unless the parties expressly agree otherwise, however, this term shall not include a transmission main with incidental retail customer service connections.

(4) The term "Distribution Facilities" shall mean that system of pipes and appurtenances, including but not limited to distribution mains, used primarily for receiving a supply of water from a transmission main and distributing such water directly to the consumers or final users. For the purpose of this contract, it shall be understood that "distribution facilities" are separate parts of a discrete water system and as such are all respectively owned, operated, and controlled by either the PUD or the City individually, but not jointly.

(5) The term "Everett Wholesale Rate - PUD" shall mean the cost, in dollars per 100 cubic feet , which is charged by the City of Everett for water received by the PUD through the JOA-I Pipeline. Such rate may be based in part upon the PUD's peaking factor.

(6) For the purpose of this Agreement, the term "JOA-I Pipeline" is that portion of the existing Everett - Marysville water transmission line beginning at approximately Hewitt Avenue at 87th Avenue SE and extending northerly to the intersection of 44th Street NE and 83rd Avenue NE.

(7) The term "Master Meter" shall mean the measuring device placed in the flow of a large main not being a service connection.

(8) The term "Everett and JOA Participants – Water Supply Contract" shall mean that certain agreement, dated January 10, 1991, between the City of Everett and Joint Operating Agreement participants (specifically the City of Marysville, Public Utility District No. 1 of Snohomish County and the Tulalip Tribes of Washington) as it now exists and as it may be amended in the future.

(9) The term "Peak Day Water" is the 24-hour average flow rate for the maximum usage day during a calendar year.

II

## ANNEXATION OF AREAS SERVED BY PUD – AND PUD FACILITY ACQUISITIONS BY THE CITY

A. At such time as the City extends its corporate boundaries to include areas within that "overlap area" described in Exhibit 1, attached hereto and incorporated herein by this reference, any applicable service area and any part(s) of the PUD's "Distribution Facilities" used to serve PUD water utility customers within such areas, upon the written request of the City, shall to the extent and in the manner provided by law, be conveyed by the PUD to the City. Provided, that in adjusting their water system boundaries within the "overlap area" pursuant to the previous sentence, the parties shall endeavor to make such adjustments in a reasonable manner which takes into account each party's respective water system hydraulics and prudent engineering and water system operating practices. Provided further, that in no event shall the PUD's capacity share be modified or reduced by any or all annexations by the City to less than 16.55% of JOA-I Pipeline capacity or 3.42 million gallons per day (MGD), whichever is greater. The purchase price to be paid by the CITY for facilities subject to such conveyance shall be based upon the annexed customers' pro-rated share of the PUD's outstanding water system bonded indebtedness, including any bonded indebtedness related to the JOA-I Pipeline, as determined by the revenues derived by the PUD from the annexed customers compared to the total rate revenues of the PUD water system.

B. It is understood and agreed by the PUD and the City that conveyance of utilities under this section shall not include transmission main or other facilities, including facilities defined in this Agreement as "distribution facilities" which are reasonably required by the PUD to serve its customers outside the conveyed service area, until such time as all of those areas served by the facilities have been annexed by the City. The facilities as shall be conveyed hereunder are, from the time of conveyance, sold and purchased "as is" and shall become the sole responsibility of the City; Provided, that until the time of conveyance, the PUD shall continue to operate and maintain such facilities in accordance with its usual and customary utility practices. At the time of conveyance of facilites to the City, the PUD shall transfer copies of "as-builts" and other records describing such facilities as are in the possession of the PUD.

C. With regard to facilities conveyed to the City under this section, the City shall become responsible for administering any applicable unexpired PUD latecomer agreements; and the PUD shall assign to the City such latecomer agreements and provide applicable records related thereto.

D. The City and PUD agree that neither shall serve any customer within the other party's service area without the prior express written consent of the other party.

III

## POINTS OF CONNECTION, PIPELINE CAPACITY, PUD CAPACITY SHARE, AND LIMITATION OF LIABILITY

A. The City agrees to make available peak day water desired by the PUD at the agreed connection point on the JOA-I Pipeline for an operation and maintenance charge as hereinafter set forth, subject to limits of the "Everett and JOA Participants – Water Supply Contract." The currently agreed connection point is:

Soper Hill Road (28th Street N.E.) and 83rd Avenue N.E.

The actual point of delivery at the connection point shall be the downstream flange of the valve upstream of each "Master Meter" and check valve. If the JOA-I Pipeline supply is limited by Everett, the PUD's Everett supply will be limited in the same proportion as each Party's capacity allocation in the JOA. Additional points of connection may be authorized by letter agreement between the Parties, subject to all other provisions of this Agreement.

The Parties stipulate and agree that the PUD's "assigned capacity share" in the JOA-I Pipeline is 16.55% or 3.42 MGD, whichever is greater. The respective JOA-I Pipeline capacity shares of the parties hereto is described in Exhibit 2, attached hereto and incorporated herein by this reference.

At the time of execution of the JOA, the parties to such agreement reserved 7.21% of the JOA-I Pipeline capacity for service to the "overlap area" described in Exhibit 1. The PUD has agreed to relinquish, to the City, any and all right the PUD may have in the pipeline capacity reserved for the "overlap area." Notwithstanding such relinquishment of pipeline capacity, the PUD agrees to continue to serve its customers within the "overlap area" until annexed by the City.

Further, the Parties stipulate and agree that the PUD has paid to the City the sum of $1,018,357.52 for its assigned capacity share of JOA-I Pipeline capacity, a sum which represents full compensation for such share.

B. This Agreement by the City to make water supply available to the PUD shall be subject to and limited by unavoidable accidents, acts of God, and any conditions beyond the reasonable control of the City. The City will treat any major interruption to the supply to the PUD as an urgent matter and will attempt to restore or cause to be restored normal service to the PUD as expeditiously as reasonably possible. Accordingly, the PUD agrees to save and hold harmless the City, its officers, agents, elected officials, and employees, from and against any and all liabilities, claims, actions, or damages (including costs of defense and reasonable attorneys fees) by the PUD and customers thereof relating to or arising out of unavoidable accidents, acts of God, catastrophe, limitations by Everett either through contract or its own emergency, and any and all other conditions beyond the reasonable control of the City. Any and all claims arising out of such circumstances by customers of the PUD shall be referred directly to the PUD and it shall review, adjust, and/or defend said claims at its own expense, as appropriate.

C. The quantity of water made available shall be measured by the "Master Meter" referred to in Section IV herein. Nothing herein, however, should be construed as obligating the PUD to take any minimum quantity of water through the Pipeline at any time.

D. The PUD may desire, at a future date, to connect to the City system beyond the JOA-I Pipeline. The City agrees that such future connections may be allowed, subject to a letter of agreement between the parties prior to the time of connection.

IV

MASTER METER AND TESTING

A. All water supply delivered by the City to the PUD through the supply point at the intersection of Soper Hill Road and 83rd Avenue N.E. shall be measured through the "Master Meter." Said "Master Meter" shall include telemetry of flow data and any necessary control functions and shall meet all specifications and approval of the City. All installation, maintenance, repair, and replacement of the Master Meter shall be by the PUD, at its own cost. Provided, however, that prior to any maintenance, repair or replacement of the Master Meter, the PUD shall give at least 24 hours written notice to the City Director of Public Works. Provided, further that such notice need not be given in the case of routine maintenance or a bona fide emergency.

B. Access to all meters and the flow records shall be made available to the City at all times. The PUD, at its own cost, shall maintain, repair, and replace its own remote control recording and other telemetry equipment controlling and monitoring water supply through the "Master Meter." The City shall maintain all equipment used by it to monitor the PUD's remote control and recording equipment. All meters shall be checked by the PUD for accuracy every two years as part of normal maintenance. However, either party to this Agreement may, at its option, request or cause the Master Meter to be tested for accuracy at any other time between the biennial checks. The PUD shall provide the City with notice of its biennial test of the Master Meter sufficient to provide the City with reasonable opportunity to observe the testing process. The PUD will provide a copy of written results to the City concerning biennial testing within ten days following completion of such testing. All tests shall be conducted in a manner agreeable to both parties and the costs of the testing other than the biennial check shall be borne in the following manner: If both parties agree to the test, then costs will be shared equally. If either of the parties singularly requests the test, then the cost shall be borne by the party causing the test to be performed, providing the test indicates the meter to be performing within 2% of actual delivery amount. In the event the meter is not performing within the allowable limit, then the party benefiting as a result of the malfunction shall bear the cost of the test. Also, in such event an adjustment in charges for water supply shall be determined as follows:

The meter error percentage determined from the test shall be used to adjust recorded deliveries and shall apply for a period of time being one-half the time between the last satisfactory test and the test at which the malfunction was determined, plus all of the time between discovery of

the error and completion of repairs or adjustment of the meter. Either a credit reimbursement or additional billing at the "Everett Wholesale Rate – PUD" shall accrue to the appropriate party.

C. The "Master Meter" installation shall include test ports for testing of the "Master Meter," with appropriate valving and bypass around said meter to facilitate testing. The PUD will provide and insert a test meter for accuracy certification of the "Master Meter." A strainer immediately upstream of the "Master Meter" will be included as part of the "Master Meter" installation.

D. Should the test meter record a different consumption than the master meter, consumption will be adjusted to the test meter as aforementioned. Consumption will continue to be based upon an adjustment to the test meter unless the master meter is recalibrated.

V

WATER QUALITY AND PRESSURE; EMERGENCY WATER SUPPLY

A. The City will make every reasonable effort to deliver a quality of water to the PUD connection point equal to the quality delivered to the City by the City of Everett under Section 4G of the "Everett and JOA Participants Water Supply Contract," and the City makes no other promise, representation, or warranty regarding the quality of water delivered to the PUD.

B. The City shall deliver water supply to the PUD's point(s) of connection on the JOA-I Pipeline at an hydraulic grade line equal to the grade line at the point of connection of the Pipeline to the City of Everett's water transmission pipeline, less pipeline head friction losses. A flow control valve to maintain such hydraulic grade, if necessary, shall be installed at the PUD's request at a point downstream of the PUD's last point of connection to the JOA-I Pipeline. The PUD agrees that it shall pay the cost of installation of such a valve, not to exceed the sum of ten thousand dollars ($10,000.00); the City agrees that it shall cause such valve to be installed within a reasonable time following the PUD's request for installation. Payment for valve installation shall be within 30 days following operational completion of valve installation.

C. Should the City of Everett water supply through the JOA-I Pipeline be limited or interrupted for any reason, the PUD may request emergency supply from the City. In the event other water supply, such as from the City's well system is available through the Pipeline to respond to a request for such emergency supply and the City determines in its discretion to supply such water, and the PUD agrees to accept such water, the quality of water supplied shall be equal to the water that the City supplies to its own customers in the affected area. Should the City supply and the PUD accept water under this paragraph, such supply shall be at the City's regular industrial water rate, as provided in Chapter 14.07 Marysville Code.

D. The PUD shall provide means, at its own expense, to assure that PUD water will not backflow into the City system. Both parties agree that they will continue to cooperate on an ongoing basis with the City of Everett to pursue compliance with the Federal Safe Drinking Water Act – Public Law 93-523.

VI

OPERATION AND MAINTENANCE CHARGE

The City will be compensated for its operation and maintenance costs of the JOA-I Pipeline. The charge to the PUD shall be billed yearly on March 31 based upon the following elements and computation formulas:

PUD will pay Everett directly for its wholesale water delivered through the JOA-I Pipeline. PUD will pay to Marysville a yearly lump sum payment for JOA-I Pipeline operation and maintenance based upon the previous year's costs as described below, multiplied by the percentage of PUD "assigned capacity rights" in the Pipeline (as it existed at the time the operation and maintenance costs accrued to the CITY), plus an annual charge associated with administration of this Agreement, as described below.

**COMPUTATION OF CHARGE**

The JOA-I operation and maintenance cost

$$R = [(P + M)(1.0 + OH)]\ (CR)$$

| | | |
|---|---|---|
| R | = | JOA-I O&M Costs |
| P | = | Power cost for preceding year |
| M | = | Operation and Maintenance cost for preceding year allocated to Pipeline (excluding overhead) |
| OH | = | Water utility overhead rate |
| CR | | PUD "assigned capacity rights" in JOA-I Pipeline (16.55% as of the effective date of this Agreement) |

Power Cost = P:

Power cost (P) shall include all electrical charges associated with the JOA-I Pipeline.

Operation and Maintenance Cost = M:

Operation and Maintenance costs (M) shall include all direct and indirect costs, including repairs and replacement due to casualty, but shall exclude overhead attributable to the JOA-I Pipeline.

Water Utility Overhead Rate = OH:

The formula for determining the overhead rate (OH) is attached as Exhibit B and includes the following components.

- General and specific overhead direct and indirect associated with water service excluding meter reading and billing cost
- Professional services for O&M
- Insurance
- Taxes and assessments
- Transmission and distribution supervision

NOTE: Because the formula set forth in Section VII does not include Pipeline depreciation, it is understood that the PUD intends to pay for its share of capital facilities replacement or new capital facilities through a cash contribution at the time of replacement or new construction. However, the PUD is not obligated under this section to participate in replacement of the JOA-I Pipeline. If it participates in replacement of the Pipeline, the PUD's share shall be based upon its percentage share of allocated capacity in the JOA-I Pipeline as determined at the time of the capital facilities replacement or new construction. Payment by the PUD for its agreed pipeline capacity share shall be made within sixty (60) days of the date that Marysville gives notice to the PUD of the completion of the capital facility and the actual cost of the same.

## METER READING AND ADMINISTRATION CHARGES

The PUD shall pay an annual administrative charge of $100 for costs associated with meter reading, billing expense, reports, and collection.

## VII

## BILLING AND PAYMENT-ANNUAL ADMINISTRATION AND O&M COSTS

The PUD's share of JOA-I annual operation and maintenance costs and administration costs shall be paid within thirty (30) days of the City's billing, which shall occur on or about March 31 each year during the term hereof.

If any payment or portion thereof due to the City shall remain unpaid for thirty (30) days following its due date, the PUD shall be charged with and pay to the City interest on the amount unpaid from its due date until paid at the rate of 12% per annum. In the event the City is required to collect any delinquent fees, rates, costs, or billings which become past due, both parties stipulate and consent to both venue and jurisdiction of the Snohomish County Superior Court. The substantially prevailing party in such action shall be entitled to its cost and reasonable attorney fees from the other party.

VIII

## TERM AND EXPIRATION

(1) The term of this Agreement shall be from the date of its mutual acceptance by all parties and extend for the useful life of the JOA-I Pipeline. Provided, that this Agreement shall be subject to review and modification by the parties every ten years from the effective date. The written agreement of both parties shall be required for any amendment hereof.

IX

## DISPUTE RESOLUTION

The parties desire to avoid and settle without litigation future disputes which may arise between them relative to this Agreement. Accordingly, the parties agree to engage in good faith negotiations to resolve any such dispute. Such negotiations shall be first conducted at the water utility staff level and if unsuccessful, may then proceed to the level of respective water utility management, then to the CITY's Mayor and the PUD's General Manager, respectively. Should settlement negotiations prove unsuccessful, the parties may proceed to litigation.

Jurisdiction and venue for any action relating to the interpretation, enforcement, or any dispute arising from this agreement shall be in Snohomish County Superior Court.

This Agreement shall be construed, and the legal relations between the parties hereto, shall be determined in accordance with the substantive law of the State of Washington.

The substantially prevailing party in any litigation brought to enforce rights or obligations of either party under this Agreement or any appeal of judgment in such litigation shall be entitled to its costs and reasonable attorney fees.

X

## WAIVER, ASSIGNMENT, NOTICES, AND ENTIRETY

(1) Waiver: No waiver by either party hereto of any terms or conditions of this Agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall the waiver of any breach be deemed to construed to constitute a waiver of any subsequent breach, whether of the same or any other term or condition of this Agreement.

(2) Assignment: Except where one of the parties merges or combines with another entity, neither this Agreement nor any of the rights, interest, or obligations created hereunder may be

assigned by either party without the written consent of the other party. This Agreement shall be binding upon the successors and assigns of the parties.

(3) Notices: Notices required or permitted to be given hereunder shall become effective upon being deposited as registered or certified mail in a United States Post Office, addressed as follows:

To Snohomish County Public Utility District No. 1:

President, Board of Commissioners
P.O. Box 1107
Everett, WA 98206

To The City:

Honorable Mayor
City of Marysville
Marysville City Hall
4822 Grove Street
Marysville, WA 98270

or to such other address as may be substituted in writing by the addressee.

(4) Entirety: Except as provided in the JOA between the parties, as specifically modified herein, all prior negotiations and agreements between the parties hereto relating to the subject matter hereof are merged into and superseded by this Agreement, and shall constitute the entire final and exclusive agreement between the PUD and the CITY concerning the sale of water to the PUD for the use as hereinbefore provided.

This Agreement shall be executed in two duplicate counterparts, each of which shall be deemed an original, but both of which together shall constitute one and the same instrument.

DATED this 23rd day of June, 2003

PUBLIC UTILITY DISTRICT NO. 1
OF SNOHOMISH COUNTY

By: _____
Title

(Seal)

Attest: _____
Title

Approved
as to Form: _____
General Counsel

CITY OF MARYSVILLE

By: _____
Mayor

(Seal)

Attest: _____
City Clerk

Approved
as to Form: _____
City Attorney

# EXHIBIT 2

## CAPACITY RIGHTS
## JOA-I PIPELINE

| Entity | Percent of Pipeline Capacity |
|---|---|
| Marysville<br>Tulalip Tribes<br>PUD | 63.65<br>19.80<br>16.55 |
| Total | 100.00 |

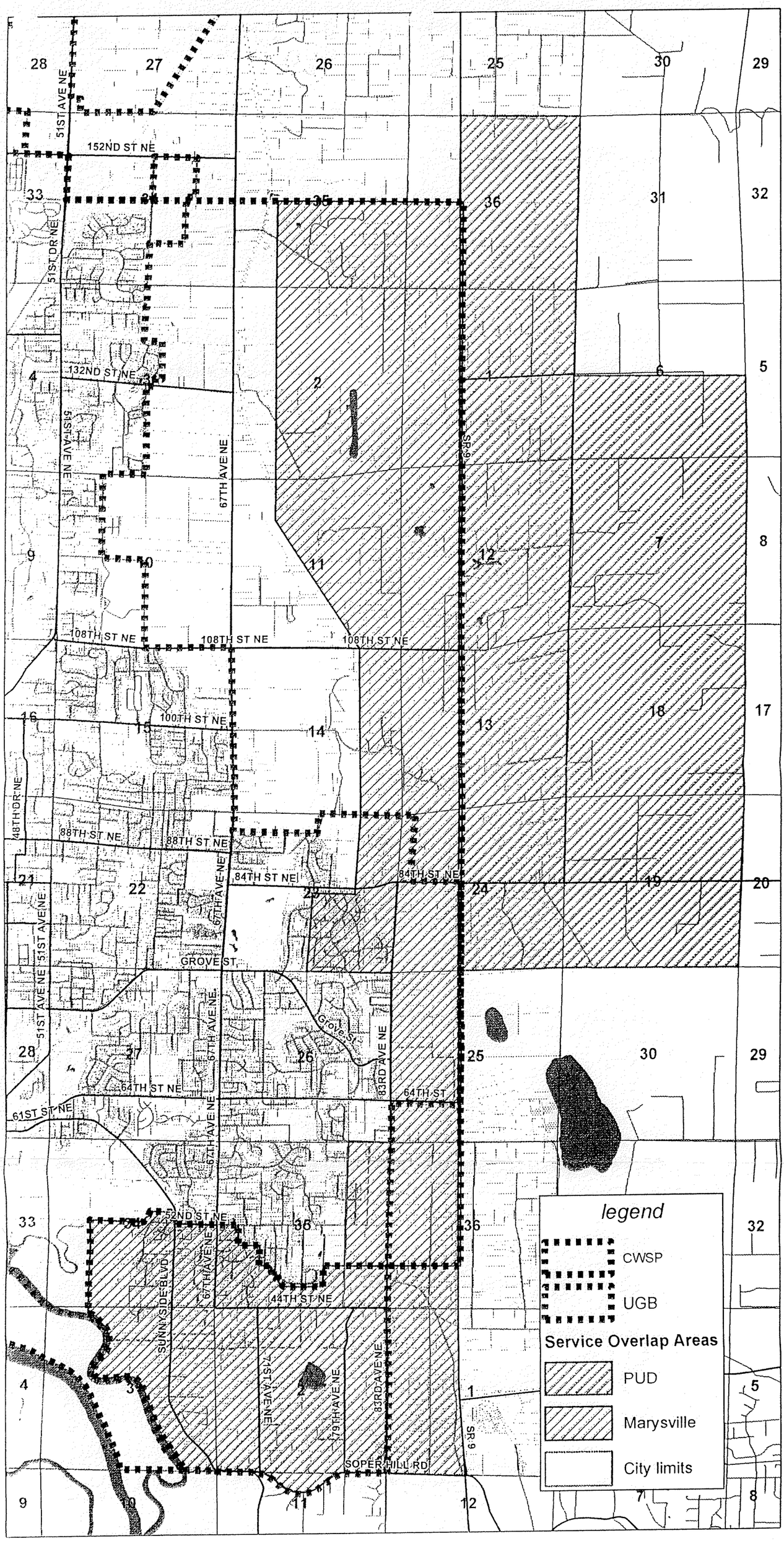

legend
CWSP
UGB
Service Overlap Areas
PUD
Marysville
City limits
152ND ST NE
132ND ST NE
108TH ST NE
100TH ST NE
88TH ST NE
84TH ST NE
64TH ST NE
64TH ST
61ST ST NE
52ND ST NE
44TH ST NE
SOPER HILL RD
GROVE ST
51ST AVE NE
51ST DR NE
54TH AVE NE
67TH AVE NE
48TH DR NE
SUNNYSIDE BLVD
71ST AVE NE
79TH AVE NE
83RD AVE NE
SR 9

EXHIBIT 1

3/1/78

16.00

NO SALES TAX REQUIRED

MAR 20 1978

KIRKE SIEVERS Snohomish County Treasurer

INTERLOCAL AGREEMENT FOR EASEMENT, WATER PURCHASE, AND MUNICIPAL UTILITY INTERTIE

THIS AGREEMENT is made and entered into by and between the CITY OF MARYSVILLE, a municipal corporation duly-organized and existing under the laws of the State of Washington, and the CITY OF ARLINGTON, a municipal corporation duly-organized and existing under the laws of the State of Washington;

W I T N E S S E T H :

WHEREAS, the CITY OF MARYSVILLE desires to construct a water transmission main connecting its well on the Stillaguamish River to its distribution system, and said main is designed to cross certain property at the Arlington Municipal Airport owned by and within the corporate limits of the CITY OF ARLINGTON; and

WHEREAS, the CITY OF MARYSVILLE desires that the CITY OF ARLINGTON grant it an easement for its water line to cross a certain portion of said airport, and the CITY OF ARLINGTON agrees to grant said easement without cost to the CITY OF MARYSVILLE upon the terms and conditions hereinafter set forth; and

WHEREAS, the CITY OF ARLINGTON desires to tap into said transmission line and purchase limited quantities of water from the CITY OF MARYSVILLE for the purpose of distributing the same through the Arlington public water system to a certain limited area as hereinafter described; and

WHEREAS, the parties hereto desire to enter into an agreement whereby their water systems will be intertied solely for emergency purposes; and

WHEREAS, the CITY OF MARYSVILLE is authorized to contract for the distribution of water to other municipalities pursuant to RCW 35A.80.010 and 35.92.200; and

WHEREAS, the CITY OF ARLINGTON is authorized to provide water utility service inside and outside of its corporate limits, and to contract with other municipalities for the acquisition of water for said purposes pursuant to RCW 35.21.210, 35.92.170 and 35.92.220; and

WHEREAS, the parties hereto desire to enter into this Interlocal Agreement pursuant to the provisions of RCW 39.34 for the purpose of providing for the construction and maintenance of Marysville's transmission line referred to above, and providing for the sale of water from said transmission line to the CITY OF ARLINGTON; Now, Therefore,

IN CONSIDERATION of the mutual covenants contained herein, and the benefits arising therefrom, it is hereby agreed as follows:

1. Easement. Arlington hereby grants, bargains, sells, transfers and conveys unto Marysville a permanent easement over, across, along and under the following described property situated in Snohomish County, Washington:

> The East 10 feet of the East 3/4 of the NW1/4 of Section 21, Township 31 North, Range 5 EWM, LESS County Road.

Said easement shall be for the purpose of installing, constructing, operating, maintaining, removing, repairing, replacing and using a water pipeline or lines with all connections, manholes and appurtenances thereto, together with the right of ingress to and egress from said described property for the foregoing purposes; provided that in the event private improvements are disturbed or damaged in either the original installation or in maintenance of such water pipeline or lines, Marysville shall immediately, after such installation or maintenance, restore said premises to their original condition as near as may be. This easement shall be a covenant running with the land and shall be binding on Arlington, its successors and assigns, forever, unless terminated pursuant to the terms of this agreement.

2. Permits and Franchises. Arlington agrees to grant Marysville all permits and franchises required for the construction of the transmission line on property within the jurisdictional boundaries of Arlington, and on public rights-of-way owned or controlled by Arlington. Such permits and franchises shall be at no cost to Marysville

3. Fire Hydrants. Marysville agrees to install fire hydrants along the transmission line at points designated on the map marked "Exhibit A", which is attached hereto and incorporated herein by this reference. The local fire district and the City of Arlington Fire Department shall have access to such hydrants for emergency purposes at no cost.

4. Sale of Water. Subject to the terms, conditions and limitations hereinafter set forth, Marysville agrees to sell and deliver water from the above-described transmission line to Arlington, and Arlington agrees to purchase and receive said water from Marysville:

> (a) Price. In determination of the price hereinafter mentioned, Marysville acknowledges that after considering all factors mentioned in RCW 35.92.010 (and particularly the capital contribution made to its water system through the grant of the easement herein), it has classified Arlington as being in a different class than that of an ordinary household, industrial or commercial user of water, and under such classification the price or rates to be charged as herein set forth is not other than

uniform for said class. Arlington agrees to pay Marysville the minimum sum of 20¢ per 100 cubic feet of water delivered under this agreement, with said payments to be made on a monthly basis within 30 days of receipt of a billing for the same from Marysville. The water rate fixed herein shall be subject to review and revision by increase or decrease on or before the 1st day of June of every 5th year hereafter, or at such other intermediate times as the parties may mutually agree upon. In such rate reviews, the following criteria and method shall be followed to establish the rates for the ensuing period of time:

(1) The "cash method" shall be used, which is based on a requirement of deriving sufficient revenue for Marysville to cover the costs specified in subparagraph (3) below.

(2) For the purpose of calculating the costs provided for herein, the parties will assume, regardless of fact, that sufficient water is available at the Stillaguamish Well to meet the delivery requirements provided for in this agreement, and that the transmission line between said well and the point of delivery is the only utility line used in connection with this agreement.

(3) Only the following two costs will be considered:

a. Operation, maintenance and repair expenses of the Stillaguamish Well, waterworks, transmission line and appurtenances between the source and the point of delivery at 172nd Street NE. Said costs, for which Marysville is solely responsible, shall be analyzed by an engineering consultant retained by Marysville, and an accounting shall be made for the same showing the allocation per 1,000 gallons of water delivered over the preceding rate period, and also projecting the allocation per 1,000 gallons delivered over the ensuing rate period.

b. Depreciation (replacement and improvement costs) for the Stillaguamish Well, waterworks, transmission line and appurtenances between the source and the point of delivery at 172nd Street NE. Such costs shall be based upon a 100-year life of the pipeline and of all structural components of the system; and a 25-year life of all mechanical and electrical components of the system, including pumps and controls. Such costs shall be analyzed by an engineering consultant retained by Marysville and an accounting shall be made for the same showing the allocation per 1,000 gallons of water delivered over the preceding rate period, and also projecting the allocation per 1,000 gallons delivered over the ensuing rate period.

RECORDED
1978 MAR 29 AM 11:33
HENRY B. WHITLEY, AUDITOR
SNOHOMISH COUNTY, WASH.
DEPUTY

(4) The rate to be charged to Arlington during the next rate period shall be the sum of the projected costs calculated pursuant to paragraphs (3) a and b above, provided that such costs shall be divided by the total number of gallons of water delivered through Marysville's transmission line from the Stillaguamish Well site to all of Marysville's and Arlington's customers. A master meter at the well site shall be installed to determine this total flow figure.

(b) Point of Delivery. Marysville shall deliver water to Arlington at a maximum of three points of delivery, all of which will be located by mutual agreement of the parties. Two of said points of delivery shall be located along the transmission line within the above-described easement, and one of said points of delivery shall be located along 43rd Avenue NE at a point chosen by Arlington. At each point of delivery there shall be a tee and gate valve with a 10-inch valve capacity. Such tees and valves shall be installed at Marysville's cost; any and all additional tees or valves shall be installed at Arlington's cost.

(c) Service Areas. Marysville and Arlington hereby mutually recognize and grant to the other the exclusive right to provide water utility services to any and all persons and property located within their respective service areas as identified on the map marked "Exhibit B" and incorporated herein by reference. Although Arlington does not have a formal service area, it is recognized that water delivered pursuant to this contract is intended solely for use on the Arlington Airport, west of Runway #15-33, and west of said runway if extended north and south to the north and south boundaries of said airport. The service area boundaries may be amended by mutual consent of the parties. Neither party will sell or distribute water to customers in the service area of the other party without having obtained a prior consent of that other party, and where necessary, the Snohomish County Boundary Review Board.

(d) Land Use Planning. In determining the availability of expanded water service within their respective service areas, the parties shall act consistently with the applicable comprehensive land use plans and the applicable comprehensive utility studies affecting said areas.

(e) Quantity of Water.

(1) Marysville shall use reasonable diligence and care to provide a regular and uninterrupted supply of water at the point of delivery for as long as the Stillaguamish Well is functioning as a collector site. Marysville shall not be liable for any failure, interruption or shortage of water, or for any loss or damage resulting therefrom, occasioned in whole or in part by any cause beyond the reasonable control of Marysville. In the event the Stillaguamish Well fails to produce the quantity of water required by reason of a change of natural conditions at the collector

site, Marysville reserves the right to abandon the waterworks and the portion of the transmission line north of 43rd Avenue NE, and terminate all service connections thereto, including those provided for in this agreement. All rights and obligations under this agreement shall thereafter terminate as provided below, except that Marysville shall continue to provide water from an alternate source to the north terminus of 43rd Avenue NE on the terms and conditions provided for herein, and such water service shall continue for as long as Marysville maintains its status as a public utility. With respect to the portion of Marysville's transmission line which is abandoned along the easement granted herein, Arlington reserves the right to require Marysville to remove said line or to deed the same to Arlington.

(2) After commencement of delivery pursuant to this contract, in periods of peak consumption or restricted supply causing water shortages, Arlington agrees to impose use restrictions on all of its customers being served water from the Marysville line to the same extent as Marysville imposes use restrictions on its customers during said periods pursuant to Ordinance No. 950, a copy of which is attached hereto as "Exhibit C" and incorporated herein by reference, and all amendments thereto.

(3) Marysville shall not be obligated at any time to deliver to Arlington a quantity of water in excess of the amount agreed upon by the parties pursuant to this contract. Said maximum quantity is contained in subparagraph (4) below and may be renegotiated and determined by the parties on or before the 1st day of June of every 5th year hereafter, or at such other intermediate times as the parties may mutually agree upon. At no time shall said maximum quantity be more than 100,000 gallons per day. Nothing herein shall be construed as obligating Arlington to take or purchase any water.

(4) The parties mutually agree for the first term of this contract that Marysville shall be obligated to deliver water to Arlington in an amount up to but not exceeding 100,000 gallons per day.

(5) The quantity of water delivered shall be measured by such master meters as Marysville may determine, and such meters shall be installed at any and all tee connections being used for delivery. The first such meter shall be purchased and installed at Marysville's cost. Such installation shall be at the tee designated by Arlington and within a reasonable time after such designation. The other two master meters shall also be purchased and installed by Marysville, but Arlington shall, within 30 days after demand, pay to Marysville the cost of such meters.

(f) Quality. Marysville agrees that all water delivered to Arlington at the point of delivery shall conform to and meet water and quality criteria of the State of Washington Department of Health, and will be of the same quality as to chemical and bacterial content as that delivered by Marysville to its other water customers. All water supplied by Marysville for use or sale by Arlington shall be upon the express condition that after it has passed the point of delivery, the same becomes the property of Arlington, and Marysville shall not be liable for any damages or loss beyond said point. If the quality of water deteriorates by reason of source pollution or a change of conditions at the collector site, Marysville reserves the right to abandon the waterworks and the portion of the transmission line north of 43rd Avenue NE, and terminate all service connections thereto, including those provided for in this agreement. All rights and obligations under this agreement shall thereafter terminate as provided below, except that Marysville shall continue to provide water from an alternate source to the north terminus of 43rd Avenue NE on the terms and conditions provided for herein, and such water service shall continue for as long as Marysville maintains its status as a public utility. With respect to the portion of Marysville's transmission line which is abandoned along the easement granted herein, Arlington reserves the right to require Marysville to remove said line or to deed the same to Arlington.

All waterworks construction and service connections shall conform to the requirements of the Washington State Department of Social and Health Services.

(g) Ownership, Maintenance and Service Fees. Marysville shall assume sole ownership, and responsibility for maintenance and improvement, of all parts of the water system preceding the point of delivery, including the master meters and recorders referred to in subparagraph (5) above. Arlington shall assume sole ownership, and responsibility for construction, maintenance and improvement, of all parts of the water system beyond the point of delivery. Maintenance of the second and third master meters installed at tee connections shall be performed by Marysville and billed to Arlington, and such bills shall be paid within 30 days of receiving the same. Further, Arlington shall assume the sole right and responsibility for the distribution of all water passing beyond the point of delivery, and hereby agrees to indemnify and hold Marysville harmless from any and all claims which may arise from such distribution. Arlington shall have the sole right and responsibility to charge and collect fees for connections to the water system beyond the point of delivery, and fees for the use and consumption of the water delivered.

(h) Municipal Utility Intertie. Notwithstanding the provisions in subparagraph (c) above restricting the use of water sold pursuant to this agreement to Arlington customers located on the Arlington Airport property, west of Runway #15-33, there shall be an intertie constructed between Marysville's transmission line and Arlington's municipal water system, which intertie will be available solely for emergency relief purposes. The intertie shall be designed by and at the expense of Marysville, and the cost of material, labor and installation shall be paid in equal shares by Arlington and

Marysville, and shall be constructed at a point where Marysville's transmission line runs parallel to Arlington's existing water system. The use of said intertie for emergency relief to a city suffering from water shortage shall be at the sole and exclusive discretion of the city supplying the emergency relief water. The mere fact that there is a drought, and either city is low on water, shall not be considered as cause for use of the intertie. The intertie may be used as temporary emergency relief in cases where a city's water supply is suddenly threatened by unanticipated damage, disaster, or source failure. In the event that both cities suffer from simultaneous emergencies, both shall implement water restrictions; if such restrictions do not relieve the emergency, the city supplying the water through the intertie may give preference to its customers and may shut off the intertie. Payment for water passing through the intertie shall be on a basis mutually agreed upon by the parties at that time.

(i) Delinquent Payments. In the event that Arlington fails to make payments in full for the water delivered each month, and for meter maintenance charges, within 30 days of being filled for the same, Marysville shall have the right, after 30 days' written notice personally served upon the City Clerk of Arlington, to discontinue service at all tee connections until there has been a mutually satisfactory arrangement for payment on the delinquent account. Delinquent accounts shall bear interest at the rate of 10% per annum until paid.

(j) Assignment and Amendment. Neither this contract nor any right or privilege herein shall be assigned by either party without the written consent of the other party. All amendments hereto shall be effective only when reduced to writing and signed by the parties. The terms and conditions hereof shall be binding upon and inure to the benefit of the successors and assigns of either party.

(k) Duration and Termination of Agreement. The term of this agreement shall be from the date of its execution and shall continue in effect until terminated for any of the following reasons and upon the following terms:

(1) By mutual consent of the parties.

(2) By a judgment or decree of the Superior Court of Snohomish County, Washington.

(3) One year after Arlington shall have in writing notified Marysville of termination, but such notice may not be given prior to January 1, 1979, and such termination shall not cause the easement hereinabove granted to terminate.

(4) Marysville may terminate this agreement upon written verification from an engineering consultant that the Stillaguamish water source, or collector system, is failing to produce a quantity or quality of water adequate to meet the requirements of this agreement. Upon such notification all rights and obligations of both parties hereunder shall cease, and easement rights granted herein shall terminate. Arlington reserves the right to require Marysville to remove the transmission line along said easement, or to require a deed granting the same to Arlington.

Provided, however, nothing herein shall terminate the obligation of Marysville to continue water service from alternate sources to a point located at the north terminus of 43rd Avenue NE. With respect to such water service only, the terms and provisions of this agreement shall remain in force and effect.

Provided further, Marysville shall be required to use reasonable diligence to preserve and maintain the sufficiency and suitability of water at the Stillaguamish waterworks so as to make termination pursuant to this paragraph unnecessary.

DATED this 1st day of March, 1978.

ATTEST:

By Phillip E. Dexter
City Clerk

THE CITY OF MARYSVILLE

By Gene Gunchus
MAYOR

APPROVED AS TO FORM:

By James H. Allen Jr.
City Attorney

ATTEST:

By Patsy Lebsetter
City Clerk

THE CITY OF ARLINGTON

By [illegible]
MAYOR

APPROVED AS TO FORM:

By [illegible]
City Attorney



8003290796

2/1/93

# CITY OF MARYSVILLE AND WARM BEACH WATER ASSOCIATION WATER SUPPLY CONTRACT

THIS CONTRACT is made and entered into by and between the City of Marysville, a municipal corporation of the State of Washington, hereinafter referred to as "Marysville," and the Warm Beach Water Association, a non-profit corporation, hereinafter referred to as "Warm Beach."

WHEREAS, Marysville owns and operates a water supply system located north and east of the City known as the Lake Goodwin well. Said system is permitted by the State Department of Ecology and has supply capability at this time for domestic consumption; and

WHEREAS, pursuant to RCW 35.92.170 and RCW 35.92.200, Marysville is authorized to enter into contracts with other parties to supply such parties with water; and

WHEREAS, the Coordinated Water System Plan (CWSP) identifies certain areas of north Snohomish County as being within Marysville's long-range wholesale water supply service area, which includes the area within which Warm Beach serves its customers; and

WHEREAS, Marysville and Warm Beach wish to enter into a wholesale water supply contract wherein a portion of Marysville's Lake Goodwin well water capacity is provided to Warm Beach, to the extent that the Lake Goodwin well remains a viable source of domestic water supply; and

WHEREAS, the Coordinated Water System Plan (CWSP) for north Snohomish County contemplates potential service of water in conjunction with Warm Beach for the area of north Snohomish County presently served by Warm Beach; and

WHEREAS, the findings and recommendations of the CWSP demonstrate an immediate need for additional water supply to meet current and near term water needs of Warm Beach and a need for long term regional solutions through joint use and operation of water transmission and storage facilities; and

WHEREAS, a study of available and alternative sources of water supply conducted by Warm Beach has identified the Marysville Lake Goodwin well as being the best supplemental source for water supply at this time for the Warm Beach service area; NOW, THEREFORE,

FOR THE MUTUAL BENEFITS TO BE DERIVED, THE PARTIES AGREE AS FOLLOWS:

1. DELIVERY OF WATER. Marysville hereby agrees to deliver to Warm Beach and Warm Beach hereby agrees to pay Marysville for the delivery of water to be used as a source of supply in accordance with its usual and accustomed rates and conditions for customers similarly situated and as provided in paragraph 5 hereof.

2. POINT OF DELIVERY. Marysville shall deliver water to Warm Beach at an agreed connection point located approximately at 3914 - 176th Street N.W., Stanwood, Washington. Any other future connection point shall be subject to mutual agreement. Warm Beach shall install, at its sole cost, a master meter system at the connection point. Said master meter installation shall include telemetry of flow data and any necessary control functions and shall meet the specifications and approval of Marysville and shall become the property of Marysville after its installation. The actual point of delivery at the connection or any future connection point shall be the upstream flange of the valve downstream of the master meter and check valve.

3. QUANTITY OF WATER. Marysville agrees to use best efforts, subject to meeting the requirements of all Marysville customers, to provide a regular and uninterrupted supply of water at said point of delivery originating from the Lake Goodwin well head. Provided, Marysville's sole responsibility shall be to provide water to the point of delivery, and Marysville shall not be responsible for guaranteeing a specific pressure, quantity or quality of water beyond the point of delivery. Marysville will also make best efforts to supply up to 200,000 gallons per day, consistent with the Warm Beach Water Supply Demand Table, which is attached and incorporated as **Exhibit A**. The supply to Warm Beach shall be subject to the needs of the Marysville customer base and the capacity of the well to produce sufficient volume to meet demand. The quantity of water delivered shall be measured by the master meter(s) referred to in paragraph 2 above. Nothing herein, however, shall be construed as obligating Warm Beach to take or purchase any minimum quantity of water from Marysville at any time. In the event the Lake Goodwin well fails to produce a quantity of water sufficient to meet the requirements of this contract, Marysville or Warm Beach may terminate this contract, if in Marysville's discretion there is no other viable source available.

4. QUALITY OF WATER. Marysville agrees that all water delivered to Warm Beach at the point of delivery shall be of the same standard and quality as that normally delivered by the Lake Goodwin well system to Marysville customers. Unless otherwise determined by Marysville in its sole discretion, water provided by Marysville shall be solely from the Lake Goodwin well, and

shall be raw, untreated and unfiltered water. The Lake Goodwin well presently provides a source of drinking water which meets state and federal standards for safe, high quality drinking water at the point of delivery. However, in the event the Lake Goodwin well ceases to provide a domestic water supply which meets all applicable federal, state and county drinking water standards, Marysville shall not be obligated to continue providing water (either treated or untreated) from the Lake Goodwin well or any other source, and may, at its option, terminate this contract prior to the expiration date set forth in paragraph 8 herein. In the event the quality of water provided through the Lake Goodwin well system fails to meet any applicable federal, state or county standards, Warm Beach and Marysville may discuss treatment or filtration options, the cost of which shall be borne by Warm Beach, as an alternative to termination of this contract. Marysville shall not be responsible for changes in water quality or operating problems which may result from Warm Beach mixing different sources of water. Warm Beach shall provide means to assure that water from its source will not backflow into the Marysville system.

5. RATES AND CHARGES. Rates shall be established by ordinance of the City of Marysville and shall be based on cost of service principles. The charges for water service shall include a base rate and, subject to availability, an overage charge as established by ordinance, consistent with **Exhibit A**. For purposes of this contract, and subject to approval of a rate ordinance by the Marysville City Council, the initial base rate shall be 62¢ per thousand gallons. Marysville agrees to read the master meter(s) on a monthly basis and provide Warm Beach with the readings by the 7th day of each month. Marysville agrees that Warm Beach shall be served with notice of any future rate modifications or any rate study that will impact Warm Beach at least sixty (60) days prior to consideration of said modifications by the Marysville City Council.

6. PAYMENTS BY WARM BEACH. On a monthly basis, Marysville shall bill Warm Beach for water delivered through the master meter(s) and Warm Beach, directly for water delivered through the master meter(s) at the connection point. Said bill shall be payable within thirty (30) days after receipt of the invoice. Delinquent bills shall accrue interest at the rate of twelve percent (12%) per annum for any delinquency. Any delinquency greater than ninety (90) days shall be grounds for termination of this agreement and discontinuation of water supply to the point of delivery by Marysville.

7. RESALE OR DISTRIBUTION OF WATER BY WARM BEACH. Warm Beach will distribute water received from Marysville in a manner consistent with the Marysville water system plan, the CWSP, and the Warm Beach water system plan, as approved by the Washington State Department of Health, if appropriate. Warm Beach agrees not to serve water received from Marysville pursuant to the terms

of this contract in areas outside the service area for Warm Beach or to sell water on a wholesale basis to any third party. Warm Beach further agrees that it shall not serve water in any area which is within Marysville's service area as it now exists or is hereafter amended, without Marysville's written permission.

8. TERM OF CONTRACT. The term of this contract shall be from the date of its mutual acceptance by Marysville and Warm Beach and until December 31, 2013, or sooner, in the event Warm Beach develops its own independent water supply. In the event Warm Beach develops its own independent water supply and elects to terminate this agreement prior to December 31, 2013, it shall give Marysville at least sixty (60) days' written notice of such intent. By mutual agreement, the parties hereto shall have a right to renew this contract for an extended term of similar duration and for a quantity of water as available from the Lake Goodwin well site, or such other source as Marysville shall determine, and which is consistent with Marysville's customer base and service requirements.

9. CONSTRUCTION, OPERATION AND MAINTENANCE OF IMPROVEMENTS. Warm Beach shall construct all capital improvements to its water systems and shall own all capital improvements downstream from the point(s) of delivery and shall assume exclusive responsibility for the operation, maintenance and repair of the same. All construction, operation and maintenance and repairs shall be in strict compliance with standards approved by the Washington State Department of Health as appropriate. Warm Beach shall annually provide Marysville a water system report to include number of customers, peak use, and other information useful in optimizing joint operations. Except for any initial improvements which are necessary to Marysville's system to enable water to be delivered to the point of delivery, all operation, maintenance and repairs upstream from the point of delivery shall be the responsibility of Marysville. Any new construction shall be by mutual agreement of the parties.

10. ASSIGNMENT; SUCCESSORS BOUND. Neither this contract nor any right or privilege herein shall be assigned by any party without the written consent of the other party. This contract shall apply to and be binding upon the lawful successors of all parties.

11. NOTICES. All notices complying with this contract shall be sent by registered mail as follows:

To Marysville: Mayor
City of Marysville
514 Delta
Marysville WA 98270

To Warm Beach: President
Warm Beach Water Association
18905 - 92nd Drive N.W.
Stanwood, WA 98292

IN WITNESS WHEREOF, the parties have caused this contract to be executed by their proper officers on the 1st day of February, 1993.

CITY OF MARYSVILLE

By _____
DAVE WEISER, Mayor

Attest:

_____
MARY SWENSON, City Clerk

Approved as to form:

_____
GRANT K. WEED, City Attorney

WARM BEACH WATER ASSOCIATION

By _____
AUTHORIZED REPRESENTATIVE

Approved as to form:

_____
J. ROBERT LEACH, Attorney

# MEMORANDUM

To: Souheil Nasr, Principal Engineer - Everett Public Works
From: Carl Baird, Senior Environmental Specialist – Everett Public Works
Date: July 17, 2007
Subject: Mutual Aid Agreement between water and sewer utilities (purveyors) in Snohomish County, WA

During 2006, the members of the Everett Water Utilities Committee (EWUC) revised the existing **Sewer and Water Mutual Aid Agreement** that was developed in 1995. This mutual aid agreement is designed for response to disasters and emergencies. The following 13 EWUC members have signed the revised Agreement that is now titled, **Water and Sewer Mutual Aid Agreement – 2006**:

- City of Everett
- City of Lynnwood
- City of Arlington
- City of Snohomish
- Public Utility District of Snohomish County
- Alderwood Water District
- Cross Valley Water District
- Mukilteo Water District
- Olympic View Water and Sewer District
- Silver Lake Water District
- Highland Water District
- City of Marysville
- City of Edmonds

In an effort to minimize the flow of paper, the authorization paragraph (9) was written so that only Everett would need to have signed Agreements from each of the participants. The signature page requires the approval of an individual purveyor only. Two purveyors must approve the Agreement (in the form of a resolution) in order for it to take effect. Upon adoption, a certified copy of the Agreement must be forwarded to the City of Everett. The Everett Utilities Director is responsible for maintaining a current list of mutual aid signatory purveyors that includes the job title of their respective designated official. The Everett Utilities Director is required to distribute an updated list annually and whenever purveyors are added or removed.

Briefly, the Agreement provides the procedure for requesting assistance, responding to a request, controlling personnel, equipment, and materials, and providing cost reimbursement. The reimbursement is based upon the responding purveyor's costs. Insurance and indemnification are also addressed.

# WATER AND SEWER MUTUAL AID AGREEMENT - 2006

THIS MUTUAL AID AGREEMENT is by and between all water and sewer utilities (Purveyors) in Snohomish County that have approved this Agreement, who are authorized to provide the benefits and undertake the obligations contained in this Agreement, and have executed this Agreement.

## RECITAL

Subject to the terms and conditions below, each of the Purveyors agrees to provide personnel, materials and equipment to other Purveyors who are parties to this Agreement and who request assistance to handle a disaster or emergency.

## AGREEMENT

It is agreed by the Purveyors as follows:

1. Request for Assistance. A Purveyor, through its Designated Official, may request another Purveyor to send personnel, materials and equipment to deal with a disaster or emergency. A request for assistance may be oral or written. If the request is oral, it shall be confirmed in writing by the requesting Purveyor's Designated Official as soon as practicable after the request. A written request or confirmation shall be in a form sufficient to demonstrate that it was made by a Designated Official. Each request or confirmation shall describe the equipment, personnel, materials, and other resources that are needed to address the disaster or emergency.

2. Definition of Disaster or Emergency. A disaster or emergency is an event or situation which (1) demands immediate action to preserve public health or protect life or property or (2) reaches a dimension or degree of destructiveness as to warrant the Governor of the State of Washington declaring a state of emergency.

3. Response to Request. The responding Purveyor, through its Designated Official, should, as soon as reasonably possible determine whether personnel, materials and equipment are available to respond to the request for disaster or emergency assistance. Following that determination, the responding Purveyor's Designated Official should, as soon as reasonably possible advise the requesting Purveyor of the availability of personnel, materials and equipment; and, if any or all of such items are available, the approximate time when such will be provided. The judgment of the responding Purveyor's Designated Official shall be final as to the availability of personnel, materials and equipment. A responding Purveyor shall not be liable to the requesting Purveyor or any person or entity for failing to respond to a request for assistance or provide personnel, materials and equipment. By signing this Agreement, any party who requests assistance pursuant to this Agreement waives and releases all claims for damages of any kind against any other party who fails to respond to a request for, or does not provide assistance, personnel, materials or equipment.

4. Control of Personnel and Equipment. Personnel and equipment of the responding Purveyor that are made available to the requesting Purveyor shall, to the fullest extent possible, remain under the control and direction of the responding Purveyor; the responding Purveyor shall be and remain at all times an independent contractor. The responding Purveyor's employees shall remain solely the employees of the responding Purveyor. The requesting

Purveyor shall coordinate the activities of personnel and equipment of the responding Purveyor, provided however, employees of the responding Purveyor remain employees of the responding Purveyor while performing functions and duties on behalf of the requesting Purveyor. The responding Purveyor shall retain the right to withdraw at any time some or all of its personnel, materials and equipment for any reason. Notice of intention to withdraw shall be communicated to the requesting Purveyor's Designated Official, as soon as possible; however, it need not be in writing. A responding Purveyor shall not be liable to the requesting Purveyor or any person or entity for first providing personnel, materials or equipment and later withdrawing some or all of the same personnel, materials or equipment, according to the provisions of this Agreement. By signing this Agreement, any party who requests assistance pursuant to this Agreement waives and releases all claims for damages of any kind against the responding Purveyor for withdrawing some or all of its personnel, materials or equipment that were provided pursuant to this Agreement.

5. Status of Personnel. All privileges, immunities, rights, duties and benefits of officers and employees of the responding Purveyor shall apply while those officers and employees are performing functions and duties on behalf of the requesting Purveyor, unless otherwise provided by law.

6. Indemnification. To the extent permitted by law, the requesting Purveyor shall protect, defend, hold harmless and indemnify all other responding signatory Purveyors, and their officers and employees from any and all claims, suits, costs, damages of any nature, or causes of action, including the cost of defense and attorneys fees, by reason of the acts or omissions, whether negligent, willful, or reckless, of the requesting Purveyor's officers, employees, and

agents arising out of or in connection with any acts or activities authorized by this Agreement, and will pay all judgments, if any, rendered. This obligation shall not include such claims, costs, damages or other expenses which may be caused by the sole negligence of the responding Purveyors or their authorized agents or employees.

This indemnity obligation extends to all claims against the responding Purveyor by an employee or former employee of the requesting Purveyor, and for this purpose, by mutual negotiation, the requesting Purveyor expressly waives as respects to the responding Purveyor only, all immunity and limitation and liability under any industrial insurance act, including Title 51, other worker's compensation act, disability benefit act, or other employee benefit act of any jurisdiction which would otherwise be applicable in the case of such claim.

7. Insurance. A Purveyor shall maintain insurance or adequately self-insure for the activities of its personnel and equipment while operating under this Agreement.

8. Cost Reimbursement. The requesting Purveyor shall reimburse the responding Purveyor for the actual cost of providing assistance. The reimbursement will be based upon the responding Purveyor's regular schedule of hourly rates for personnel and equipment, and the actual costs of materials, reasonable food, lodging and out-of-pocket expenses; reimbursement shall include all salaries, benefits, administrative costs and overhead of the responding Purveyor, determined in accordance with the responding Purveyor's then-existing regularly adopted policies and practices. Reimbursement shall be made within 90 days after receipt by the requesting Purveyor of an itemized voucher of costs. The requesting Purveyor shall have the right to audit books and records related to the cost of providing assistance.

9. Authorization: Effective Date: Duration. A Purveyor shall authorize and approve this Agreement by formal action of its governing body. This Agreement shall be effective upon authorizing actions by two or more Purveyors and is subject to the termination procedures set out herein, and shall remain in effect as long as two or more authorizing actions are in effect. Upon an authorizing action and execution of this Agreement, a Purveyor shall send a certified copy of the action and the Agreement to the City of Everett. The Everett Utilities Director shall maintain a list of mutual aid Purveyors hereunder and the job title of their respective Designated Officials and shall send an updated list to all Purveyors annually, and whenever Purveyors are added to or eliminated from the list or whenever a Purveyor changes the job title or title holder of its Designated Official for this Agreement.

10. Rescission of Prior Agreements.

This Agreement, once formally authorized by each signing Purveyor, shall, one at a time, immediately supersede and rescind that same signing Purveyor's prior SEWER AND WATER MUTUAL AID AGREEMENT (developed in 1995) with all other signers of that Agreement.

11. Termination. This Agreement shall remain binding upon a Purveyor until that Purveyor repeals or revokes its authorizing action. Upon repeal or revocation, the Purveyor shall send a certified copy of the action to the Everett Utilities Director. Withdrawal from this Agreement shall not relieve the withdrawing Purveyor from the obligations incurred under this Agreement prior to the effective date of the withdrawal, which is the date upon which the withdrawing Purveyor delivers a copy of its repealing action or revocation to the Utilities Director for the City of Everett.

12. No Third Party Rights. This Agreement is for the benefit of the Purveyors who are active parties to this Agreement and no other person or entity shall have any rights under this Agreement as a third party beneficiary nor shall any Purveyor owe any duty to a third party not a signatory of this Agreement by virtue of this Agreement.

13. Designated Official. All Agreement references to the Designated Official, whose job title is identified at the end of this Agreement, shall refer to the holder of that job title or his or her designee. The Purveyor may, at its discretion, change the job title of their Designated Official by notifying the City of Everett.

Job Title of Designated Official for the purposes of initiating this Agreement:

_____
[Printed JOB TITLE]

_____
[Printed NAME of PURVEYOR]

By (Signature)_____

_____
[Printed NAME, TITLE]

Dated: _____

ATTEST:

By (Signature)_____

_____
[Printed NAME, TITLE]

Dated: _____

APPROVED AS TO FORM:

By (Signature)_____

_____
[Printed NAME, TITLE]

Dated: _____

L2
Pam
Rick
Ken
Gerry

10/7/96

# ANNEXATION AND SERVICE AREA SETTLEMENT AGREEMENT

**THIS AGREEMENT** is made this 7th day of October; 1996, between and among the **CITY OF ARLINGTON**, ("Arlington"), and the **CITY OF MARYSVILLE**, ("Marysville"), and **SNOHOMISH COUNTY FIRE PROTECTION DISTRICT 12** (*operating pursuant to interlocal agreement with the City of Marysville as the Marysville Fire District*), ("Fire District").

WHEREAS, the parties to this Annexation and Service Area Settlement Agreement, ("Agreement"), are presently engaged in litigation involving future annexation and service areas, and

WHEREAS, the parties believe it is in the best interests of each jurisdiction, and the public's best interest, to resolve their differences through compromise and negotiation; and

WHEREAS, the parties each recognize that resolving the complex issues associated with their competing interests through litigation is costly to the taxpayers and unlikely to bring about resolution of the issues for many months or years, contrary to the best interests of their citizens and those citizens in the areas affected by the disagreement; and

WHEREAS, the parties have engaged in ongoing discussions and mediation in an effort to resolve their differences; and

WHEREAS, the parties have resolved the disputes between them in a manner satisfactory to each jurisdiction in a way which provides a basis for planning and cooperation into the future; and

WHEREAS, the parties have pledged to the other to treat all residents and property owners in a fair and impartial manner, regardless of any past actions and regardless of where the residents and property owners are located;

NOW, THEREFORE, in consideration of mutual benefits and promises, the parties agree as follows:

## A. GENERAL

1. Upon approval of this agreement by all parties hereto, a joint meeting shall be held with the County Executive, County Council Representative, and Director of Planning and Development Services to present, explain, and seek Snohomish County's support of the provisions of this agreement. All parties will use their best efforts to obtain the approval of

the County Executive and the County Council of the terms of this Agreement. Such approval will include elimination of joint urban growth boundaries and the establishment of the separate urban growth areas of Arlington and Marysville as set forth herein.

2. Neither Arlington nor Marysville will share revenue with the other from their respective annexations in areas that are within the amended Arlington Smokey Point annexation as described in Snohomish County Boundary Review Board file #22-95.

3. The parties shall have in place a timetable for announcing this settlement and for implementing this Agreement. The public announcement of this agreement shall be pursuant to a joint press release which shall be as provided in **Exhibit 1**. The timetable for implementation shall be as set forth in **Exhibit 2**, subject to revision by mutual agreement of the parties.

## B. ANNEXATION BOUNDARIES

1. The parties agree on the separate urban growth boundary lines as set forth on the map attached hereto as **Exhibit 3** and incorporated herein by this reference. Such lines shall be proposed to Snohomish County as the Urban Growth Boundary for each City, and each City and the Fire District shall actively encourage adoption of such boundaries by the Snohomish County Planning Commission and the Snohomish County Council pursuant to ordinance and amendment of the Snohomish County Comprehensive Plan. In the event the County Council does not approve the boundaries agreed upon in **Exhibit 3**, the parties hereto agree to reopen this agreement and mediate alternative agreements in good faith. Neither City will annex outside of its agreed upon urban growth boundary as set forth in **Exhibit 3**. Provided, however, that with respect to the area which is crosshatched on **Exhibit 3**, Marysville agrees that if Arlington acquires any property in this area for municipal purposes, then Marysville will agree to the modification of the designated line so that Arlington may annex the property that it has acquired.

2. With respect to the property which is shaded on **Exhibit 3**, the parties recognize that in order for this area to be annexed to Marysville, changes in the urban growth line will need to be made in order for this area to be contiguous with Marysville. Arlington agrees to support modifications to the urban growth boundary line in this shaded area. However, if within ten (10) years of the date of this Agreement the urban growth boundary line has not been modified such that this shaded area can be contiguous with Marysville, then Marysville agrees to support this shaded area being added to Arlington's urban growth boundary. Provided, however, in the event the Snohomish County Council does not modify the urban growth boundary through the docketing request process or Phase II planning process during said 10-year period, both Cities may thereafter request the urban growth boundary be modified so as to include the shaded area within its urban growth boundary.

## C. LAND USE

1. To the extent either City enters into any interlocal agreement with Snohomish County for the purpose of addressing issues relating to future annexations, such agreement shall be consistent with this agreement.

2. Arlington and Marysville agree to enter into an interlocal planning agreement with each other and Snohomish County relating to the urban growth boundaries of each City covered by and consistent with this agreement, utility service area boundaries consistent with this agreement, and such other regional issues as are necessary to meet the consistency requirements of the Growth Management Act.

3. Marysville acknowledges Arlington's strong interest in assuring that development east of 43rd and north of 152nd is compatible with continued operations of the Arlington airport and Arlington's Airport Master Plan. As such, Arlington and Marysville agree to enter into an interlocal agreement committing both jurisdictions to a process that will result in development standards for the area east of 43rd and north of 152nd. Height, type and density will be land use issues of concern to Arlington. The development standards will be consistent with Arlington Airport Master Plan and will include the following provisions to protect the Arlington Airport from future conflicts within its area of impact and to give both cities some certainty in predicting future land uses and utility planning in the area:

a. Strict compliance with current and future Federal Aviation Regulations (including, but not limited to, Part 77) within the area.

b. Requirements in land use applications, permit and planning processes requiring the granting or dedication, when reasonable, of avigation easements by owners of property located within the approach zone south of runway 34. Following annexation, Marysville will provide written notice to Arlington of land use applications, permit and planning processes in this area and Arlington will provide written comments and proposed conditions and language for such easements. To the extent allowed by law, such avigation easement will hold the Airport (City of Arlington) and the City of Marysville harmless from all current and future activities.

c. Encouragement of industrial and business park uses within this area, and discouragement of residential and other uses within this area which would conflict with the Arlington Airport.

d. Site plan review and input regarding consistency with agreed upon

development standards by Arlington of the area east of 43rd Avenue and north of 152nd Street to insure that conflicting land uses including, but not limited to, large bodies of water, tall structures, smoke, light and glare, electrical interference, and uses that are sensitive to high noise levels, do not occur within the area.

e. Arlington will provide Marysville and the District with advance written notice and an opportunity to provide input on any proposed changes to Arlington's Airport Master Plan.

## D. SEWER AND WATER SERVICE

1. The parties agree on the "water and sewer utility service areas" as set forth on **Exhibit 4**, attached hereto and incorporated herein by this reference. For purposes of this agreement, "water and sewer utility service areas" shall mean those areas within each City's urban growth boundary and future annexation area within which that City shall have the authority to serve or plan for the services of sewer and water utilities. Such areas may be amended by future mutual agreements of the parties. Both cities shall work to cause the Water Utility Coordinating Committee (WUCC) to amend water service areas to be consistent with this agreement. Each city shall apply to have its water and sewer comprehensive plan amended consistent with this agreement.

2. The parties agree that they shall continue to study those areas east of the agreed upon urban growth boundary line in the area generally east of 67th Avenue N.E. and the area generally north of the Lakewood area, north of the existing urban growth boundary and west of I-5 with the idea of agreeing to annexation and planning boundaries for each city.

3. Arlington acknowledges Marysville's critical need to assure adequate long-range utility planning and the economic viability of its water and sewer systems as well as the ability to meet or exceed present and future environmental standards. The Cities of Arlington and Marysville are committed to entering into an interlocal agreement that will assure these goals are met and provide for present and future utility service in the area designated for utility service by the City of Marysville and for annexation to the City of Arlington. If necessary, an interim agreement will be implemented to provide a smooth transition while the permanent agreement is drafted. Under the terms of these agreements, Marysville will continue to provide water and sewer service to the Smokey Point area, including that portion south of approximately 180th Street NE, upon the following conditions:

a. Property owners within the Arlington annexation area will receive the same level and quality of service as other comparable property owners located in Marysville or in the Marysville urban growth boundary.

b. There shall be equitable monthly rates, connection fees and development fees within that part of Arlington's urban growth boundary served by Marysville as within adjacent unincorporated areas. Marysville agrees to hold a public hearing prior to any increase in utility rates or fees and shall consider testimony of all speakers prior to adjusting rates or fees. Marysville will provide Arlington with sixty (60) days' advance notice of any such public hearing.

c. Marysville will provide timely utility service to property owners within that part of Arlington's urban growth boundary served by Marysville as set forth in **Exhibit 4** upon developer application provided development is in conformance with either the County's or Arlington's Comprehensive Plan, as applicable. Service shall be provided in as timely a manner within Arlington's urban growth boundary area as outside of Arlington's urban growth boundary. Service shall be contingent on compliance with Marysville's codified discharge limitations and its NPDES permit.

d. Any service moratoriums by Marysville that are not necessitated by conditions that are specifically related to the service area defined in **Exhibit 4** shall be applied system-wide, rather than just within the area served by Marysville within Arlington's urban growth boundary. The two Cities will work together to alleviate any moratorium within the Arlington annexation area properties through provision of short- or long-term sewage collection and disposal or water service. In such situations, the Cities shall coordinate their efforts to alleviate service problems to the greatest extent practicable.

e. Agreement by Arlington on issues relating to controlling the volume of sewage and the quality of the material discharged into the sewer system. These issues shall be addressed in connection with the interlocal agreement described in Section C-2, above or in a separate interlocal agreement between the parties.

4. The parties agree it is in their mutual interests to continue ongoing discussions regarding the provision of water and sewer service north of approximately 180th St. NE. Said discussions shall be based on the premises set forth in paragraph 5, below.

5. Arlington may have the option of purchasing Marysville's water and sewer service facilities north of approximately 180th Street NE upon the following conditions:

a. The option to purchase shall be exercised within twelve (12) months of the date of this agreement. During that period of time, the parties shall agree upon the terms of such sale, which shall be governed by subparagraphs 5(b) through 5(e), below.

b. Transfer of the system to Arlington shall be at the earliest possible date after the exercise of the option to purchase.

c. Diversion of effluent collected within Marysville's sewer system north of approximately 180th Street NE at the time of the transfer of the system to Arlington, or such other date as may be agreed upon.

d. Allowance for Arlington within the area to be transferred to purchase water from Marysville at nondiscriminatory cost-based wholesale rates and have it provided to them, using a master meter installed at Arlington's expense to measure the water consumed.

e. The parties agree to negotiate in good faith to establish the purchase price of the system. If no such agreement is reached, then the price shall be set by an independent arbitrator with payout terms extended, at Arlington's discretion, over a maximum of 15 years, so long as such payment terms do not conflict with Marysville's bond covenants. Any agreement and any payment terms, whether reached by negotiation or through arbitration, shall be consistent with the provisions of Marysville ordinance #1995. Provision shall be made in such agreement for securing payment for sale of the utility system.

f. In the event Arlington elects not to exercise the option to purchase the utility system, Marysville will continue to serve existing customers with the understanding that it shall not be obligated to make any expansion of infrastructure to serve new customers. Provided, however, in the event expansion of the infrastructure occurs, the parties will work cooperatively in the planning and financing of such expansion.

6. Both Cities recognize the need for long-range utility service planning. The Cities, within twelve (12) months of the full execution of this agreement, shall reach agreements regarding the boundaries for long-range utility service for the area within Arlington's urban growth boundary generally north of the agreed upon urban growth boundary line and east of 43rd, which area is crosshatched on **Exhibit 4**. Until such agreements are reached, Marysville will continue to provide, as necessary, water and sewer service in said area on similar terms to service provided to other areas within Arlington's urban growth boundary served by Marysville.

7. Marysville and Arlington will commit to work together to strengthen the integrity, quality, pressure and capacity of the systems providing water to areas of mutual interest through appropriate and agreed-upon mechanisms including, but not limited to, interconnects between the Arlington and Marysville systems. The parties also agree to promptly

discuss, but shall not be required to agree upon, treatment of some Ranney well water in the Arlington system, and construction dependent on the joint funding of a two-phase water plant project to benefit the systems.

8. The Cities shall appoint a committee consisting of the City Administrators and Public Works Directors and/or City Engineers, together with such other staff each city shall mutually agree to. Such committee shall meet on a periodic basis and consult on issues relating to operational, technical and utility planning issues of mutual concern.

## E. FIRE SERVICE

1. Arlington will enter into a contract with Marysville and Fire District 12 for continued fire and emergency medical services for all areas within the Fire District's existing service area which is within Arlington's urban growth boundary as described in **Exhibit 3**. The contract shall be for seven (7) years commencing from the date Arlington first annexes land in its Smokey Point annexation area, with a three (3) year notice of termination to be exercised at the end of the 7-year period. Other terms shall be as mutually agreed.

2. Upon annexation by Marysville of territory within Fire District 21 Marysville, through the Marysville Fire District, will commit to at least a seven (7) year contract with Fire District 21, if requested by Fire District 21, for continued fire service in Marysville's urban growth area currently served by Fire District 21. Said agreement will have similar provisions relating to assets and revenue as provided District 12 by Arlington in the contract referenced in E-1 above. In the event Fire District 21 or Arlington continues to serve territory of Fire District 21 that is annexed by Marysville, the same level of service as provided to adjacent areas by Marysville Fire District shall be provided. In the event such level of service cannot be provided, Marysville Fire District shall serve said area on terms as agreed by contract. Other terms of such contract shall be as mutually agreed.

## F. MISCELLANEOUS

1. Marysville and Arlington will cooperate in regional management of drainage, including, but not limited to, drainage relating to the areas within each City's urban growth boundary. These issues could be addressed in connection with the interlocal agreement described in Section C-2 above.

2. Marysville and Arlington will work together to extend 43rd Avenue from 172nd Street to 152nd Street, and, subject to each City's budgetary constraints and further agreements of the parties, pay their proportionate share of costs, when both jurisdictions determine that development and traffic justifies the street extension. Participation in the street extension shall not be unreasonably withheld by either party. Both parties will seek to include Snohomish

County in any cost-sharing agreement.

## G. DISPUTE RESOLUTION

1. Arlington, Marysville and the Fire District agree to the following procedure for resolving disputes in connection with issues arising under this agreement. Except as specifically provided for elsewhere in this settlement agreement, and except where a mandatory specific dispute resolution process is already established by law, this procedure will begin with good faith negotiations between the jurisdictions, followed by mediation should the jurisdictions reach an impasse, followed by binding arbitration should the jurisdictions reach an impasse in mediated negotiations.

## H. APPEALS

1. Marysville and Fire District 12 will dismiss their lawsuits challenging the Smokey Point annexation.

2. Marysville and Fire District 12 will, upon request by Arlington, support and participate in Arlington's efforts to pursue annexation of the Smokey Point annexation area consistent with this agreement, including, but not limited to, participation in and support of a request to the court to remand the Boundary Review Board decision on the Smokey Point annexation to the Boundary Review Board for further fact finding consistent with this settlement agreement. However, regardless of the decision of the Boundary Review Board, Arlington agrees to abide by the annexation boundaries set forth in **Exhibit 3** and will not adopt any annexation ordinance or conclude any annexation of an area inconsistent therewith.

3. Marysville and Fire District 12 will not oppose Arlington's appeal of the Boundary Review Board's Island Crossing decision.

4. Marysville will amend Chapter 14.32 of its municipal code to not require annexation covenants as a condition to water and sewer service within that portion of the Arlington urban growth boundary served by Marysville. Marysville will release the obligation requiring citizens to annex to Marysville in existing annexation covenants with property owners within said area. In the interim, upon adoption of the proper ordinance, which shall be within thirty (30) days of the execution of this settlement agreement, Marysville will commence to provide water and sewer service to property owners in the Arlington annexation area who request or have requested such service on terms and conditions that are consistent with the Marysville Utility Code (excepting the annexation covenant requirements) and on terms and conditions that reflect the understandings reached by the parties in this settlement agreement.

5. Marysville will dismiss its appeal of Arlington's amendments to its sewer and water comprehensive plans so long as such plans are consistent with the terms of this agreement. Arlington will prepare and submit written amendments to said plans consistent with this agreement to all agencies with jurisdiction and to Marysville.

6. Arlington will dismiss its appeal of Marysville's comprehensive plan. Marysville will amend said comprehensive plan, consistent with the terms of this agreement, and will submit such amendments to Arlington for review and comment prior to adoption.

7. Arlington will amend its Comprehensive Plan to be consistent with the terms of this agreement and will submit it to Marysville prior to adoption.

8. Arlington will support and not challenge any revisions by Marysville to its RUSA boundary necessitated by this settlement agreement.

9. Marysville and Fire District 12 will not challenge future annexations by Arlington of the Arlington urban growth boundary areas identified in **Exhibit 3**.

10. Arlington will not challenge future annexations by Marysville of the Marysville urban growth boundary areas identified in **Exhibit 3**.

11. Nothing contained in this agreement shall be intended to create or otherwise establish any particular class or group of persons or property owners who will or should be especially protected or benefitted by the terms of this agreement. No provision or term of this agreement is intended to limit either City's authority to impose lawful regulations for the provision of services. This agreement shall not be construed as an admission of any duty to provide municipal services absent compliance with all lawful rules, regulations or ordinances.

**DATED** this 7th day of October, 1996.

CITY OF ARLINGTON

Robert Kraski

Robert Kraski, Mayor

Larry Caldwell

Larry Caldwell

Montey Hagenston

Richard Larsen

Sally Lien

Bea Randall

Don Regan

Oliver Smith

ATTEST/AUTHENTICATED

By Kathy Peterson
City Clerk

CITY OF MARYSVILLE

David Weiser, Mayor

Shirley Bartholomew

Ken Baxter

Otto Herman

Mike Leighan

John Myers

Donna Pedersen

Donna Wright

ATTEST/AUTHENTICATED

By _____
City Clerk

8/4/98

1998

# AGREEMENT BETWEEN

# CITY OF MARYSVILLE AND THE CITY OF ARLINGTON

# FOR THE ASSUMPTION OF A PORTION OF THE MARYSVILLE UTILITY SYSTEM AND TO PROVIDE WHOLESALE WATER

IT IS HEREBY AGREED by and between the CITY OF MARYSVILLE, a municipal corporation of Snohomish County, Washington, hereinafter referred to as the "MARYSVILLE," and the CITY OF ARLINGTON, a municipal corporation of Snohomish County, Washington, hereinafter referred to as "ARLINGTON."

WHEREAS, MARYSVILLE and ARLINGTON have entered into an Annexation and Service Area Settlement Agreement which establishes a service area boundary east of Interstate 5 and envisions that the CITY OF ARLINGTON will eventually serve all current MARYSVILLE customers north of 180th Street N.E. east of Interstate 5.

WHEREAS, MARYSVILLE hereby agrees to provide the following services to ARLINGTON: Conveyance of water through a master meter at approximately 180th Street N.E. and Smokey Point Boulevard.

WHEREAS, it is proposed that a "Wholesale Water Charge" be established which will fairly and reasonably compensate MARYSVILLE for furnishing and conveying water through Marysville's water distribution system to the point of connection with ARLINGTON as established by this agreement.

WHEREAS the Annexation and Service Area Settlement Agreement contemplates the CITY OF ARLINGTON providing water and sewer service to areas currently being served by the CITY OF MARYSVILLE and whereas the CITY OF ARLINGTON will assume ownership and operations of MARYSVILLE's water and sewer service facilities north of 180th Street N.E. and east of Interstate 5 as shown on attached Exhibits A and B.

NOW, THEREFORE, IT IS AGREED as follows:

## I

## DEFINITIONS

As used in this Agreement, the following words and phrases shall have the meanings hereinafter set forth unless the context shall clearly indicate that another meaning is intended.

(1) The term "Cubic Foot" shall mean a unit of measurement of flowing water equal to 7.48 gallons past a given point, usually a meter.

(2) The term "Distribution Facilities" shall mean that system of pipes and appurtenances used for receiving a supply of water and distributing it directly to the consumers or final users. For the purpose of this contract, it shall be further understood to mean that the "distribution facilities" are separate parts of a water system and as such are all operated and controlled by either MARYSVILLE or ARLINGTON individually, but not jointly.

(3) The term "Distribution Main" shall mean any size water main which has service connections tapped directly to the water main supplying an individual or final consumer.

(4) The term "Fire Flow" shall mean the rate of water flow needed to fight fires under WAC 246-293-640 or adopted CITY OF MARYSVILLE Standards.

(5) The term "Master Meter" shall mean the measuring device placed in the flow of a large main not being a service connection.

(6) The term "Maximum Instantaneous Demand" shall mean the maximum rate of water use excluding fire flow which has occurred or is expected to occur within a defined service area at an instant in time.

(7) The term "Peak Day Water" is the 24-hour average flow rate for any maximum usage day during a calendar year.

(8) The term "Service Connections" shall mean those separate connections between a distribution system main and the final consumer.

(9) The term "Service Meters" shall mean the meter or measuring device installed on a service line or service connection for the purpose of measuring the water service furnished to the final consumer.

(10) The term "Sewer Collection System" shall mean that system of pipes, pump stations, and appurtenances used to collect sanitary waste water and transmit it to a wastewater treatment facility.

(11) The term "Transmission Main" shall mean that part of the supply system having a primary purpose of carrying a supply of water between the source and the distribution systems and has no direct service connections except by variance by the MARYSVILLE City Council to individuals or final users tapped into this main.

## II

## TRANSFER OF FACILITIES

MARYSVILLE shall transfer to ARLINGTON all physical water facilities and administration upon completion of the master meter installation and transfer all physical sanitary sewer facilities and administration upon completion by ARLINGTON of diversion of effluent facilities into the Arlington system. Both utilities shall be transferred simultaneously upon payment in full of the purchase price as agreed pursuant to the terms of the separate sales contract between the parties.

At such time as the sewer diversion is complete, MARYSVILLE, at its expense, will cut and plug the two ends of the existing force main at 180th Street NE and extend and connect the existing force main to the Arlington gravity system at Arlington's expense.

## III

## DEDICATED UTILITY LINES

Should either MARYSVILLE or ARLINGTON be required to install water or sewer mains within the other's corporate limits to supply water or sewer service to their service area, each agree to apply for, and each agrees to grant, subject to all CITY rules, policies, regulations and ordinances, necessary permits, franchises and rights-of-way to the other as reasonably required provided further that each shall pay for all acquisition of rights-of-way required to be obtained on other than public streets and public properties of the other. All necessary permits and/or franchise fees required shall be paid by the party installing the mains. Fees shall be based on the reasonable cost of reviewing, granting, and administering the necessary franchise. When constructing along the rights-of-way covered by the leases, permits, and franchises, each city will abide by the permitting CITY's codes and ordinances. Each agrees to maintain all the facilities constructed by it within the corporate limits of the other in good working order and will save harmless the other party from any and all claims for damages to property or persons resulting from its failure to comply with this agreement or from acts of omissions by its agents.

## IV

## POINTS OF CONNECTION

MARYSVILLE agrees to deliver maximum instantaneous flows (based on average daily demand of 70,000 gallons) and a peak day demand of 175,000 gallons per day, and fire flows of 1,400 gpm at a residual pressure of 20 psi at the agreed connection point on the transmission main within MARYSVILLE's existing distribution facilities at rates as hereinafter set forth. Said agreed connection point is a single point of connection at 180th Street N.E. and Smokey Point Boulevard.

The actual point of delivery shall be the upstream flange of the valve downstream of the "Master Meter" and check valve. If MARYSVILLE supply is limited by the City of Everett, the ARLINGTON' supply will be limited in the same proportion as the entire CITY OF MARYSVILLE will be limited.

The agreement to supply water by MARYSVILLE to ARLINGTON shall be subject to and limited by unavoidable accidents, acts of God, and any conditions beyond the control of MARYSVILLE. If MARYSVILLE declares an emergency on limited water available through accident, catastrophe, or emergency limitations of supply and notifies ARLINGTON of the limitations imposed by MARYSVILLE, ARLINGTON shall comply with those limitations or be subject to MARYSVILLE's controlling delivery of water at the "Master Meters" during that emergency. MARYSVILLE will treat any major interruption to the supply to ARLINGTON as an urgent matter and will attempt to restore or cause to be restored normal service to ARLINGTON as expeditiously as possible. Marysville shall administer any system-wide or area-wide emergency of its systems by treating Arlington the same as Marysville customers. As such, ARLINGTON agrees to save and hold harmless MARYSVILLE, its officers, agents, and employees, from and against any and all liabilities, claims, actions, or damages by ARLINGTON and customers thereof relating to or arising out of unavoidable accidents, acts of God, catastrophe, emergency limitations of supply, and any and all other conditions beyond the control of MARYSVILLE. Any and all claims arising out of such circumstances by customers of ARLINGTON shall be referred directly to ARLINGTON and it shall review, adjust, and/or defend said claims at its own expenses, as appropriate.

The quantity of water delivered shall be measured by the "Master Meters" referred to in Section VI herein. Nothing herein, however, should be construed as obligating ARLINGTON to take or purchase any minimum quantity of water from MARYSVILLE at any time.

V

MASTER METER

All water supply delivered by MARYSVILLE to ARLINGTON through the permanent supply point at 180th Street N.E. and Smokey Point Boulevard shall be measured through the "Master Meter." If this agreement remains in effect 5 years from the date hereof, said "Master Meter" shall be upgraded to include telemetry of flow data and any necessary control functions and shall meet all specifications and approval of MARYSVILLE. All costs of installation of said meter and telemetry upgrades, if any, shall be borne by ARLINGTON. The "Master Meter" and facilities to the downstream face of the meter vault shall be owned and maintained by the City of Marysville.

MARYSVILLE shall construct, purchase, and install a new "Master Meter" facility meeting all MARYSVILLE specifications at the agreed upon connection point. –Within thirty (30) days of the construction, purchase, and installation of such meter facility, MARYSVILLE shall bill ARLINGTON and ARLINGTON shall reimburse MARYSVILLE for all expenses associated with the construction, installation, and the purchase of equipment for the metering

facility. Said meters shall be installed in an adequately drained vault separate from any pressure-reducing equipment which is necessary. MARYSVILLE shall operate, maintain, repair, and test the master meters. MARYSVILLE shall provide documentation of all maintenance, repairs, and testing to ARLINGTON.

Access to the meter and the flow records shall be made available to MARYSVILLE and ARLINGTON at all times. MARYSVILLE shall maintain, repair, and replace the remote control recording equipment at the meter. The meter shall be checked by MARYSVILLE for accuracy on an annual basis as part of normal maintenance. However, either party to this agreement may, at its option, request or cause to be tested the main line meter for accuracy at any other time between the annual checks. An unscheduled test shall not commence without notification to the other party. All tests shall be conducted in a manner agreeable to both parties and the costs of the testing other than the annual check shall be borne in the following manner: If both parties agree to the test, then costs will be shared equally. If either of the parties singularly requests the test, then the cost shall be borne by the party causing the test to be performed providing the test indicates the meter to be performing within 2% of the degree of accuracy guaranteed by the manufacturer of the equipment. In the event the meter is not performing within the allowable limits (2% of the manufacturer's guaranteed accuracy) then the party benefiting as a result of the malfunction shall bear the cost of the test that the meter is not functioning within the herein agreed tolerance, then an adjustment in charges for water supply shall be determined as follows:

The meter error percentage determined from the test shall be used to adjust recorded deliveries and shall apply for a period of time being one-half the time between the last satisfactory test and the test at which the malfunction was determined, plus all of the time between discovery of the error and completion of repairs or adjustment of the meter. Either a credit or additional billing at the rates hereinafter provided for water supply shall accrue to the appropriate party. The "Master Meter" installation shall include a blank meter case with cover plate for testing meter immediately downstream of the "Master Meter" with appropriate valving and bypass around said meter and meter case to facilitate testing of meter. MARYSVILLE will provide and insert test meter for accuracy certification of "Master Meter." A strainer immediately upstream of "Master Meter." will be included as part of the "Master Meter" installation.

Should the test meter record a different consumption than the master meter, consumption will be adjusted to the test meter as aforementioned. Consumption will continue to be based upon an adjustment to the test meter until the master meter is recalibrated.

## VI

## WATER QUALITY

MARYSVILLE agrees that all water delivered to ARLINGTON at the point of delivery shall be of the same standard and quality as that normally delivered by MARYSVILLE to its other customers served by the same source or sources. MARYSVILLE shall be responsible for meeting state and federal standards for safe, high quality drinking water at the point of delivery. All water supplied by MARYSVILLE for use or sale by ARLINGTON shall be upon the express condition that after it has passed the point of delivery the same becomes the property of ARLINGTON and MARYSVILLE shall not be liable for any damages or loss resulting from degradation of water quality which may occur beyond said point. Further, MARYSVILLE shall not be responsible for changes in water quality or operating problems which may result from mixing of different sources of water in ARLINGTON's systems. ARLINGTON shall provide means to assure that water will not backflow into the MARYSVILLE system.

## VII

## WATER RATE

MARYSVILLE will be compensated for water transmitted through MARYSVILLE's water distribution system to the subject area. From and after December 31, 2001, the cost to ARLINGTON shall be adjusted by MARYSVILLE City-Ordinance based upon the projected costs and water quantities projected into the future per MMC 14.07.060 as it now reads or is hereinafter amended.

Initial Water Rates:

The initial water rate to ARLINGTON shall be $1.75 per 1,000 gallons and a metering rate of $150 per month for customer fixed costs associated with meter maintenance, operation, replacement, reading, billing expense, reports, and collection. Such rates will be effective the following month after date of execution of this agreement and actual connection to MARYSVILLE's distribution system. The rate shall be effective through December 31, 2001.

ARLINGTON further agrees that the water rate established in the previous paragraphs shall also apply to all other existing interlocal agreements for wholesale water purchases. The parties further agree to separately negotiate other changes to such other interlocal agreements. The parties further agree that the Dispute Resolution procedures of the agreement shall apply to the negotiation of any changes to such other interlocal agreements. Any future utility agreement between the parties shall be negotiated on a case-by-case basis.

VIII

## BILLING AND PAYMENT

The period of billing for water supplied under this agreement shall be on regular monthly intervals.

The "Master Meter" shall be read by Marysville and recorded near the last normal workday of the month in which the service was furnished. Billing to ARLINGTON will be sent by the 10th day of the month following, and payment to MARYSVILLE becomes due by the 30th day of the month in which the statement is received. If any payment or portion thereof due to MARYSVILLE shall remain unpaid for 15 days following its due date, ARLINGTON shall be charged with and pay to MARYSVILLE interest on the amount unpaid from its due date until paid at the rate of 12% per annum. In the event MARYSVILLE is required to collect any delinquent fees, rates, costs, or billings which become past due, both parties stipulate and consent to both venue and jurisdiction of the Snohomish County Superior Court. The substantially prevailing party in such action shall be entitled to its costs and reasonable attorney fees from the other party.

Arlington agrees that water utilized by Marysville customers located north of the master meter connection shall be subtracted from the amount of water to be billed to Arlington.

IX

## TERM AND EXPIRATION

(1) The term of this contract shall be from the date of its mutual acceptance by all parties until July 1, 2020, plus such extensions as may be mutually agreed upon.

X

## DISPUTE RESOLUTION

Except as provided in other sections of this agreement, the parties desire to avoid and settle without litigation future disputes which may arise between them relative to this agreement. Accordingly, the parties agree to enter into and engage in good faith negotiations to resolve any such dispute.

In the event the parties are unable to resolve any disagreement which may arise by good faith negotiations, the parties agree to engage the services of an agreed upon mediator knowledgeable in municipal utilities issues and /or law. The parties agree to share in the cost of the mediator equally. In the event the parties are unable to agree upon a mediator, the parties agree that a mediator shall be appointed by the Snohomish County Executive.

In the event the parties are unable to reach agreement through either good faith negotiation or mediation, the parties agree that any remaining disputes shall be resolved through the Snohomish County Superior Court. In any proceeding, the parties may, but need not, stipulate to arbitration under the Snohomish County arbitration rules

## XI

## WAIVER, ASSIGNMENT, NOTICES, AND ENTIRETY

(1) Waiver: No waiver by either party hereto of any terms or conditions of this agreement shall be deemed or construed to be a waiver of any other term or condition, nor shall the waiver of any breach be deemed to construed to constitute a waiver of any subsequent breach, whether of the same or any other term or condition of this agreement.

(2) Assignment: Neither this agreement nor any of the rights, interest, or obligations created hereunder may be assigned by either party without the written consent of the other party

(3) Notices: Notices required or permitted to be given hereunder shall become effective upon being deposited as registered or certified mail in a United States Post Office, addressed as follows:

(4) This agreement shall be read in conjunction with that certain "Sale Contract By or Between The City of Marysville, Washington, and the City of Arlington, Washington" dated 4th August, 1998 and that certain "Sewer Utility Maintenance Contract" dated 4th August, 1998

To The City of Arlington:

Honorable Mayor
City of Arlington
238 N. Olympic
Arlington, WA 98223

To The City of Marysville:

Honorable Mayor
City of Marysville
Marysville City Hall
4822 Grove Street
Marysville, WA 98270

or to such other address as may be substituted in writing by the addressee.

DATED this 24th day of August, 1998

CITY OF ARLINGTON

By: Robert Kaski
Mayor

(Seal)

Attest: Kathy Peterson
City Clerk

CITY OF MARYSVILLE

By: David Weisser
Mayor

(Seal)

Attest: Mary Swanson
City Clerk

Approved as to Form

Attorney, City of Arlington

Attorney, City of Marysville

CITY OF MARYSVILLE

Sale of Island Crossing Utilities
Personal Property Description of Sewer Facilities

# EXHIBIT A-1
# SEWER

| ITEM NO. | ON | FROM | TO | SIZE | LENGTH (FT.) | PIPE TYPE | EASEMENT |
|---|---|---|---|---|---|---|---|
| 1 | OLD HIGHWAY 99 | 180TH STREET NE | PUMP STATION #2 (PORTAGE CREEK P.S.) | 8" | 6270 | DUCTILE IRON (FORCE MAIN) | NONE |
| 2 | (GEORGE LO'S EXTENSION) | SR 530 | 200' S of SR 530 | 10" | 440 | P.V.C. | 25' UTILITIES EASEMENT |
| 3 | 27TH AVENUE NE | PUMP STATION #2 (PORTAGE CREEK P.S.) | PUMP STATION #1 (ISLAND CROSSING P.S.) | 8" | 5278 | DUCTILE IRON (FORCE MAIN) | NONE |
| 4 | 212TH STREET NE | PUMP STATION #1 (ISLAND CROSSING P.S.) | I-5 | 8" | 1410 | DUCTILE IRON | NONE |
| | 212TH STREET NE | PUMP STATION #1 (ISLAND CROSSING P.S.) | I-5 | 6" | 167 | DUCTILE IRON | NONE |
| 5 | (STILLAGUAMISH POINTE APARTMENTS) | 35TH AVENUE NE | 31ST AVENUE NE | 4" | 255 | DUCTILE IRON | NONE |
| 6 | PUMP STATION #1 (ISLAND CROSSING PUMP STATION) | | | | | | |
| 7 | PUMP STATION #2 (PORTAGE CREEK PUMP STATION) | | | | | | |
| 8 | INDIVIDUAL SIDE SEWERS FROM MAIN TO PROPERTY LINE | | | | | | |

CITY OF MARYSVILLE

Sale of Island Crossing Utilities
Personal Property Description of Water Facilities

# EXHIBIT A-2
# WATER

| ITEM NO. | ON | FROM | TO | SIZE | LENGTH (FEET) | PIPE TYPE | EASEMENT |
|---|---|---|---|---|---|---|---|
| 1 | 31ST AVENUE NE (ROGER HOCKMAN EXTENSION) | 180TH STREET NE | 64' N of 180TH STREET NE | 6" | 124.5 | CAST IRON | NONE |
| 2 | 31ST AVENUE NE (TIMBER PARK EXTENSION) | ~180TH STREET NE | 188TH STREET NE | 8" | 2692 | DUCTILE IRON | NONE |
| | 31ST AVENUE NE (TIMBER PARK EXTENSION) | ~180TH STREET NE | 188TH STREET NE | 4" | 483 | DUCTILE IRON | NONE |
| 3 | (STILLAGUAMISH CENTER) | 35TH AVENUE NE | 31ST AVENUE NE | 10" | 957 | DUCTILE IRON | 10' EASEMENT |
| 4 | (STILLAGUAMISH POINTE APARTMENTS) | 35TH AVENUE NE | 31ST AVENUE NE | 8" | 389 | DUCTILE IRON | 10' EASEMENT |
| 5 | (STILLAGUAMISH SENIOR CENTER) | 35TH AVENUE NE | (HIGHWAY HOME ESTATES) | 10" | 385 | DUCTILE IRON | 10' EASEMENT |
| 6 | (STILLAGUAMISH POINTE) | 35TH AVENUE NE | SHORT PLAT #68 - 68 | 8" | 992 | DUCTILE IRON | 15' EASEMENT |
| 7 | (TOM LESTER EXTENSION) | 35TH AVENUE NE | 640' E of 35TH AVENUE NE | 8" | 472 | DUCTILE IRON | NONE |
| | (TOM LESTER EXTENSION) | 35TH AVENUE NE | 640' E of 35TH AVENUE NE | 6" | 334 | DUCTILE IRON | 30' ROAD EASEMENT |
| | (TOM LESTER EXTENSION) | 35TH AVENUE NE | 640' E of 35TH AVENUE NE | 4" | 156 | DUCTILE IRON | NONE |
| 8 | 182ND STREET NE (JUSTIN ESTATES) | 35TH AVENUE NE | 36TH AVENUE NE | 6" | 719 | DUCTILE IRON | NONE |
| 9 | 183RD PLACE NE (STILL SCENE ESTATES) | OLD HIGHWAY 99 | 36TH DRIVE NE | 8" | 609 | DUCTILE IRON | NONE |
| 10 | 193RD STREET NE (GRABER EXTENSION) | OLD HIGHWAY 99 | 300' W of OLD HIGHWAY 99 | 8" | 354 | DUCTILE IRON | 20' ACCESS / UTILITY EASEMENT |
| 11 | (GEORGE LO'S EXTENSION) | SR 530 | 465' S of SR 530 | 8" | 465 | DUCTILE IRON | 25' UTILITIES EASMENT |
| 12 | HIGHWAY 99 | 180TH STREET NE | 212TH STREET NE | 10" | 11960 | CAST IRON | NONE |
| | HIGHWAY 99 | 180TH STREET NE | 212TH STREET NE | 8" | 260 | DUCTILE IRON | 15' PERMANENT EASEMENT |
| | HIGHWAY 99 | 180TH STREET NE | 212TH STREET NE | 8" | 219 | CAST IRON | NONE |
| | HIGHWAY 99 | 180TH STREET NE | 212TH STREET NE | 1" | 189 | GALVANIZED IRON | 15' PERMANENT EASEMENT |
| 13 | 212TH STREET NE | 27TH AVENUE NE | I-5 | 8" | 382 | DUCTILE IRON | NONE |
| 14 | 180TH STREET NE | ~ 35TH AVE NE | 35TH AVE NE | 8" | 434 | CAST IRON | NONE |
| 15 | INDIVIDUAL WATER SERVICES INCLUDING METERS | | | | | | |

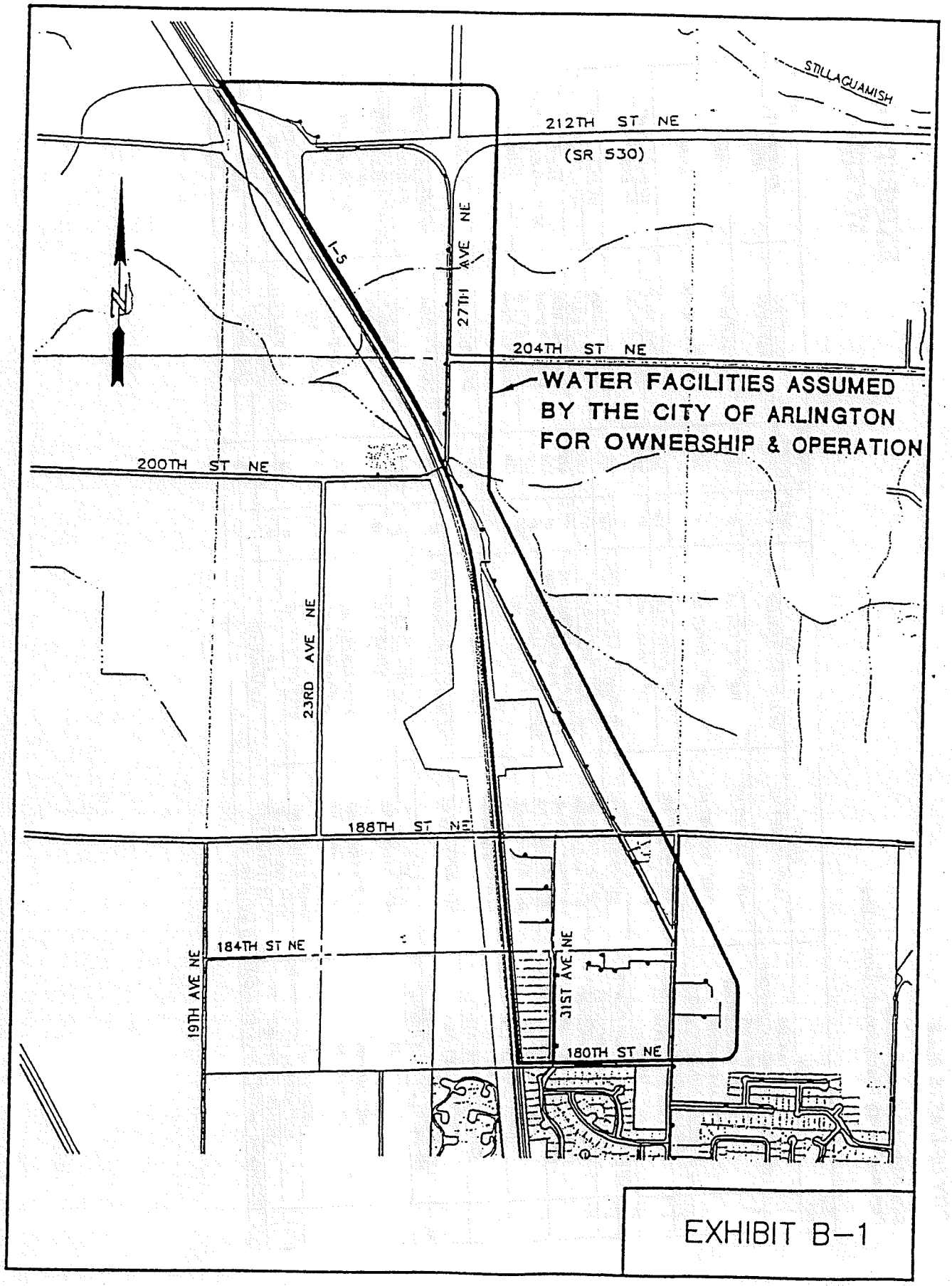

STILLAGUAMISH
212TH ST NE
(SR 530)
I-5
27TH AVE NE
204TH ST NE
WATER FACILITIES ASSUMED
BY THE CITY OF ARLINGTON
FOR OWNERSHIP & OPERATION
200TH ST NE
23RD AVE NE
188TH ST NE
184TH ST NE
19TH AVE NE
31ST AVE NE
180TH ST NE

EXHIBIT B-1

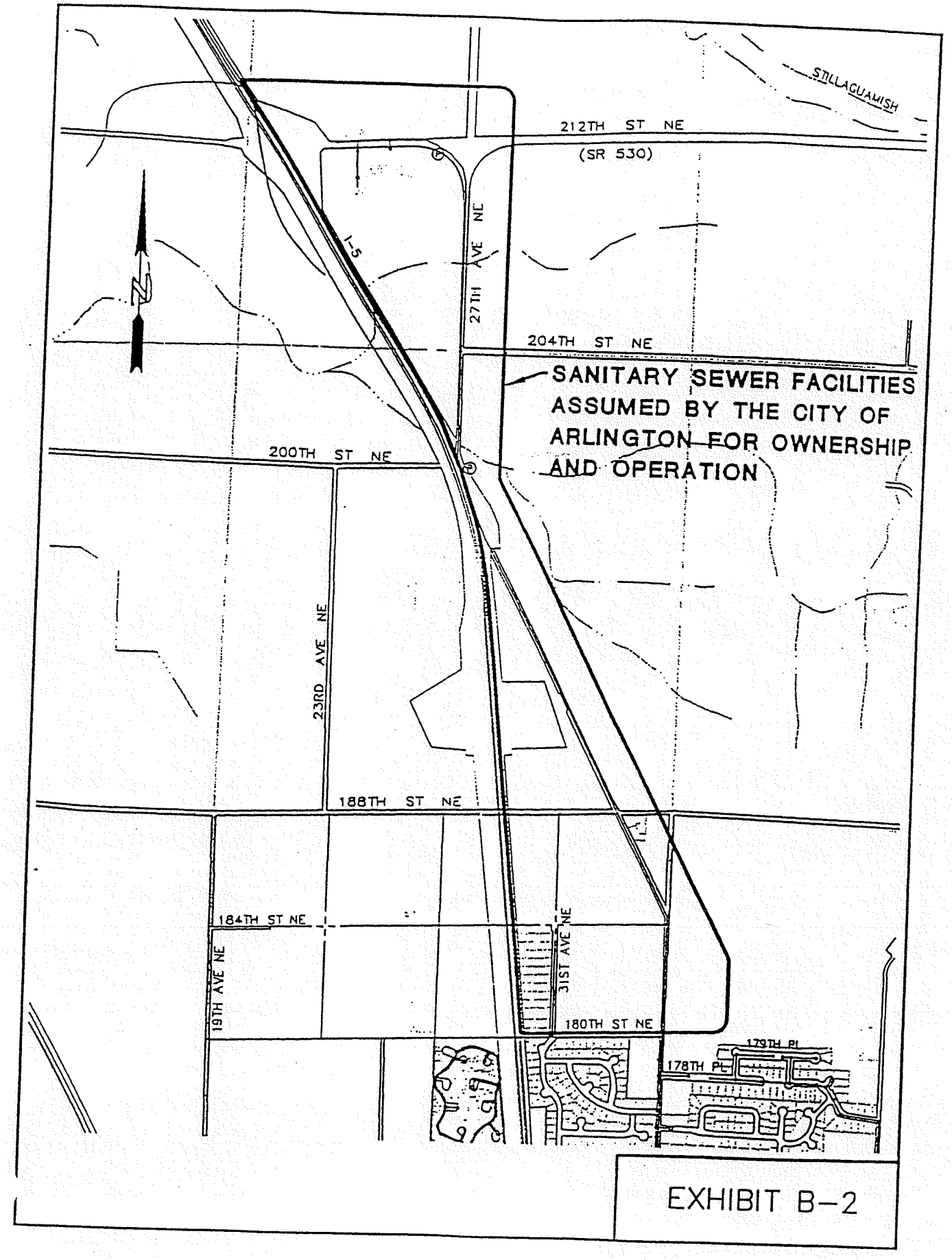

STILLAGUAMISH
212TH ST NE
(SR 530)
I-5
27TH AVE NE
204TH ST NE
SANITARY SEWER FACILITIES ASSUMED BY THE CITY OF ARLINGTON FOR OWNERSHIP AND OPERATION
200TH ST NE
23RD AVE NE
188TH ST NE
184TH ST NE
19TH AVE NE
31ST AVE NE
180TH ST NE
179TH PL
178TH PL

EXHIBIT B-2

# IV. LAND USE ELEMENT

## A. BACKGROUND

The Land Use Element establishes Marysville's desired character, quality and pattern for land uses in our Study Area. Land use is the basis for balancing all other elements of the comprehensive plan. Our desired land use pattern drives future transportation, utility, capital facility and service decisions and needs. Conversely, available infrastructure and services influences our land use decisions. This plan element provides an inventory of existing population and employment capacity, and an analysis comparing the capacity to 2025 forecasts. It also includes a discussion of land use districts and densities; goals & policies; and a strategic plan for realizing the vision of this comprehensive plan. The Land Use Element also incorporates neighborhood planning as the mechanism for balancing and allocating land uses and densities. This is based on the belief that a thriving community is comprised of healthy neighborhoods.

### I. Urban Growth Areas

A key concept in GMA is the urban growth area (UGA). The GMA requires that UGA's be designated throughout the County. Urban Growth Areas define those places in which urban growth can occur and those lands, such as critical resources and sensitive areas, that should be protected. Urban growth is characterized as compact, intensive land use making agricultural and forest production enterprises impossible. The land within the Urban Growth Area must be capable of accommodating 20 years of growth. Urban services will only be provided and annexations can occur only within these Urban Growth Areas. Urban Growth Areas are re-evaluated at least every five years to determine whether or not they are capable of meeting the county's 20-year population and employment projections.

Critical areas include wetlands, areas with a critical recharging effect on aquifers or groundwater used for potable water, fish and wildlife habitat conservation areas, and frequently flooded areas. These areas can be in or outside the UGA, but their location, significance, and size are considered in establishing the UGA.

Future urban growth is to be located first in areas already characterized by urban development where existing public facility and service capacity is available, and second in areas where public or private facilities or services are planned or could be provided in an efficient manner.

Snohomish County is responsible for approving the urban growth area for each city and urban area. The County is required to collaborate with cities in making these decisions. Cities are then expected to ultimately annex areas within their respective UGA's and therefore must plan for effective service delivery for transitioning these areas into the city limits. In Marysville's urban area, the City is the major provider for water and sewer service in both incorporated and unincorporated areas. Therefore, the City has extraordinary influence on the appropriateness, timing and phasing of urban expansion.

Marysville's original UGA was established in 1995 by the Snohomish County Council. The initial approval established a separate UGA for Smokey Point. In 1997, Marysville and Arlington approved a settlement agreement to establish each City's respective urban growth area intent with respect to Smokey Point and Lakewood. Snohomish County acted to affirm the agreement by dividing the Smokey Point UGA into each respective city's UGA, in accordance with the agreement. The agreement also resulted in an unincorporated island as part of the area which was identified in Marysville's UGA is not adjoining the current UGA or city limits. This area adjoined an area designated "urban

reserve" within Marysville's sphere of influence and future urban service plans. This plan proposes an expansion to resolve the unincorporated UGA island.

This Land Use element provides analysis of the Marysville's existing UGA, Figure 4-1a, and recommendations for land use designations within the UGA and potential expansion areas, Figure 4-1b, to meet 2025 population and employment targets.

## II. Land Outside the UGA

Land outside the UGA is designated for rural or natural resource (agricultural, mineral or forest) use. The Marysville planning area does not include any designated resource land. Unincorporated areas, outside the UGA, fall under the jurisdiction and planning of Snohomish County. The intent on including areas adjoining the UGA within Marysville's planning boundary and comprehensive plan discussion is to consider the effects and impacts of urban growth on adjoining rural land uses and to coordinate for effective short and long-term transition between areas inside and outside the UGA.

Short-term transition issues include policies and regulations to minimize incompatible urban/rural land use operations. For instance, small farms and agricultural uses are present on rural land within the planning area, and adjacent urban land uses can impact these operations. There are measures that can be employed by city and county to minimize conflicts. Examples of this are small farm protections, and buffer and screening requirements for adjoining urban uses. While the farming uses may not be considered of long-term commercial significance, they exist and should be afforded some consideration when adjacent land is converted to urban use.

Long-term transition issues include designation of open space corridors between cities, and effective planning for future expansion of the UGA. Under GMA, comprehensive plans and UGAs consider a twenty-year planning period. In planning for this period, the City's plan establishes open space corridors and urban/rural edges that it believes will be lasting and long-term, while also identifying areas that while not suitable for immediate inclusion in the UGA, may be suitable in future planning periods. The Snohomish County plan provides for designation of urban reserve areas and Rural Urban Transition Areas (RUTA's) outside of the UGA. These areas are intended to set aside a supply of land for employment and mixed land uses for possible future inclusion in a UGA. Capital infrastructure (roads, water, and sewer) is planned for periods much longer than 20 years, as some of those corridors and lines will remain in place through buildout for hundreds of years. As a result, the use of urban reserve designations and RUTAs can provide guidance for policies to minimize future costs of service for urban growth, and to provide longer term guidance for property owners regarding expectations for future growth pattern. Marysville should pursue interlocal agreements and comprehensive plan consistency with Snohomish County to improve planning for future urban expansion and services within these areas. The Land Use element includes the following Rural Use (RU) goals and policies to address these issues:

RU-1 Where practical, residential districts outside of Urban Growth Areas should be restricted to rural, low-density residential (minimum 5 to 10-acre tracts).

RU-2 Areas that may be suitable for urban expansion within the twenty year planning period should be placed within Rural Urban Transition Area (RUTA) designation by Snohomish County. These areas should remain in 10 acre or larger parcels. Techniques such as shadow platting in conjunction with clustering should be used to permit efficient development at urban densities and urban level services when these areas are incorporated into Urban Growth Areas. If shadow platting is not utilized, rural cluster subdivisions should be prohibited.

**Figure 4-1a Urban Growth Area Map**

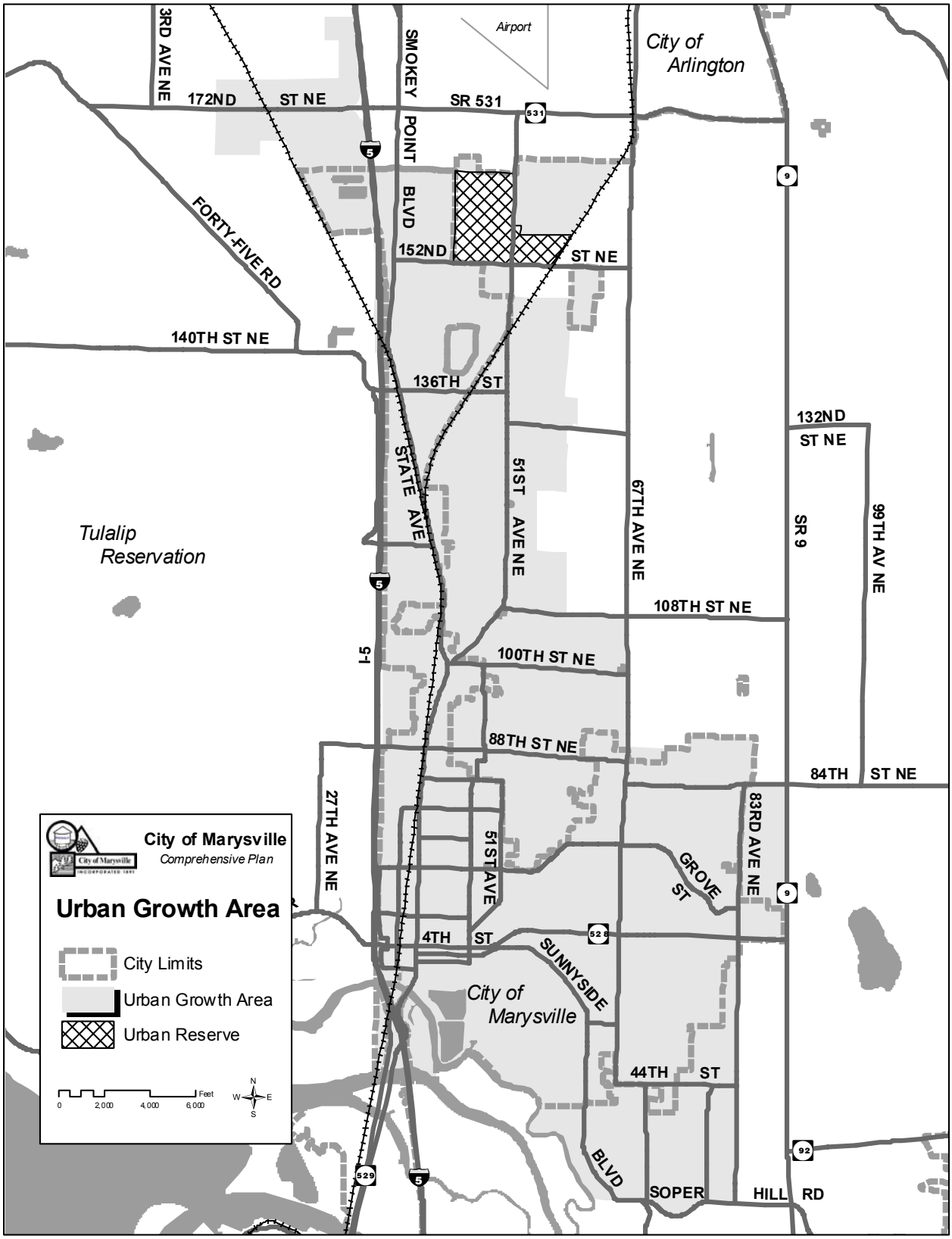
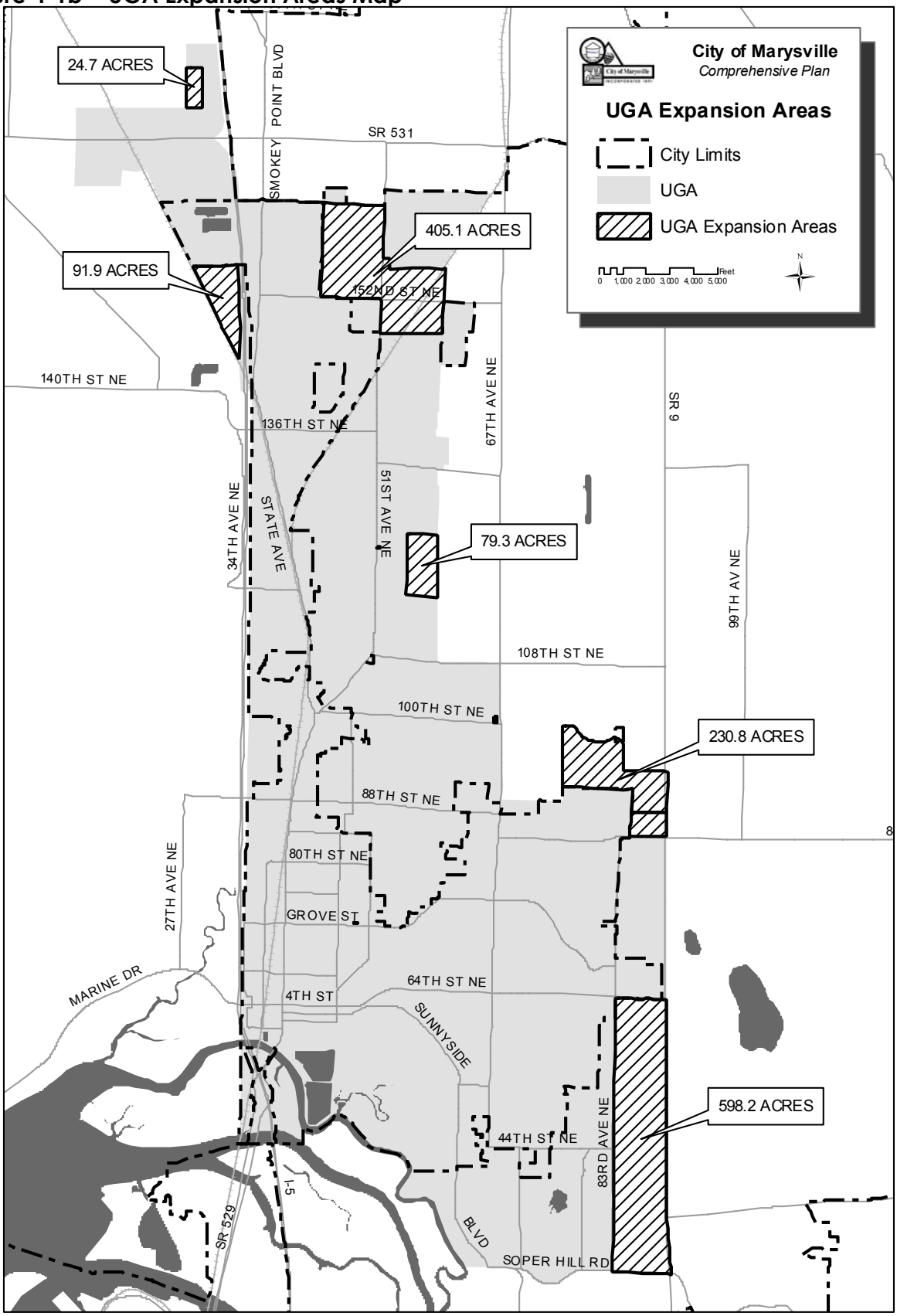


**Figure 4-1b UGA Expansion Areas Map**



RU-3 Locate and design new utilities, roads, and other infrastructure and improvements within RUTA's in a manner that reduces impact to the surrounding rural character, and reduces future cost of utility, road and other infrastructure extension to these areas when included within the UGA.

## III. Annexation

Urban areas are ultimately the responsibility of cities. Marysville anticipates annexation of its entire urban growth area as it plans for the future. In 2005, approximately 60% of the urban growth area was within the city limits. The City has actively sought annexation of its UGA and has adopted policies to encourage transition of unincorporated areas into the City limits. Marysville also negotiated interlocal agreements for annexation and urban development within its UGA with Snohomish County. The purpose of these policies and agreements is to ensure a smooth transition from county to city jurisdiction when unincorporated land is annexed to the City. This Comprehensive Plan also establishes additional policies and conditions to address public services, infrastructure and utility extension and compatibility issues within Marysville's UGA and potential annexation areas. This plan also contains policy discussion relating to future annexations. These policies are intended to provide the City with guidance when undertaking decisions about future annexation. They encourage the City to carefully identify, evaluate and conduct annexations that will enhance the quality of life, improve the efficiency of services, protect the environment, and promote land use goals.

## IV. Neighborhood Planning Concept

As discussed in the Vision section, the City believes that strong neighborhood planning efforts provide the basis for effective land use decisions. One of Marysville's strategies to create a thriving community is to strengthen and improve Marysville's image and identity. With continued growth and redevelopment, it will be important to establish distinct neighborhoods and districts as shown in Figure 4-2. This will give our citizens, businesses, and visitors a stronger sense of Marysville's vision and be an opportunity to develop community pride. The basis for neighborhood planning areas comes from Marysville's past. Marysville is one of the oldest communities in Washington, and as a result boasts a history of small communities, landmarks, and cultural heritages that are associated with various areas. In some cases residents still use these names; other remnants of this history are found on maps, road, and school names. The historical richness of this community should not be lost in the future.

The use of Neighborhood Planning Areas will encourage a sense of identity as well as maintain the historical associations. Neighborhoods will be defined by existing, and some anticipated, features. Each Planning Area will have land uses and services that may allow some autonomy, such as services and stores, a mix of residential, and a variety of transportation modes, including pedestrian and bicycling paths. Land uses in one Planning Area can also complement land uses in adjacent Planning Areas, providing a desired functional mix within the greater Marysville area. Planning Areas will allow for diversity and different distributions of land uses and services, responding to the needs of distinct portions of the city.

The following list identifies the Planning Areas generally based on residential neighborhoods within the Study Area, and the elements that define each of their edges.

### Planning Area #1, Downtown:

Approximately the downtown Marysville area, it extends from Ebey Slough, to the

section line east of Allen Creek, along 72nd/ 76th Street NE to Quilceda Creek and south along Interstate 5 to the slough.

**Planning Area #2, Jennings Park:**
The newly developing area east of downtown, it is delineated by Allen Creek, 76th Street NE, Allen Creek, Munson Creek, the section line, 52nd Street NE, and Sunnyside Boulevard.

**Planning Area #3, Sunnyside/Ebey Slough:**
The Sunnyside/Ebey Slough area, is defined by the both uplands and the floodplain. Its edges are the extension of 67th Avenue NE, to Soper Hill Road, to Ebey Slough, to the section line, to Sunnyside Blvd., to 52nd Street NE.

**Planning Area #4, East Sunnyside/Whiskey Ridge:**
The southern portion of Whiskey Ridge, it is identified by Soper Hill Road, 83rd Avenue NE, 64th Street NE/SR 528, the section line, 52nd Street NE.

**Planning Area #5, Cedarcrest/Getchell Hill:**
In a portion of the historic Kellogg Marsh area, the edges are Allen Creek, 88th Street NE, 67th Avenue NE, to the Urban Growth Boundary, to Highway 9, and SR 528.

**Planning Area #6, Downtown Marysville North/Pinewood:**
The area north of downtown, its edges are 76th Street NE, to 51st Street NE, to 72nd Street NE, to Allen Creek, to 92nd Street NE up Quilceda Creek to just north of 100th Place NE, and Interstate 5.

**Planning Area #7, Kellogg Marsh:**
The residential community surrounding the significant commercial center at State Avenue and 100th Street NE, it is shaped by the Urban Growth Boundary, Quilceda Creek, and continues north along State Street to include commercial areas north of Quilceda Creek, back to Quilceda Creek, and 92nd and 88th Streets NE .

**Planning Area #8, Marshall/Kruse:**
A predominantly residential area, it is nestled between Quilceda Creek and its West Fork and connects to I-5 around commercial at State Avenue and north of 100th Street NE. The railroad, industrial uses, and Interstate 5 complete the edges.

**Planning Area #9, Shoultes:**
In the historic Shoultes area, it extends from the Urban Growth Area, to Quilceda Creek, along the railroad line, and a change in land use from residential to industrial.

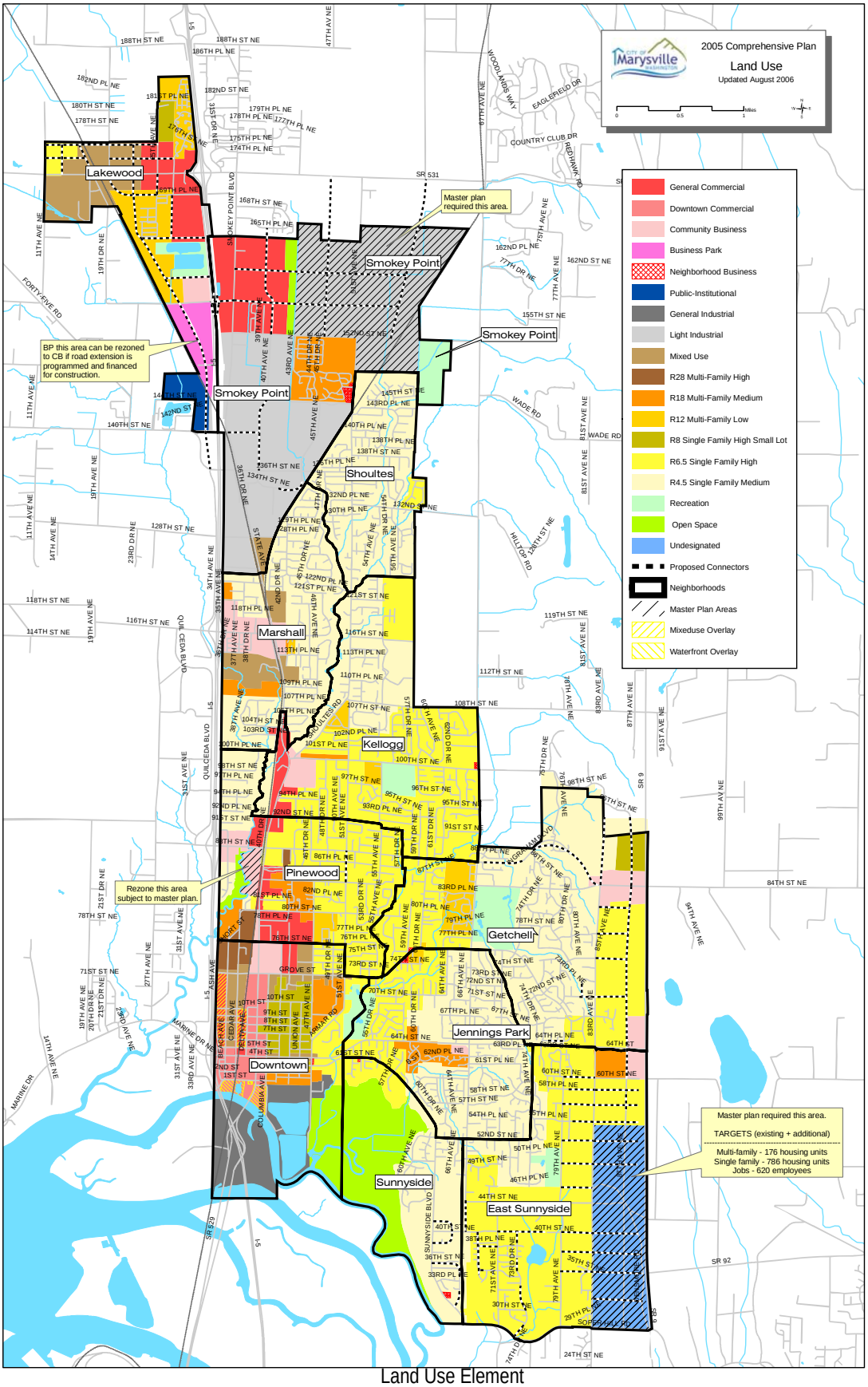
**Planning Area #10, Smokey Point:**
This area extends between Planning Areas 8 and 9 on the south, and 180th/172nd Street NE to the north, while Interstate 5 and the Urban Growth Area define its west and east edges.

**Planning Area #11, Lakewood:**
The edges of this area are the Urban Growth Boundary west of I-5 and Interstate 5.

## V. Land Use Development

The Comprehensive Plan land use map was adopted by the City following extensive public process and environmental analysis. It is shown in Figure 4-2. Property within the City limits has been rezoned to implement the adopted plan. Properties at the edges of land use districts can make application to rezone property for the bordering zone, without applying for a comprehensive plan amendment. However, the burden of proof is on the applicant to demonstrate the basis for the rezone. The factors for a zone reclassification are identified in the Marysville Municipal Code.

## Figure 4-2 Land Use Map, 2025 Designations



## B. LAND USE INVENTORY-LAND CAPACITY ANALYSIS

Inventory and analysis of land uses allows for capacity estimation methods and subsequent formation of population and employment targets. The full land capacity table is included as Appendix A of the Land Use Element.

### I. Marysville UGA Residential Capacity Estimation Methodology – August 2004[1]

The land capacity estimations found in the following tables were made from an updated version of the land capacity GIS database provided to the City by the Snohomish County Planning and Development Services Department during the summer of 2002. The original creation of this database is documented in *Recommended Methodology and Work Program for a Buildable Lands Analysis for Snohomish County and its Cities* (#1). Updates to the database were made in August of 2004 using recent plat and building permit information. This database is, essentially, a modified version of the Assessor's parcel GIS database to which various fields were added in order to derive capacity estimates.

The most important of these fields are the existing housing, buildable acreage, development status and estimated density fields. The first of these fields, existing housing, was calculated directly from assessor records, and is shown in Table 4-1 along with the next field, buildable acreages, which was derived by subtracting the amount of mapped unbuildable land from the total acreage for each parcel. Unbuildable lands include streams, wetlands, steep slopes, and their accompanying setbacks. In addition, a 5% margin was added to unbuildable acreages to account for unmapped unbuildable areas. The buildable acreages field was then calculated as total acres minus unbuildable acres.

**Table 4-1 Existing Housing and Buildable Acreages – 2005 UGA**

| | Existing Housing Units | Buildable Acreage |
|---|---|---|
| 2005 Land Use Plan | 18,736 | 8,313 |

The development status field contains four categories: undevelopable, vacant, redevelopable, and part-use. The undevelopable category includes those parcels designated for public use (i.e. schools, parks, utilities, NGPAs, etc.). Undevelopable parcels were excluded from further capacity calculations. The vacant category contains all remaining parcels in which the improvement values are less than $10,000 and which do not meet part-use and redevelopable criteria. The redevelopable category contains residential parcels in which the improvements to land value ratio is less than 0.5 and are over 21,000 sq. ft. total area in single family zones or over 3,000 sq. ft. in the multi-family zones. Commercial parcels are categorized as redevelopable when the improvements to land value ratio is less than 0.75. The part-use category contains those single family residential parcels with a total area greater than 21,000 sq.

[1] *Recommended Methodology and Work Program for a Buildable Lands Analysis for Snohomish County and its Cities,* Snohomish County Planning and Development Services, July, 2000; and *SSPS Code For Running UGA Residential and Employment Capacity Analysis,* Courtesy Steve Toy, Snohomish County PDS.

ft. and an improvement value per acre ratio of less than $250,000 per acre. In addition, the part-use category also includes multi-family residential parcels with a building footprint to total parcel area, or lot coverage, of less than 0.15, commercial/industrial* parcels less than two acres with a lot coverage less than 0.12 or commercial/industrial parcels over two acres and a lot coverage less than 0.25. Buildable acreages for parcels in the part-use category were converted to surplus acreages using a reduction factor to account for building setbacks (see part-use factors below). All remaining parcels not meeting any of the above criteria were not included in further capacity calculations. (#2)

**Part-use factors:**
Single and Multi Family Residential = 6.66
Commercial/Industrial/mixed-use > 2 acres = 4
Commercial/Industrial/mixed-use < 2 acres = 8.33

Surplus Acres = (1 – (Lot coverage * Part-use factor)) * Buildable acres
(Lot Coverage = Building footprint / Total parcel area)

The resulting data, including the buildable acres data, were verified by on-screen analysis using GIS critical areas databases and aerial photography. Maps of these results were produced and a final review was made by all City planning staff prior to further analysis.

County Planning staff derived the values found in the density field by analyzing recently recorded plats specific to the Marysville area for each zoning designation and determining an average density (#1 sect. 3.1.1.1). The density values used for each residential designation are:

Single Family Medium – 3.76 hu/acre
Single Family High – 4.8 hu/acre
Single Family High (small lot) – 8 hu/acre
Multi-family High – 28.34 hu/acre
Multi-family Medium – 18.47 hu/acre
Multi-family Low – 11.12 hu/acre
Mixed-use – 13.4 hu/acre

Using the existing housing, buildable acres, surplus acres and density data, additional housing capacity was calculated for each of the different development categories according to the following formulas:

For vacant parcels: additional housing capacity = buildable acres * density
For part-use parcels: additional housing capacity = surplus acres * density

For redevelopable parcels:
additional housing capacity = (buildable acres * density) – existing housing

To account for market availability, the final additional housing capacity estimates were reduced by 15% for vacant parcels and 30% for part-use and redevelopable parcels. These numbers were further reduced by an additional 5% to account for future public use facilities. The final population estimates were calculated at 2.0 persons per housing unit for multi-family and 2.9 persons per housing unit for single family designations.

## II. Population & Employment Targets

The GMA requires jurisdictions in Snohomish County to plan for growth over a 20-year time span using the State Office of Financial Management's (OFM) population forecasts. The Puget Sound Regional Council has issued similar forecasts of employment growth. The Countywide Planning Policies (CPPs) for Snohomish County provide direction on how to allocate the State's countywide forecast to cities, urban growth areas (UGAs) and the rural/resource area of the County utilizing the cooperative planning process of Snohomish County Tomorrow (SCT). The resulting 2025 population and employment growth targets guide local GMA comprehensive plan updates.

The population forecast for Snohomish County anticipates between 234,000 and 337,000 additional people by year 2025. This reflects a population increase of between 37-54% in twenty years. Consistent with this range, Snohomish County is considering three scenarios for future population: 1) 862,000 (low target); 2) 895,000 (medium target); and 3) 950,000 (high target).

Within its UGA, the City of Marysville has reviewed low to high population and employment forecasts in order to choose the preferred growth scenario for the community. These ranges were considered in the three land use alternatives considered by the City. These are 1) No Action – using current UGA and comparing to 2025 forecast range; 2) Reasonable Measures with current UGA and comparing to 2025 forecast range; and 3) Revised Land Uses with UGA expansion and comparing to 2025 forecast range.

Consideration of these alternatives involved an initial step of conducting a land capacity analysis, as referenced in Section B of the Land Use Element. The population and employment forecast ranges were then compared to the available capacity within each of the plan alternatives. Table 4-2 provides the low, medium and high population targets and additional population capacity needed. The 2004 population estimate for the Marysville UGA is 53,042. Additional population is the 2025 target minus existing population. 2002 estimated employment was 10,358, excluding construction jobs. Following review of various land use scenarios to implement the low and medium growth targets, the Marysville City Council selected the Medium (moderate) growth scenario for the Marysville UGA.

**Table 4-2 2025 Growth Target Ranges Considered for the Marysville UGA**

| Population Scenario | Population Target | Additional Population | Employment Target | Additional Employment |
|---|---|---|---|---|
| Low | 73,110 | 20,068 | 17,230 | 6,872 |
| Medium | 79,800 | 26,758 | 17,230 | 6,872 |
| High | 86,490 | 33,448 | 25,000 | 14,642 |

Two employment scenarios were considered in development of the land use plan – the SCT initial target, and a High target developed as a result of broader goals in the land use plan and economic development element. Marysville's high planning target provides for an employment oversizing factor above the preliminary SCT target for employment land in order to increase the Marysville jobs to housing ratios consistent with the economic development element, as well as to provide an adequate range of land choices for office, retail, manufacturing, warehouse and other business uses in the Marysville UGA. As opposed to residential UGA sizing, it is common practice to oversize employment land supply in order to prevent market restrictions for economic growth. The goals, policies and background information relating to this decision are discussed in the economic development element. The resulting planning target is listed in Table 4-4.

**Table 4-3 Planning Targets for Employment**

| Employment Scenario | Employment Target | Additional Employment |
|---|---|---|
| SCT Initial Target | 17,230 | 6,872 |
| High | 25,000 | 14,642 |

Table 4-5 demonstrates additional households and capacity identified in each alternative considered in the 2005 update. Population and employment capacity of Alternative 1, Existing UGA and comprehensive plan, provide inadequate capacity to meet even the low targets for population or employment. Alternative 2 provides adequate capacity to meet the low target for population and the high target for employment. The City has selected the Preferred Alternative as its land use plan.

**Table 4-4 Additional Population and Employment Capacity of Each Alternative Considered in Development of the 2005 Land Use Plan Update**

| Alternative | Population Capacity | Employment Capacity |
|---|---|---|
| 1 – No Action | 72,372 | 21,563 |
| 2 – Low Growth | 78,164 | 22,883 |
| 3 – Moderate Growth with UGA Expansion | 85,550 | 27,253 |
| 3A-Moderate Growth with Smokey Point Alt. | 86,541 | 26,562 |
| Preferred Alternative – 2005 Land Use Plan | 80,431 | 26,766 |

## C. LAND USE DISTRICTS, CRITERIA, AND STANDARDS

The City of Marysville will remain a well-defined community. The objective is to create an urban center with a future 2025 population of approximately 80,000 people. Although the major residential expansion will be to the north, east, and southeast, the concentration of higher density retail and commercial uses will be in downtown Marysville and along State Avenue generally continuing up to Smokey Point— the western portion of the urbanized area. The mix of land uses described in the following sections provides not only for adequate residential expansion but also allows for the commensurate, balanced growth of retail, office, commercial, and manufacturing uses. Table 4-5 shows the land use mix identified in the 2005 land use plan map.

**Table 4-5 Land Use Acreage by Zone**

| *Acreage by Zone* | *BP* | *CB* | *DC* | *GC* | *GI* | *LI* | *MFH* | *MFL* | *MFM* | *MU* | *NB* | *SFH* | *SFH-SL* | *SFM* | *TOTAL* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Acres | 92 | 397 | 101 | 631 | 139 | 1300 | 60 | 349 | 403 | 316 | 11 | 3288 | 95 | 3208 | 10390 |
| **Buildable Acres** | 78 | 322 | 79 | 416 | 1 | 765 | 59 | 197 | 314 | 239 | 11 | 2669 | 95 | 2456 | 7701 |

**Table 4-5a Land Use Acreage by Zone (Open Space, Public, Recreation)**

| *Acreage by Zone* | *OPEN SPACE* | *PUBLIC* | *RECREATION* | *TOTAL* | *GRAND TOTALS (TABLES 4-5 AND 4-5a)* |
|---|---|---|---|---|---|
| Total Acres | 413 | 745 | 343 | 1501 | 11,891 |
| **Buildable Acres** | 7 | 411 | 195 | 613 | 8,314 |

## I. Residential

The forecasted population increases for the Marysville study area will be a function of market forces and State Growth Management Policies. Therefore, they are unlikely to occur in a linear fashion, but will follow the phases of an economic cycle. The demand for residential housing in the Marysville Study Area will be directly proportional to the supply of new jobs available in the greater Marysville area and north Puget Sound region at any given time. The affordability of housing is also a factor of the market. Furthermore, the increasing costs for housing will be an important determinant in the demand for particular types of housing. Because of the increasing cost of single family housing, it is anticipated that one-third of the new Marysville population will live in multiple family housing. Housing mix goals are analyzed and discussed in the Housing Element of this plan.

The residential land use categories in this comprehensive land use plan are (densities shown are net densities):

### Small Farms
This is an overlay on other residential land uses. Moderate sized parcels for agricultural and pastoral uses located within the Urban Growth Boundary. Minimum lot size 5 acres; existing lots at smaller sizes may receive this overlay.

### Medium Density Single Family
Single family residences ranging from 4 to 5 dwelling units per acre. Duplexes would be permitted as a conditional use with a maximum density of 6 dwelling units per acre.

### High Density Single Family
Single family residences ranging from 5 to 7 dwelling units per acre. Duplexes would be permitted outright on 7,200 sq. ft. lots. (7 to 8 dwelling units per acre)

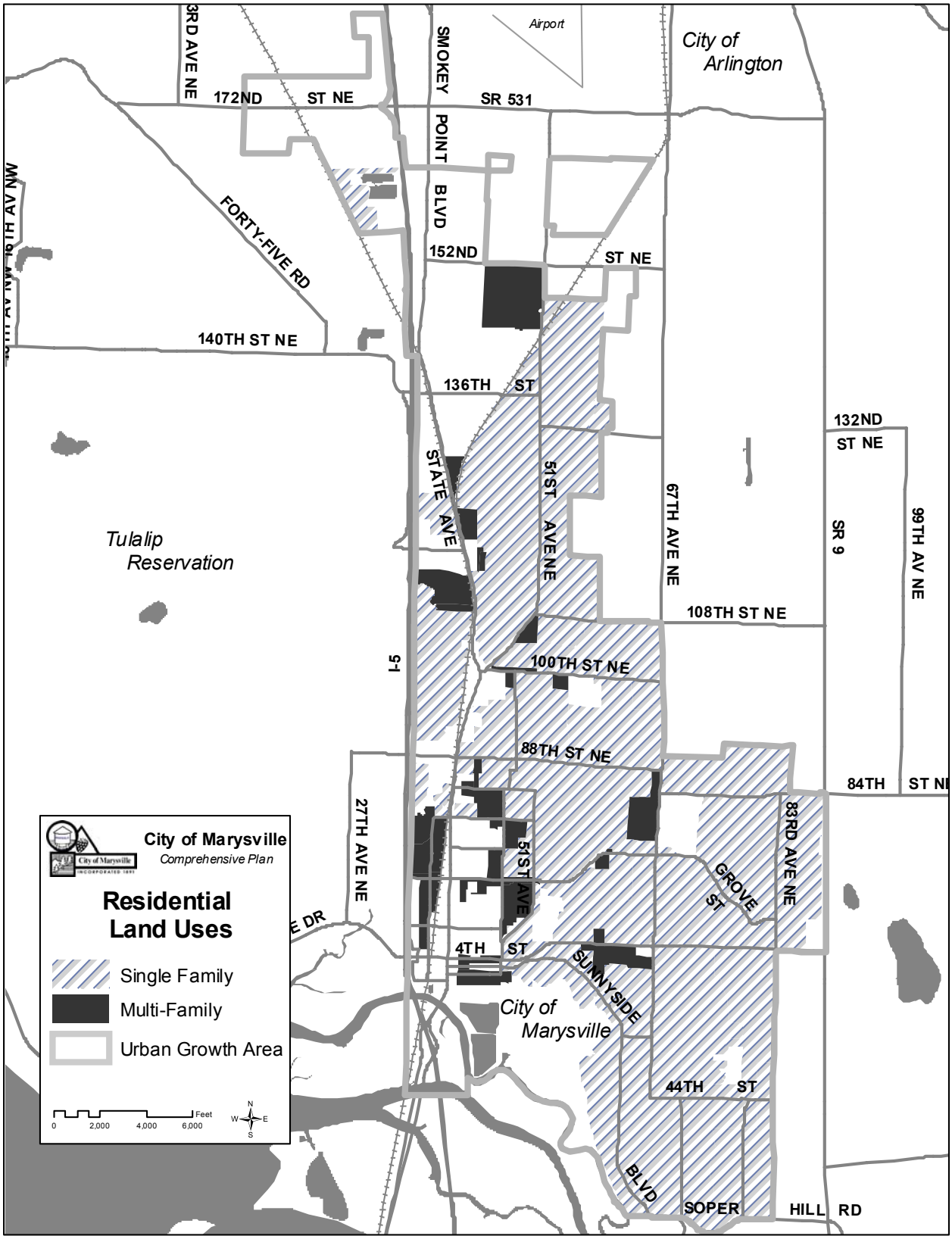
### High Density Single Family -Small lot
Single family residences up to 8 dwelling units per acre.

### Low Density Multi-family
Multi-family residences ranging from 8 to 12 dwelling units per acre.

### Medium Density Multi-family
Multi-family residences ranging from 12 to 18 dwelling units per acre.

### High Density Multi-family
Multi-family residences ranging from 18 to 28 dwelling units per acre.

**Figure 4-3 Residential Land Uses Map**



## a. Single Family

i. Criteria and Standards

*The locational criteria for siting new single family residential developments are:*

- Access to neighborhood collector streets and the pedestrian system
- Land Use Relationships
  - Proximity to shopping, public facilities, parks, schools, bus, utilities
  - Location of single family residential with other single family
- Neighborhood where the single family development will be placed:
  - Design of single family development that is compatible with scale and character of adjacent single family areas
  - Reinforces or helps establish the structure of the Planning Areas

*Development Criteria for new single family residential developments are:*

- Upgrade city standards for site development related to buffers, access, recreation, setbacks, etc...
- Require a binding site plan for infill or environmentally sensitive areas that identifies:
  - Setbacks from adjacent development or environmentally sensitive areas
  - Parking areas and driveways
  - Recreational facilities
  - Landscaping, screening, and/or fencing

*The criteria for conditional uses in single family areas (duplexes and accessory units) are:*

- Duplex:
  - Design or alteration of structure that is compatible with scale and character of adjacent single family residences, including parking areas and driveways
  - Permitted outright in High Density Single Family
- Accessory Units:
  - Design or alteration of structure that is compatible with scale and character of adjacent single family residences, including parking areas and driveways
  - May be integrated into the single family home or garage
  - Unit may not exceed 35% of the gross floor area of the structure
  - May have a separate entrance, but no more than one, and it may not be placed on the front/street side of the primary residence
  - No more than two bedrooms may be included in the accessory unit
  - One of the units must be owner occupied
  - Only one accessory unit per lot

*Implementation:*
Do not permit clubs/lodges, commercial activities (e.g., funeral homes, offices, clinics, theaters, assembly halls), large assisted living, nursing, or convalescent homes (over 10 beds), and hospitals in single family residential zones. Consider permitting them in neighborhood commercial so they have proximity to residential areas, but will have proper location, buffering, and neighbors. Permit bed and breakfasts in high density single family by conditional use. Permit adult day care facilities by conditional use. Also permit nurseries as a conditional use in Medium Density Single Family areas.

ii. Identification of Areas

For the general location of this land use, see Figure 4-3. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

## b. Multi-Family

Historically in Marysville, a primary goal has been to assure compatibility of multiple family with established or proposed single family neighborhoods while providing sufficient multi-family residences to meet the increasing demands of new populations. Multi-family should be located so it does not disrupt the fabric of single family neighborhoods. Thus for example, it is necessary to direct traffic away from single family areas. Design standards are also utilized to mitigate the impact of proximity to less intense land uses. The multi-family designation includes apartments (high and low rise as well as garden), condominiums, duplexes, triplexes, quadplexes, and town houses.

i. Criteria and Standards

Duplexes are exempted from this section. They are either permitted outright or as a conditional use in single family areas.

*The locational criteria for siting multi-family residential are:*

- Access to collector or arterial streets and the pedestrian system
- Land Use Relationships
  - Proximity to shopping, public facilities, parks, schools, bus, utilities
  - Location of multi-family residential to compatible land uses (commercial, multiple family, some single family) or incompatible land uses (some single family, heavy industry)
- Neighborhood Structure where the multi-family will be placed:
  - Design of multi-family structure is compatible with scale and character of single family areas
  - Multi-family buildings will be buffered and/or separated from single family, commercial, and industrial structures, land zoned, or identified for these uses in the Comprehensive Plan
  - Utilize, as possible, natural stream and topographic changes to buffer and separate multi-family developments from single family areas

*Development Criteria:*

- Except for triplexes, the minimum lot size of 3 times the prevailing lot size in single family zone to allow for buffers, additional landscaping and setbacks; and to prevent spot development
- In established neighborhoods, e.g. some portions of downtown, limit multiple family to a scale compatible with the surrounding structures, such as duplexes.
- Change current site standards to:
  - Increase Buffers (buffers include trees, shrubs, and fences)
  - Increase Open space
  - Increase Landscaping: parking areas; street and yard trees
  - Require buffers and setbacks to offer on-site play space
  - Reduce Scale of buildings:
    - Height of buildings
    - Length of uninterrupted walls
- Require a binding site plan that identifies:
  - the scale and location of all buildings
  - parking areas and driveways
  - recreational facilities
  - landscaping, screening, and/or fencing
  - building elevations

*Implementation:*

Do not permit some commercial activities (e.g., funeral homes, theaters, assembly halls, sale of packaged alcoholic beverages), and hospitals in multi-family residential zones.

Permit assisted living, nursing, and convalescent homes in multi family residential zones that are consistent in density with the underlying zoning. Consider permitting them in neighborhood commercial so they have proximity to residential areas, but will have proper location, buffering, and neighbors. Permit bed and breakfasts in this land use.

ii. Identification of Areas

For the general location of this land use, see Figure 4-3. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### c. Small Farms

Traditionally agriculture has been a significant component of the greater Marysville economy and life style. The Growth Management Act does not require that all land uses within the Urban Growth Area be urban in nature, and not all land within Marysville's Urban Growth Area should be assumed ready for urbanized development. Some parcels that are presently used for agricultural uses can be included. The inclusion of this land use in the Comprehensive Plan Update does not protect these lands from development, but instead acknowledges their presence within the Urban Growth Area, and encourages their present use continuing as long as it is the desire of the property owner. Consult the glossary entry for Overlays for more information.

i. Criteria and Standards

- Lot size:
  - minimum 100,000 sq. ft. (approximately 2.3 acres), and smaller tracts if such tracts were in existence on public record as of the passage of this ordinance and in agricultural use
- Uses:
  - specialty farming, horticulture, floriculture, animal husbandry, and the production of seed, hay and silage, and Christmas trees, along with the sale on the premises of the products produced thereon from the above listed uses
- Practices:
  - accustomed agricultural practices shall be permitted, notwithstanding any other section of the code, provided, however, that no practice shall be permitted that results in the pollution of creeks or groundwater by manure, fertilizer, pesticides, or otherwise. The Snohomish County Cooperative Extension Agent will be considered an expert in "accustomed or progressive agricultural practices." Without limiting the above, agricultural practices include the care, management, and control of animals.
- Setbacks and other limitations on residences:
  - same as the underlying single family residential zone
- Setbacks and other limitations on adjacent new development:
  - increase setback requirements to provide a buffer from the small farms. The buffer shall include a fence. A conservation easement acceptable to the City shall be provided for the buffer. On-site density transfer shall be available for the portion of density lost to the buffer.

ii. Implementation

The noise code shall be amended to permit accustomed farm animal noises on property with Small Farm Overlay.

iii. Identification of Areas

Unlike some of the other lands uses described in this section, small farms are not a land use that the Comprehensive Plan attempts to distribute between Planning Areas. Instead, the Identification of Areas for Small Farms indicates some of the Planning Areas

where they currently are located. If land within the Urban Growth Boundary is not identified below as the location of a Small Farm, it is not excluded from this use. The following identification is provided to facilitate the continuing use of the land as a small farm, not to limit which lands may continue the use.

## II. Commercial

Historically, Marysville's commercial areas began in downtown and then grew along State Avenue/ Smokey Point Blvd. Improving the appearance of these areas, through the clustering and infill of existing areas, compact commercial centers, well defined employment destinations, and renovating or expanding existing buildings, as well as improving the landscape standards and making the areas more appealing to pedestrians, is important to Marysville residents. There is also the desire to improve the jobs-to-housing ratio, and to create an employment center for living wage jobs in North Snohomish County. Providing businesses in neighborhoods, appropriately scaled and located, is necessary to reduce the number of automobiles trips. Following are policies that recognize Marysville's existing commercial development and zoning, and propose criteria for selecting new commercial areas. All combine to provide an adequate, convenient supply of goods and services for Marysville residents and workers as well as the traveling public. The commercial land use categories used in this comprehensive land use plan are:

### Downtown Commercial
One of two focal points of commercial activity in Marysville and the Study Area.

### General Commercial
Automobile oriented with larger land uses that tend to be the only stop in a trip.

### Community Business
Furnishes space for a wide variety of general retail activities and services, serving a number of neighborhoods.

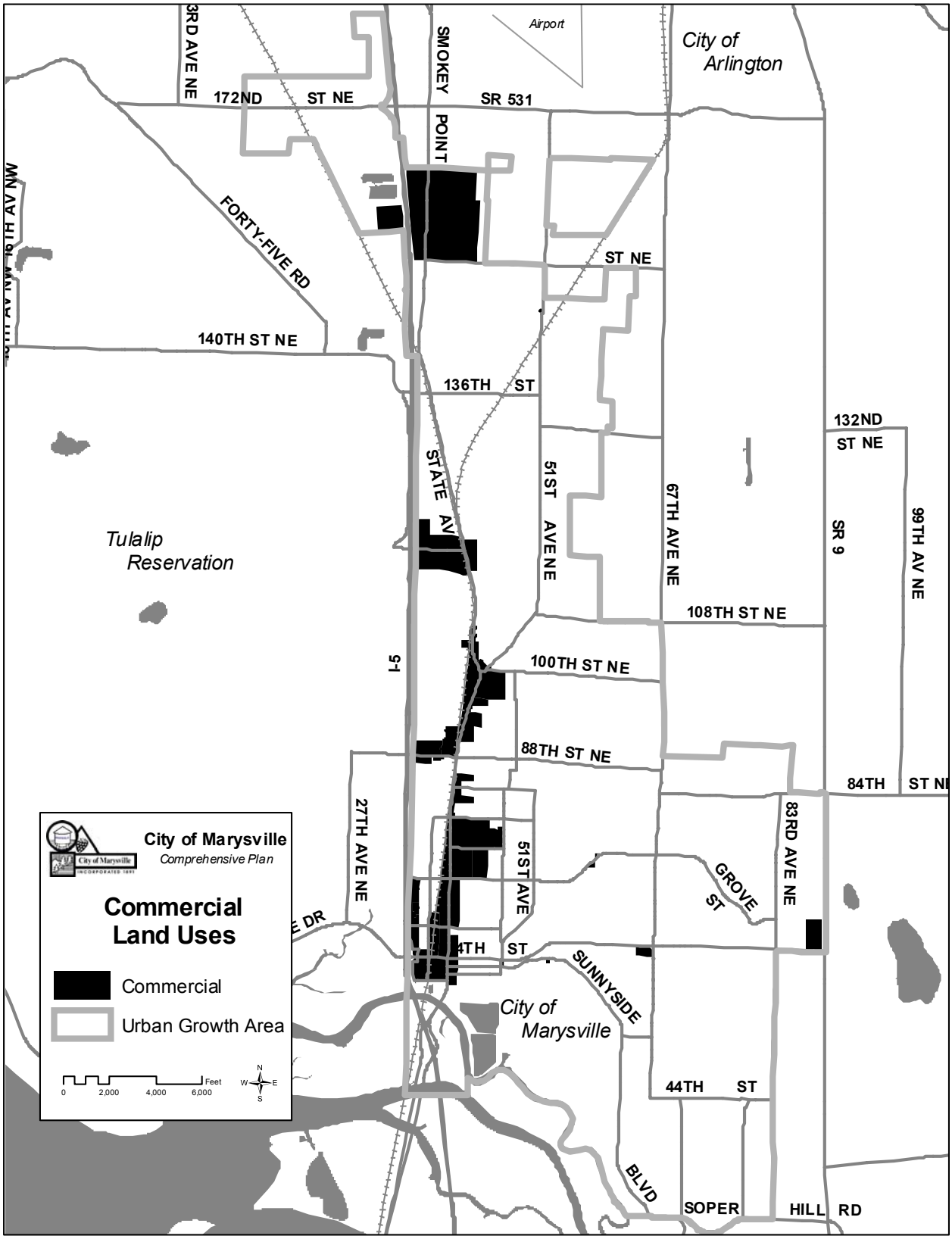
### Business Park
Provides for campus style office parks, professional services, personal service offices, and high tech research.

### Neighborhood Business
Provides convenience goods and services for a Planning Area.

### Waterfront Mixed Use
An overlay district with a mix of uses including water oriented businesses, recreational, and cultural activities.

### Mixed Use
A combination of office, commercial, and residential.

**Figure 4-4 Commercial Land Uses Map**



### a. Downtown

The downtown district of Marysville is the activity centers of the community, and will continue to be one of several centers for the Urban Growth Area. It has acted as a financial, business, retail, and even residential focus for Marysville. This land use recognizes the unique combination of activities that are desirable in a city center. The activities that would be permitted could range from some of those found in neighborhood and community commercial to offices to light industrial as well as hotels and inns. The uses would attempt to balance the desire for a pedestrian friendly environment and its role as a regional destination. Selecting some of the uses permitted in each of those land uses allows this land use to be tailored to the desired character of downtown as opposed to a hodgepodge of uses. Regional retail, as well as significant office, hotel, and institutional uses and complexes are located within the area — and will continue to be. The residents of the adjacent residential areas also depend on downtown for their everyday needs.

i. Criteria and Standards

Develop and establish performance standards for each commercial district. Performance standards would apply but not be limited to traffic circulation and signalization, off-street parking, pedestrian and shopper movement, landscaping/street trees and furniture, sign controls, and design requirements.

Development standards for the downtown should be adopted that would include requirements for building bulk, heights, setbacks, landscaping, floor area ratios, open space, and development incentives. This area should permit structures taller than other land use areas. The appearance of streets sidewalks and other public places should be enhanced through the encouragement and variety of architecture, art, landscaping, paving material, water features, lighting, signing, and street furniture.

- Building Characteristics: ground floor of buildings with many windows with clear glass, continuous street wall, discourage long uninterrupted facades, encourage continuous permanent awnings, tactile materials and detailing of buildings, building style appropriate to the downtown character, views to water and surroundings from upper levels, consider year-round sun and shade conditions when designing and siting buildings.
- Other: coordinated system of lighting, paving, street furniture, and informational graphics

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### b. General Commercial

This land use would be oriented towards uses requiring large sites and/or that people would be less likely to travel between in one outing. That is, these activities would not be likely to be a part of a series of errands such as those in Community Commercial. Or that the sites required for these activities are so large as to deter people from making one stop and moving between adjacent activities. This land use could permit such activities as automobile and bus repair and storage, new and used car sales, lumber-yards, and discount stores. Sites for this land use require a large site that is served by automobile with good access to arterials and I-5.

One portion of this land use has an overlay of mixed use. This occurs in Planning Area 1. See Chapter XIV for the location of this overlay; see Chapter XV, Overlay, for more information.

i. Criteria and Standards

General Commercial uses are automobile oriented rather than pedestrian and tend to be larger land uses located with access to a major arterial. Located at arterial intersections and close to the center of the consumer population intended to be served.

- Site Size: 5+ acres; serving radius: 2+ mile
- Types of Stores: automobile and bus repair and storage, new and used car sales, lumberyards, and discount stores
- Access: Arterial streets
- *Implementation:* Clarify the different types of uses permitted in General vs. Community Commercial. Some smaller uses which could be combined into a single center, should not be in General Commercial except for support to employees, e.g. art supply sales, antique and gift sales, banks, book and stationery sales, clothing sales, dairy bars, florist. Manufactured Home Parks, commercial schools, business and trade schools, should not be located here. Uses such as hatcheries should only be allowed in this commercial zone.

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### c. Community Business

This land use would serve a larger area than one neighborhood, but remain auxiliary to Marysville's downtown. Activities in this land use would be more automobile oriented, serving a larger area and therefore might require an automobile to reach them. The uses would be such that one might go to an area and be able to run several errands or accomplish several tasks in one or two stops. Activities that might be permitted could be department and large grocery stores; other uses that would draw people from many areas as opposed to just the immediate neighborhood. Some personal services and office uses might also be permitted. The land use is intended for individual, small businesses or an integral complex of several firms or businesses serving retail, office, and personal services.

i. Criteria and Standards

- Site Size: 5 - 20 acres; serving radius: 1 1/2 - 2 mile (15-20,000 population)
- Types of Stores: department and large grocery stores; other uses that need the support of several neighborhoods rather than a single one neighborhood; personal services and office; individual, small businesses or an integral complex of several firms or businesses serving retail, office, and personal services
- Access: Arterial streets
- Number of Stores: 15-25, range of gross floor area: 100,000 - 200,000 sq. ft.
- *Implementation:* Some commercial activities that have a repair or light industrial component should be included here, e.g. bike sales and repair, coffee roasting (if in conjunction with a shop), shoe sales and repair, candy sales and manufacture, computer sales and service, dry cleaning plants and retail, jewelry and watch sales and repairs, hardware, appliances, and electrical items sales and service (these could be limited by size, to differentiate which should be in General Commercial, and which here); as well as other commercial activities currently not permitted such as banks, fabric stores, luggage and leather goods, barber and beauty shops, trade or business schools, hobby, toy and game shops, laundromats, sun tanning salons,

second hand stores, pawn shops. Things which should not be located in this land use are automotive and truck repair garages, automotive and boat sales, foundries or metal fabrication, flour, feed, and seed processing, go-cart tracks, outdoor storage.

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

**d. Business Parks**

This land use would permit campus style office developments intended for research and development, professional services, personal service offices, high technology, and other such office uses.

This designation is characterized by strict development standards including generous landscaping, well-designed buildings, and limited outdoor operations. With these standards, the type of development can be compatible with most other uses, as long as transportation corridors are separated or otherwise mitigated. The grounds should be well landscaped, providing a buffer from adjacent land uses and a pleasing visual experience as seen from public roads. Buildings should have generous setbacks and be designed to house all activities including production, storage, etc…, so that no adverse impacts such as noise, glare, odor, or vibration are detectable from the outside. Walking and bike paths should be accommodated.

i. Criteria and Standards

- Types of Offices: office uses such as lawyers, doctors, accountants, architects, engineers, secretarial services, and travel, real estate, or insurance agents; light and high-tech industry; educational institutions; research facilities; convention centers; office complexes; etc… though the uses must not have negative or undesirable atmospheric or environmental impacts.
- Access: Arterial streets
- Minimum Lot Size: 10 acres
- Setbacks: 100 feet on all sides
- Site standards:
  - Increase Buffers (buffers include trees, shrubs, and fences)
  - Increase Open space
  - Increase Landscaping: parking areas; street and yard trees
  - Identifies height limits and Floor Area Ratios
  - Integrated signage and traffic control
  - Sign Standards
- Require a binding site plan that identifies:
  - the scale and location of all buildings
  - parking areas and driveways
  - landscaping, screening, and/or fencing
  - relationship to transit, bike and pedestrian paths

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### e. Neighborhood Business

This land use would serve the immediate neighborhood and be more pedestrian oriented. They are located where pedestrians, bicyclists, and vehicles have access. Uses that might be permitted could be small to medium sized grocery stores, hardware stores, delicatessens or coffee shops, some business and professional offices, pharmacies, video and book shops, and personal services, such as beauty and barber shops, shoe repair, laundries and dry cleaning. Generally each Planning Area would have one Neighborhood Commercial site. The sites shown were primarily based on existing locations, except in the Planning Areas to the south and east that have, to date, had little development, the sites are not parcel specific. Some Planning Areas have two sites because of their elongated shape. Others do not have any because they are served by nearby Community Commercial sites.

i. Criteria and Standards

Neighborhood Business Centers should meet the following locational and development standards:

- Site Size: 1/4 to 1-1/2 (maximum) acres, approximately 1/2 mile radius service area; larger area and radius if serving several Planning Areas
- Types of stores: convenience stores such as small grocery or hardware store, video, personal services (i.e. shoe repair, dry cleaners), etc….
- Number of Stores: 1 - 7
- Design guidelines: Architecture should include ground floor of buildings with many windows with clear glass, continuous street wall, discourage long uninterrupted facades, continuous permanent awnings, tactile materials and detailing of buildings, building height and form consistent with residences in area or similar to traditional neighborhood commercial buildings, buildings not setback from the street more than is typical of residences in area, appropriate street lights, signs that are attached to building or are monument style (i.e., not pole signs)
- Access: arterial/neighborhood collectors
- Buffers: Ability to buffer from adjacent residential and restrict site expansion
- New centers: should be done as a planned zone
- Neighborhood Commercial centers should be convenient to their neighborhood consumer population and situated on an arterial, preferably at an intersection of arterials. The size and area of the Neighborhood Commercial center should be in scale with the neighborhood and of sufficient area to bear the burden of transition from within the district.
- Parking: located to the side or rear of the buildings or center

*Implementation:*

Some of the land uses which might be permitted in this land use are, possibly with limitations on the size of the store or number of employees: art supply sales, antique and gift sales, candy retail, bicycle sales, catering, ice cream shops/dairy bars, delis, florist, hobby, toy, and game stores, jewelry and watch sales, art galleries, newsstands, music stores, locksmiths, office buildings for professionals (outright), small printing and publishing establishments, shoe repair, tailors, sun tanning salons. Uses which should no longer be permitted in this land use are hatcheries.

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### f. Waterfront

The Waterfront district is an overlay use on Downtown Commercial zoned land along Ebey Slough. This overlay is only located in Planning Area 1. It permits a mix of uses

including water oriented businesses, recreational, multifamily residential and cultural activities, creating a recreation and entertainment focal point. Thus the land uses would be residential, restaurants, water oriented recreation and light industry, retail, office, and other festival/regional market place activities. It should be alive during the day and evening, year round, with a vitality that can only be achieved with people working there and living nearby. Though adjoining to downtown and linked physically and visually, it is a separate district, with a different character, and therefore a different mix of residential and commercial activities.

i. Criteria and Standards

Development standards for the waterfront should be adopted that would include requirements for building bulk, heights, setbacks, landscaping, floor area ratios, open space, and development incentives. The appearance of streets, sidewalks and other public places should be enhanced through the encouragement and variety of architecture, art, landscaping, paving material, water features, lighting, signing, and street furniture.

- Land Uses: retail, restaurants; water oriented recreation, light industrial that enhances the goals of the waterfront district, sales; crafts sales and manufacture including some light industrial; pensione[2]/bed and breakfasts; office uses such as professional services and personal service offices (above street level).
- Building Characteristics: ground floor of buildings with many windows with clear glass, continuous street wall, continuous permanent awnings, tactile materials and detailing of buildings, building style appropriate to the waterfront character, views to water and surroundings from upper levels, consider year-round sun and shade conditions when designing and siting buildings, appearance from I-5, orientation, discourage long uninterrupted facades.
- Other: coordinated system of lighting, paving, street furniture, and informational graphics; parking (location and amount)

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

### g. Mixed-Use — Commercial, Office, and Multi-Family Residential

This land use combines office uses with the highest density multi-family residential. The commercial uses would be similar to those in Neighborhood Commercial. Some Community Commercial uses might also be allowed if they promote the pedestrian character that is one of the purposes of mixed use developments. The office uses would be for a variety of activities, such as lawyers, doctors, accountants, architects, engineers, secretarial services, and travel, real estate, or insurance agents. This land use will be used in circumstances with high vehicular and transit access and close proximity to services and employment.

In a portion of Planning Area 1 the Mixed Use district is an overlay use on General Commercial land along Interstate 5. The General Commercial land use will continue as long as the property owner desires it. See Chapter XIV for the location of this overlay; see Chapter XV, Overlay, for more information on overlays.

i. Criteria and Standards

*Mixed Use Centers should meet the following locational and development standards:*

- Types of stores:

[2] A small European style hotel that usually offers breakfast as part of the room cost.

- Commercial: Neighborhood commercial type uses such as convenience stores e.g. small grocery or hardware store, restaurants, video, personal services (i.e. shoe repair, dry cleaners, fitness club), etc…; other uses supportive of the pedestrian character
- Office: Planning Area 1: Downtown, offices for a variety of activities, such as lawyers, doctors, accountants, architects, engineers, secretarial services, and travel, real estate, or insurance agents; outside of downtown, travel, real estate, or insurance agents.
- Residential: In Planning Area 1 adjacent to Interstate 5, densities ranging from 28 to 34 dwelling units per acre; in all other locations, densities ranging from 18 to 28 dwelling units per acre. Some High Density Single Familycould be allowed.
- Access: arterial / neighborhood collectors
- Buffers: Ability to buffer from adjacent residential and restrict site expansion, except downtown
- New Centers: should be done as a planned zone
- Mixed use centers should be convenient to their neighborhood consumer population and situated on an arterial, preferably at an intersection of arterials. The size and area of the center should be in scale with the neighborhood and of sufficient area to bear the burden of transition from within the district.
- Parking: located to the side or rear of the buildings or center, under the building with shops along the sidewalk or pedestrian areas.
- Building Characteristics: ground floor of buildings with many windows with clear glass, continuous street wall, discourage long uninterrupted facades, continuous permanent awnings, tactile materials and detailing of buildings, consider year-round sun and shade conditions when designing and siting buildings, parking location and amount, building height and form, park/open space location and size, non-pole signs.

*Implementation:*
This land use will be implemented through the use of the Mixed Use Zone. Segregation of residential structures shall only apply if the residential portion is in a separate building, not if it is above other uses. Require mixed use developments to have joint use parking and joint access points.

ii. Identification of Areas

For the general location of commercial land uses, see Figure 4-4. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

## III. Industrial

Previous comprehensive plans have designated large portions of north Marysville for industrial land use. These designated industrial lands exhibit most of the characteristics of good industrial locations: good access to highways and freeways, rail access, proximity to air transportation, flat and easily developable land, available water and sewer, and large parcel ownership.

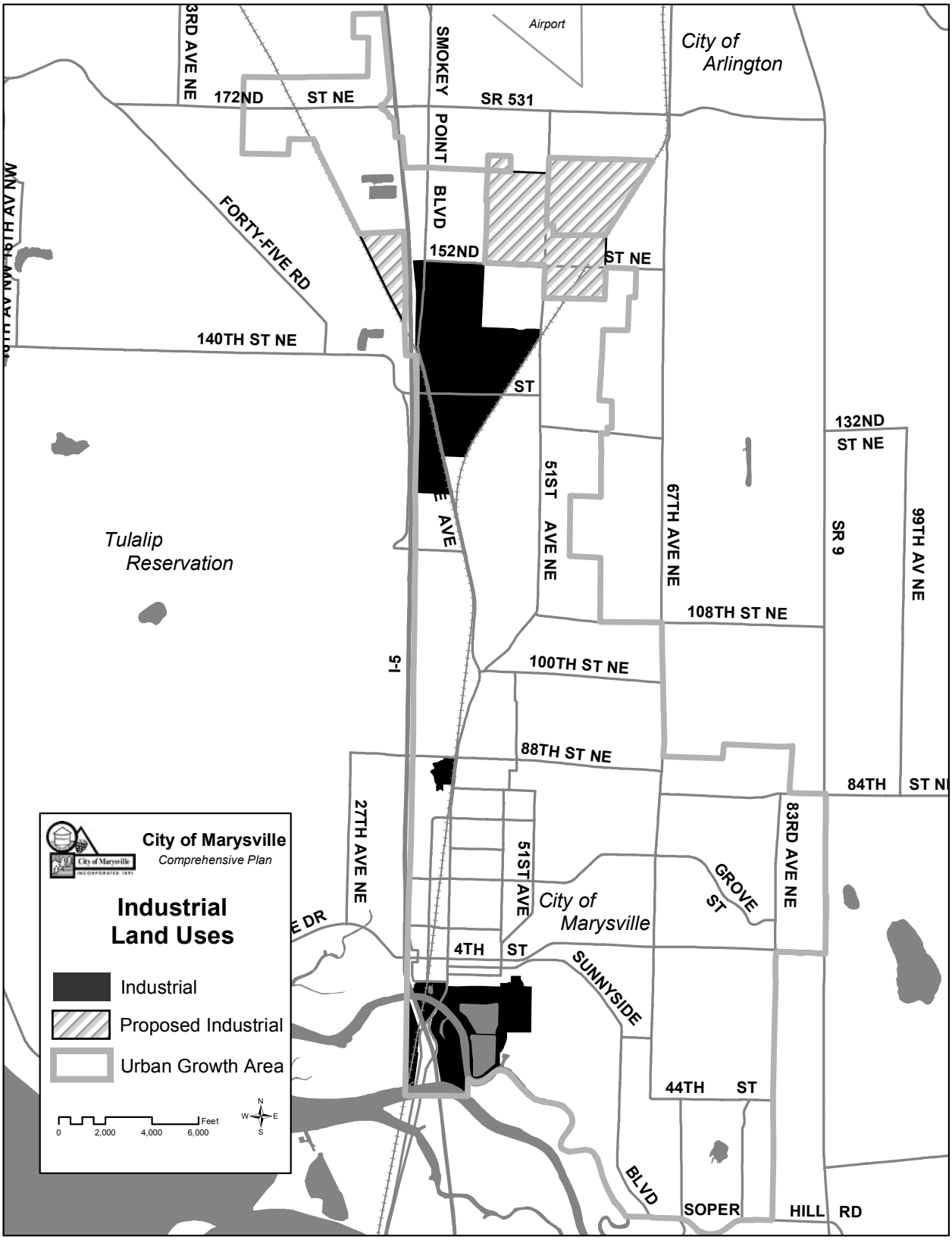
Projected demand for further industrial land is difficult to estimate. Increasing development costs for industrial lands in the southern portion of the county and decreasing availability in the region, will tend to increase the desirability of the north county. Also the United States/Canada trade agreement eliminating tariffs will create an additional demand for warehousing adjacent to the Interstate 5 corridor. Potential sensitive areas, such as wetlands, in the Smokey Point Blvd. area may reduce available lands.

The industrial land use categories permitted in this comprehensive land use plan are Business Park and Light Industrial as shown in Figure 4-5. Both land uses allow non-intensive industrial activities of the kind more compatible with surrounding, less-intensive uses such as residential and retail/commercial. They have a limited number of employees, low traffic volume, no objectionable noise, odor, vibration, air or water pollutants, and presents no significant safety hazards. Therefore they are allowed to locate close to where people live, shop, and work. The difference between these uses is:

**Planned Industry**
Planned, relatively large acreage lots for several businesses. Certain commercial uses would also be allowed within industrial parks, such as warehousing and sales with low associated traffic.

**Single Site Industrial**
Primarily individual projects used for infilling areas that have already developed. This proposed land use would primarily permit industrial land uses.
Moderate and heavy intensity industrial uses would have a separate permit and review process that would permit them in business park and light industrial areas when they meet certain performance standards for review of noise, odor, pollution in the context of the specific site's surrounding land uses or sensitive areas. Factors that should be considered are: traffic impacts: automobile and truck; emissions: type and volume; noise: decibels; light and glare: amount and time; ability to mitigate; hours of operation; types of adjacent uses; ability to buffer or mitigate; and proximity to and effect on sensitive areas. Uses that might be permitted would be manufacturing, processing, fabrication and assembling of products or materials, some types of warehousing and storage, and transportation facilities.

**Figure 4-5 Industrial Land Uses Map**



## a. General Industrial, Light Industrial Zones.

i. Criteria and Standards

*Land Uses:*

- Manufacturing: food, drugs, stone, clay, glass, china, ceramics, electrical equipment, scientific or photographic equipment, fabricated metal products (not of major structural steel forms, heavy metal processes, boiler making or similar activities); cold mix processes; textile, leather, wood, paper, and plastic products from prepared materials; arts and craft production; building products and manufacturing that supports the construction industry, e.g. cabinetry, and doors.
- Packaging of prepared materials
- Storage and warehouse services, wholesale trade, laundry facilities, printing and publishing, automobile repairs (not including body work) and washing, recycling center, public utility, government facility, public transit shelter
- Planned Industry, also permits fast food and sit down restaurants, taverns, banking and related services, entertainment and recreation, office uses, secretarial services, daycare or mini-school as support services

*The locational criteria for siting new industrial uses are:*

- Access to highway or major arterial street, rail access, proximity to air transportation
- Flat land in large parcels
- Land Use Relationships
  - Proximity to some accessory land uses, such as post offices, delicatessens, and other support activities
  - Location of industrial land uses to compatible land uses or incompatible land uses, in particular, minimum impact on residential areas
- *Siting Issues:*
  - Industry will be buffered and/or separated from residential and commercial uses, land zoned or identified for these uses in the Comprehensive Plan
  - Utilize, as possible, major roadway/railroad, natural stream, and/or topographic changes to buffer and separate industrial developments from residential or commercial uses

*Development Criteria:*

- *Planned Industry:*
  - Minimum acreage size of 5 to allow for buffers, additional landscaping and setbacks; and to prevent spot development
  - Any development over 10 acres must be planned to coordinate access and services
  - Any development adjacent to or including significant sensitive areas (e.g. wetlands over 3 acres) must be planned to minimize its impact on the sensitive area
- Change current site standards to:
  - Increase Buffers (buffers include trees, shrubs, and fences)
  - Increase Open space
  - Increase Landscaping: parking areas; street and yard trees
  - Identifies height limits and Floor Area Ratios
  - Integrated signage and traffic control
  - Preference for compact well-defined centers
- Require a binding site plan that identifies:
  - the scale and location of all buildings

  - parking areas and driveways
  - Landscaping, screening, and/or fencing
- relationship to transit, bike and pedestrian paths

*Single Site Industry:*

- Minimum acreage to allow for buffers, additional landscaping and setbacks; and to prevent spot development
- Change current site standards to:
  - Increase Buffers (buffers include trees, shrubs, and fences)
  - Increase Open space
  - Increase Landscaping: parking areas; street and yard trees
  - Identifies height limits and Floor Area Ratios
  - Preference for compact well-defined centers

ii. Identification of Areas

For the general location of industrial land uses, see Figure 4-5. Other land uses may also occupy these areas. For more detailed location information, see the Planning Area maps in Section G of the Land Use Element.

## D. GOALS & POLICIES

This portion introduces the goals and policies that guide the Land Use Element.

### I. General Development Land Use Goals & Policies

*Goals:*

1. Plan for a fair share of regional growth, that limits low density sprawl and directs growth to urban areas.
2. Enhance Marysville's unique character.
3. Promote a healthy economy by improving the jobs to housing ratio.
4. Create an identifiable city separated by natural physical features from adjacent communities.
5. As appropriate, protect and strengthen the vitality and stability of existing neighborhoods.
6. Create a transportation system that allows people and goods a variety of transportation options.
7. Maintain existing levels of service for important public facilities.
8. Foster pedestrian accessibility.
9. Maintain existing park facilities, while seeking opportunities to expand and enhance the current range and quality of facilities.
10. Encourage Marysville's physical, visual, and perceptual linkages to sloughs, rivers, and creeks.
11. Protect and preserve prominent natural features.
12. Promote active citizen involvement in planning for Marysville's future.
13. Establish development regulations that are fair and predictable.
14. Provide measures to enhance short-term and long-term transition planning to reduce urban impact on rural uses within the planning period, and to minimize long-term costs of service for areas that may be considered for urban expansion in future planning periods.

*Policies:*

LU-1 In cooperation with other jurisdictions, create an Urban Growth Area based on the capabilities and characteristics of the land, availability of public facilities and services, existing land uses, and anticipated growth.

LU-2 Limit population and employment growth and the provision of services to Urban Growth Areas. Districts outside of Urban Growth Areas should remain rural in character.

LU-3 Ensure that the growth pattern of the community will be well managed by utilizing the comprehensive plan as a guide for community development and by utilizing the City's land use codes in a manner consistent with the stated goals and policies of the comprehensive plan.

LU-4 Encourage growth that will transform Marysville from a residential dominated community to one that provides a balanced, though not equal, proportion of both residences and employment. This will probably include a major employment center.

LU-5 Encourage citizen participation in all decisions affecting growth in the community.

LU-6 Expand public facilities and services and utilities so they do not hinder growth, while also encouraging growth to occur in a manner that will not strain the City's ability and resources to provide basic community services such as but not limited to the street system, water and sewer utilities, stormwater system, park and recreation, schools, police, fire and other general administrative functions.

LU-7 Preserve open spaces, natural areas and buffer zones, wetlands, wildlife habitats, and parks in and outside of the Urban Growth Area.

LU-8 Require growth to occur in manner that will not overburden the natural systems of the planning area such as but not limited to the Snohomish River Delta, Quilceda and Allen Creeks' corridors and tributaries, wetlands, forested areas and other environmentally sensitive areas.

LU-9 Encourage a harmonious blend of opportunities for living, working, and culture for the residents of Marysville through planned retention and enhancement of its natural amenities, by judicious control of residential, commercial, and industrial development, and by recognition of the City's role in the region.

LU-10 Preserve and enhance the quality of living, trading, and working districts by dedicating open space, preserving and restoring trees and vegetation, and designing development site plans sensitive to natural land forms, water resources, and life systems.

LU-11 To reduce reliance on the private automobile, encourage suitable combinations and locations of land uses, such as employment, retail, and residences, including mixed use development.

LU-12 Provide balanced employment opportunities for the local labor force through varied economic development that is clean and pollution free, and the establishment and protection of small entrepreneurs.

LU-13 Encourage the preservation of significant historic and archaeological properties and identify strategies and incentives for protection of these resources for the enrichment of future generations.

LU-14 Encourage lands that are likely to be included within the Urban Growth Areas in the future, to remain in 10 acre or larger parcels, and to use techniques such as shadow platting and clustering to permit efficient development at urban densities and provision of urban level services when they are incorporated into Urban Growth Areas.

LU-15 Encourage the County to establish minimum acreages (10 acres or larger) in urban reserves and RUTA's that would, in the future, allow development at higher densities as land is incorporated into the Urban Growth Area.

LU-16 Provide for the preservation of small farms and agricultural uses in rural areas by requiring adjacent urban development to provide buffers and screening to minimize urban impacts on existing and ongoing agricultural operations.

LU-17 Encourage the use of clustered housing as appropriate to maintain the rural character, special features, significant vegetation, and open space of the area. Place clusters of housing near existing roadways reducing the need for significant new construction of infrastructure and to reduce future costs of extending urban services for areas that may be included in the UGA in subsequent planning periods.

## II. Residential Land Use Goals & Policies

*Goals:*

15. Provide for new residential development that is compatible with the present housing stock while also providing for a broad range of housing types and dwelling unit densities to serve diverse life styles, income levels, and ages.
16. Protect and enhance the character, quality, and function of existing residential neighborhoods while accommodating the City's growth targets.

*Policies:*

LU-18 Housing densities should be determined by community values, development type and compatibility, proximity to public/private facilities and services, immediate surrounding densities, and natural system protection and capability.

LU-19 In determining housing densities, consider the impact of lot size on the cost of housing, and thus its affordability.

LU-20 Accommodate demand for urban-density living and services only within Urban Growth Areas.

LU-21 Urban level facilities and services must be provided prior to or concurrent with development to mitigate the subsequent impacts of resident populations. These services include, but are not limited to water, adequate sewage treatment, schools, and roads. Where appropriate, it also includes transit, parks, and recreation. Concurrency is generally defined as financial commitment to complete improvements or strategies within six years of development.

LU-22 Distribute higher densities in appropriate locations. Locate in residential areas where they will not detract from the existing character. Locate near employment and retail centers, and to transportation corridors as appropriate.

LU-23 Encourage a range of housing types and densities, including small lot single family, zero lot line developments, cluster housing, town houses, duplexes, triplexes, apartments (high and low density, including garden), accessory apartments, and mobile home parks. Increase the opportunities for home ownership through the availability of these housing types.

LU-24 Within the Urban Growth Boundary, encourage infill of existing single and multi-family lots, prior to development of new areas, especially those without urban services.

LU-25 The development of single and multi-family neighborhoods on wetlands, creek corridors, or steep slopes is prohibited as defined by the Sensitive Areas Ordinance. The development of single and multi-family neighborhoods adjacent to wetlands, creek corridors, or steep slopes should incorporate methods to mitigate the impacts of such development on these sensitive areas.

LU-26 New or expanded single and multi-family development must provide improved streets and sidewalks within the development and to the nearest street.

LU-27 The City should, as possible and needed, promote and prioritize improvements streets and sidewalks to the nearest arterial street within existing single and multi-family areas.

LU-28 New or expanded single and multi-family development should be within walking distance, preferably but not necessarily via paved sidewalk or improved trail, of a neighborhood park, public recreation area, or in some cases a school. Existing single and multi-family areas should, as possible, also be provided with a neighborhood park, public recreation area, or in some cases a school, within walking distance, via paved sidewalk or improved trail.

LU-29 The development of new or expanded single and multi-family neighborhoods must provide a reforestation plan that will include but not be limited to street trees, yard trees, and the retention of native vegetation on steep slopes, stream corridors, and other areas deemed appropriate through City policy or ordinance. As possible, existing single and multi-family neighborhoods should also have developed a reforestation plan, as described above.

LU-30 Permit factory built and manufactured housing in residential zones, subject to the same zoning and development standards of the area in which it is located. [Factory built housing is factory-assembled parts that are transported to and assembled at the building site. The completed structure is not mobile. Mobile/manufactured Home is a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year round basis. A recreational vehicle or motor home is not a mobile/manufactured home.]

LU-31 Encourage developers to provide open space and recreational facilities for residential areas.

LU-32 Locate and design new single and multi-family residential developments, and improve existing ones to facilitate access and circulation by transit, car/van pools, pedestrians, bicyclists, and other alternative transportation modes.

LU-33 Encourage the upgrade and preservation of existing housing units, with special emphasis on historically significant structures.

LU-34 Encourage cluster development of residential lands within Urban Growth Areas, instead of traditional subdivision development. An equal number of units are constructed, but open space, views, watersheds, and natural systems are preserved; and often facilities and services can be provided more efficiently.

LU-35 Residential developers should be responsible for adequate buffering between agricultural uses and potential home sites, whether single or multi-family. Encourage the use of existing lot size averaging and planned residential development ordinances, resulting in maximum separation of residences from agricultural lands, buffer strips, and resident design and location to minimize conflicts between residential and agricultural uses.

LU-36 Street systems serving residential areas should be designed to discourage through traffic from using local access streets instead of the arterial or collector street system.

LU-37 While maintaining consistency with the city code, permit home occupations in residential areas with appropriate restrictions on uses, signs, traffic/parking, and employees.

### a. Single Family

*Goals:*

17. Encourage the creation of a more desirable place to live and a quality standard of living for all citizens.

18. Maintain the single family character of the greater Marysville area, while at the same time acknowledging the necessity of providing affordable housing.

*Policies:*

LU-38 Encourage high quality development that creates a desirable place to live and that also provides for affordable housing.

LU-39 Allow and encourage a variety of single family housing types that will permit more people to own homes, such as, smaller lots and zero-lot line development; and other techniques that increase density while maintaining the single family character.

LU-40 Allow and encourage uses that support increased densities, but maintain the single family character and minimize the impact on the existing neighborhoods, such as duplexes and accessory units.

LU-41 Encourage higher density single family near commercial centers and other facilities and services to foster pedestrian rather than vehicular circulation.

LU-42 Allow individual factory built housing that meets certification standards to be located outright in single family residential areas, subject to the same zoning and development standards of the area in which it is located.

LU-43 Allow mobile home subdivisions in single family residential zones only through utilization of Planned Residential Development techniques and only if the subdivision is developed at the same density as the underlying zone.

### b. Multi-Family

*Goals:*

19. Provide housing choices, reflecting the range of household types, lifestyles, incomes, and the desire to rent or own a home.
20. Provide housing that is pleasant and appropriately located. The location should allow residents access to services and facilities in the immediate area. The locations should also acknowledge the character of the surrounding neighborhood so multi-family can blend or be compatible with it.

*Policies:*

LU-44 Locate multi-family development adjacent to arterial streets, along public transportation routes, and on the periphery of commercially designated areas, or in locations that are sufficiently compatible or buffered from single family areas to not disrupt them.

LU-45 Multi-family development is required to bear the burden of transition and mitigation when the development is located near single family residences.

LU-46 Outside of Planning Area 1, Downtown, multi-family structures abutting or adjacent to single family residences, areas zoned as single family, or identified in the Comprehensive Plan as single family, must reflect the single family character. This will be achieved by a combination of the following elements: additional setbacks, open space, fencing, screening, landscaping, and architecture. In addition, multi-family buildings may have no more floors (exclusive of daylight basements) than the adjacent and nearby single family dwellings (up to 2) when single family is the predominate adjacent land use (actual or zoned).

LU-47 In Planning Area 1 (Downtown), multi-family structures abutting or adjacent to areas identified in the Comprehensive Plan as single family, must avoid impacts created by the differing land use districts. Compatibility with the surrounding single family character will be achieved by a combination of the following elements: additional setbacks, open space, fencing, screening, landscaping, and architecture. In addition, multi-family buildings along the property edges

adjacent to single family land use areas identified in the Comprehensive Plan may have no more floors than the adjacent zoning or land use permits. Multi-family structures inside the property or with multi-family properties adjacent to them may be as high as the land use or zoning permit, though they must conform to any other regulations or requirements limiting their height.

LU-48 New multi-family residential (and existing where possible or when substantially expanding/remodeling) must have active and/or passive recreational opportunities designed as a part of the development, and must be provided on-site or immediately adjacent to the development. Elderly housing is exempted from the active recreation requirement.

LU-49 Require multi-family dwellings and mobile home parks to locate where access to public streets can be provided without creating congestion of or disruption to established single family residential neighborhoods.

LU-50 Allow mobile home parks in areas designated for Low Density Multi-family residential on the land use plan, by conditional use permit.

LU-51 Encourage residential dwelling units above retail, service, and office uses in designated land use categories, either as a permitted use or by conditional use permit, depending on the area.

### c. Small Farms

*Goals:*

21. Encourage small farms to continue operation and existence within the Urban Growth Area as long as such use is desired by the property owner.

*Policies:*

LU-52 Encourage agricultural production on small parcels suitable for agricultural uses within the Urban Growth Boundary as long as such use is desired by the property owner.

LU-53 Encourage agricultural practices for small farms that preserve the quality and quantity of soils; do not impact aquifers, groundwater, and creeks; and do not harm the environment.

LU-54 Residential developers should be responsible for adequate buffering between small farms and potential home sites.

LU-55 Educate and inform adjacent property owners as to adjacent agricultural uses and practices.

LU-56 If small farms are no longer a desired use of the property by the land owner, then they may be converted to other uses, provided these uses are consistent with all other land use policies. In making the determination of whether agricultural use is no longer a desired use of the property, primary weight should be given to the testimony of the property owner. The proposed use must be appropriate to the location of the land with respect to Urban Growth Areas.

## III. Commercial Land Use Goals & Policies

*Goals:*

22. Provide for adequate commercial development to serve increased population in the Marysville area by enhancing the function of the Marysville area as a vital and major community business, trade, and living center, and by providing

opportunities for highway, auto oriented and pedestrian commercial development, and neighborhood convenience shopping facilities.

23. To insure that the public benefits of new economic activities exceed the public costs by considering community impact and requiring new development to provide adequate services and public amenities.

*Policies:*

LU-57 Allocate sufficient commercial land to meet projected demand and need.

LU-58 The pattern and scale of commercial developments should be suitable to their location and the population they will serve.

LU-59 Allow commercial development only in Urban Growth Areas and only where adequate facilities and services exist, or are provided for at the time of development.

LU-60 Establish new commercial centers only after assessing environmental impacts and conformity with established environmental guidelines.

LU-61 Locate commercial and employment development in compact, well-defined centers rather than in strips.

LU-62 Strengthen existing commercial centers and a diversified employment base to assure that land use is compatible, convenient, and consistent with community needs.

LU-63 Encourage infill of existing commercial centers and strips before creating new commercial centers. New commercial centers should be created in response to growth demands, or in underserved areas.

LU-64 All commercial sites should be located and designed to minimize and mitigate the negative effects (traffic, noise, lights, etc…) of these activities on adjacent land owners and the community.

LU-65 Provide for the development of distinct commercial land use districts establishing a separation of commercial activities based upon land use characteristics, type of transportation corridors, amount of traffic generation, and geographic location.

LU-66 Expansion of public facilities and services and utilities should support and prioritize the economic growth of Marysville.

LU-67 Minimize land use conflicts through proper location and appropriate design.

LU-68 Minimize ingress and egress points at commercial sites to reduce traffic impediments.

LU-69 As appropriate, locate and design new commercial centers, and improve existing ones to facilitate access and circulation by pedestrians, bicyclists, transit, and other alternative transportation modes; and the interaction of these systems.

LU-70 Locate convenience/commercial services at transit transfer centers and Park and Ride lots to make these locations more pleasant and to accomplish daily tasks without use of the private automobile.

LU-71 Locate convenience/commercial services at transit transfer centers and Park and Ride lots to make these locations more pleasant and to accomplish daily tasks without use of the private automobile.

LU-72 Improve the appearance of existing commercial areas and create performance standards for all new developments, including but not limited to, signage, landscaping, setbacks, and buffer areas.

LU-73 Restrict the location of drive-thru and drive-in facilities.

LU-74 Permit new residential uses in commercial areas only if accessory to commercial uses.

LU-75 Encourage major governmental agencies to locate in Planning Area 1.

LU-76 Limit on-site parking to areas behind or adjacent to the building/complex, meeting the immediate need. Locate the majority of parking in areas situated outside the pedestrian core, but close enough to provide convenient parking for shoppers. This is important to maintain the street wall. Those activities requiring a vehicular orientation are to locate on the periphery of the core area.

LU-77 Encourage the joint use of parking. For example, a movie theater whose parking occurs in the evening could jointly use parking with a church whose parking is primarily on Sunday mornings.

LU-78 Provide pedestrian and bike paths through the downtown and connecting it to other Planning Areas.

LU-79 Encourage carpooling, vanpooling, flextime work scheduling, rideshare coordination, and accommodations for pedestrians and bicycles by crediting developer's traffic mitigation obligation.

LU-80 Commercial districts and land uses along State Avenue should be oriented to State Avenue and existing businesses. New commercial developments should not disrupt existing residential neighborhoods.

LU-81 Commercial development is required to bear the burden of transition and mitigation when the development is located near designated single family areas. Appropriate measures may include increased setbacks and/or landscape screening.

### a. Downtown

*Goals:*

24. Emphasize downtown Marysville as a commercial focal point within the Study Area.
25. Achieve an identity and an image as a special place.

*Policies:*

LU-82 Strengthen downtown's role as a business and commercial center.

LU-83 Provide infrastructure suitable to the growth, enhancement, and redevelopment of the downtown as one of the activity centers of the community.

LU-84 Provide urban parks, recreation opportunities, and open space within downtown.

LU-85 Increase the pedestrian-oriented character of the downtown core area.

LU-86 Encourage alternatives to the automobile for short trips within downtown.

LU-87 Create gateways and entrances into the downtown area through the use of enhanced plantings/street trees, special paving and street furniture, and/or the location of special land uses, buildings, or structures.

LU-88 Encourage developments and design that will enhance the overall coherence of downtown's visual and historic character.

LU-89 Building design at the street wall should contribute to a lively, attractive and safe pedestrian streetscape.

LU-90 Encourage wide sidewalks permitting pedestrian activities, street trees, tables and chairs, temporary sidewalk displays, and other such sidewalk uses.

LU-91 Encourage the use of awnings.

LU-92 Encourage the use of signs that promote an attractive and pedestrian oriented downtown.

LU-93 Require landscaping along and within parking areas.

LU-94 Encourage retail and commercial activities at street level; offices and residential above.

*LU-95* Encourage day and night time activities.

### b. General Commercial

*Goals:*

26. Provide locations for large lot, automobile uses, so that they are grouped together, in places with good access, and can support each other without impacting surrounding uses.

*Policies:*

LU-96 Locate general commercial centers near light industrial and other non-pedestrian oriented areas.

LU-97 Locate general commercial centers at the intersection of arterial streets. Where general commercial uses are already located at an intersection, encourage additional general commercial uses to locate adjacent to them, rather than at other quadrants of the intersection.

LU-98 Reduce the number of individual access points from arterials by encouraging joint use.

### c. Community Business

*Goals:*

27. Develop commercial uses, auxiliary to downtown, to serve the needs of various areas.

*Policies:*

LU-99 Maintain and infill the three commercial districts along State Avenue/Smokey Point Blvd. (116th St., 88th/100th St., Grove St.) as commercial areas serving several Planning Areas.

LU-100 Locate commercial centers at the intersection of arterial streets.

LU-101 Encourage the grouping of businesses and site design so that persons can make a single stop to use the several businesses located at a single center.

LU-102 Encourage the joint use of parking.

LU-103 Provide pedestrian and bike paths through the community commercial centers and connecting them to other Planning Areas.

LU-104 Locate on-site parking so that the street wall is somewhat maintained and attractive pedestrian walkways are created.

LU-105 Building design should contribute to a lively, attractive, and safe pedestrian streetscape.

LU-106 Encourage wide sidewalks permitting pedestrian activities, street trees, tables and chairs, temporary sidewalk displays, and other such sidewalk uses.

LU-107 Encourage the use of awnings.

LU-108 Encourage the use of signs that promote an attractive and pedestrian oriented commercial area.

LU-109 Require landscaping along and within parking areas.

### d. Business Parks

*Goals:*

28. Provide locations for office uses that allow for research and development, professional services, personal service offices, and hi-tech uses without nuisance factors and hazards, that also provides an attractive setting.

*Policies:*

LU-110 Locate businesses centers outside of the core areas where campus site planning is appropriate.
LU-111 Locate business centers on arterial streets.
LU-112 Provide pedestrian and bike paths through business parks, connecting them to other trail systems.
LU-113 Require landscaping along and within parking areas.
LU-114 Encourage the use of business parks where sensitive areas are located. The campus plan can then work in conjunction with the sensitive area.
LU-115 Encourage timing of business parks to work with the provision of urban services.
LU-116 Minimize the impact of business parks on adjacent land uses through appropriate landscaping, screening, buffers, graduated land use intensity, and similar methods.
LU-117 Permit accessory/support services to locate in Business Parks, for example secretarial services, delis, etc….
LU-118 Encourage the availability of local employment opportunities by fostering the retention and development of long-term working or trading activities that create or add value to the community.

### e. Neighborhood Business

*Goals:*

29. Maintain, enhance, and create neighborhood commercial centers to support the needs of neighborhoods and the Planning Areas.

*Policies:*

LU-119 Encourage a pedestrian-oriented character.
LU-120 Encourage alternatives to the automobile for short trips to neighborhood commercial.
LU-121 Encourage developments and design that will be compatible with the surrounding neighborhood character. Site layout and building design should provide lighting, access, building architecture, landscaping, and signage that is sensitive to adjoining residential uses.
LU-122 Building design should contribute to a lively, attractive and safe pedestrian streetscape.
LU-123 Encourage wide sidewalks permitting pedestrian activities, street trees, tables and chairs, temporary sidewalk displays, and other such sidewalk uses.
LU-124 Encourage the use of awnings.
LU-125 Encourage the use of signs that promote an attractive and pedestrian oriented commercial area.
LU-126 Require landscaping along and within parking areas.
LU-127 Encourage retail and commercial activities at street level; offices or apartments above.
LU-128 Limit on-site parking to areas behind or adjacent to the building/complex
LU-129 Provide pedestrian and bike paths through the neighborhood center and connecting it to other Planning Areas.

### f. Waterfront

*Goals:*

30. Develop Marysville's waterfront as a regional entertainment and recreational focal point.
31. Achieve an identity and an image as a special place.
32. Create a synergistic relationship between downtown and the waterfront.

*Policies:*

LU-130 Permit a mix of uses that would encourage the waterfront as a regional entertainment and recreational focal point.

LU-131 Encourage uses to remain or locate in the waterfront area that are water oriented, such as, but not limited to marinas, boat building or supplies, water recreation equipment etc….

LU-132 Encourage uses to locate in the waterfront area that will attract residents and tourists such as, but not limited to outdoor restaurants, micro breweries, retail shops, crafts shops.

LU-133 Provide recreation opportunities and open space within the waterfront area, including but not limited to a public plaza, trails, boardwalk.

LU-134 Redevelopment on significant waterfront parcels should provide public access.

LU-135 The waterfront edge should be developed for public access.

LU-136 Increase the pedestrian-oriented character of and access to the waterfront area.

LU-137 Create gateway(s) and entrance(s) to the waterfront area from downtown through the use of enhanced plantings/street trees, special paving and street furniture, and/or the location of special land uses, buildings, or structures.

LU-138 Encourage developments and design that will enhance the overall coherence of waterfront's visual and historic character.

LU-139 Building design at the street wall should contribute to a lively, attractive, and safe pedestrian streetscape.

LU-140 Encourage wide sidewalks permitting pedestrian activities, street trees, tables and chairs, temporary sidewalk displays, and other such sidewalk uses.

LU-141 Encourage the use of awnings.

LU-142 Encourage the use of signs that promote an attractive and pedestrian oriented waterfront area.

LU-143 Promote the development of fresh produce markets.

LU-144 Encourage retail and commercial activities at street level; offices and residential above.

LU-145 Restrict on-site parking to limited areas behind or adjacent to the building/complex, meeting the immediate need. Locate the majority of parking in areas situated outside the waterfront area, but close enough to provide convenient parking for users.

LU-146 Encourage the joint use of or coordinated parking with downtown.

LU-147 Provide pedestrian and bike paths through the waterfront area and connecting it to other Planning Areas.

LU-148 Encourage day and authorized night time activities.

LU-149 Buildings and structures should be designed so as to minimize the blockage of views to the slough.

LU-150 Buildings and structures should be designed so as to minimize the shadows cast on trails, public plazas, and other outdoor spaces.

LU-151 Encourage the redesign of the buildings facing the waterfront area (north side of First St.) to relate to and support it.

LU-152 Provide public facilities and amenities (i.e. rest rooms, benches) as additional activities and spaces are developed within the waterfront area.

### g. Mixed-Use — Commercial, Office, and Multi-Family Residential

*Goals:*

33. Create a relatively high density sub-districts of appropriate Planning Areas that allow people to live, shop, and possibly work without always being dependent on their automobiles.

*Policies:*

LU-153 Provide urban parks, recreation opportunities, and open space within this sub-district.

LU-154 Increase the pedestrian-oriented character of an area.

LU-155 Encourage alternatives to the automobile for short trips.

LU-156 Use enhanced plantings/street trees, special paving and street furniture, appropriate signage, and/or the location of special land uses, buildings, or structures to create a special district.

LU-157 Encourage developments and design that will enhance the overall coherence of area's visual character.

LU-158 Building design at the street wall should contribute to a lively, attractive and safe pedestrian streetscape.

LU-159 Encourage building design that promotes an attractive image of Marysville from Interstate 5 when it is appropriate.

LU-160 Encourage wide sidewalks permitting pedestrian activities, street trees, tables and chairs, temporary sidewalk displays, and other such sidewalk uses.

LU-161 Encourage the use of awnings.

LU-162 Encourage the use of conforming signs that promote an attractive and pedestrian oriented area.

LU-163 Require landscaping along and within parking areas.

LU-164 At street level encourage retail and commercial; above the street locate residential uses and offices.

LU-165 Limit on-site parking to areas behind or under the building/complex, meeting the immediate need for parking. Locate the majority of parking in areas situated outside the pedestrian core, but close enough to provide convenient parking for shoppers. This is important to maintain the street wall.

LU-166 Encourage the joint use of parking.

LU-167 Encourage pedestrian and bike paths through this sub-district and connecting it to downtown, the waterfront, and other Planning Areas.

LU-168 Encourage day and night time activities.

LU-169 Let the market determine the mixture of uses.

LU-170 Encourage professional office uses adjacent to existing residential dwellings as a transition to residential land uses.

### h. Industrial

*Goals:*

34. Designate industrial areas in such locations and quantity so they will contribute to the economic growth and stability of the Marysville area and Snohomish County.
35. To insure that the public benefits of new economic activities exceed the public costs by considering community impact and requiring new development to provide adequate services and public amenities.

*Policies:*

LU-171 Limit industrial development to Urban Growth Areas.

LU-172 Urban level facilities and services must be provided prior to or concurrent with development to mitigate the subsequent impacts of industrial developments. These services, include, but are not limited to, sanitary and storm sewers, water, police and fire protection, and roadways.

LU-173 Encourage the availability of local employment opportunities by fostering the retention and development of long-term working or trading activities that create or add value to the community.

LU-174 Encourage infilling of vacant parcels and development of currently zoned or designated industrial areas before development occurs in locations distant from current industrial uses.

LU-175 Locate industrial development in compact, well-defined centers within Urban Growth Areas.

LU-176 Require that industrial development sites have good access, adequate public facilities and services, suitable topography and soils, and minimum impact on residential areas.

LU-177 Minimize the impact of industrial developments on adjacent land uses through appropriate landscaping, screening, buffers, graduated land use intensity, and similar methods.

LU-178 Industrial businesses shall provide on-site pretreatment of wastewater to the City sewer system in compliance with applicable standards and regulations.

LU-179 Retain lands intended as future industrial sites in large parcels so they will be viable for industrial development.

LU-180 Locate and design new industrial centers, and improve existing ones to facilitate access and circulation by transit, car/van pools, pedestrians, bicyclists, and other alternative transportation modes.

LU-181 Encourage master planning for new industrial areas on larger parcels of land, including such features as open space, landscaping, integrated signage and traffic control, and overall management and maintenance through covenants or other forms of management.

LU-182 Industrial developments adjacent to wetlands, creek corridors, or steep slopes should be Business or Industrial Parks to allow the flexibility of design necessary to mitigate the impacts of such development on these sensitive areas.

## E. LAND USE PLAN MAPS & REASONABLE MEASURES

The City considered three land use alternatives in developing the preferred plan. These are identified as Alternative 1 – No Action (Existing UGA); Alternative 2 (Low Target/Increased Densities Current UGA); and Alternative 3 (Increased Densities/UGA Expansion). Alternative 1 will not accommodate the forecast population. Alternative 2 and 3 will meet the low and high targets, respectively.

### Reasonable Measures

A 1997 amendment to the Growth Management Act, (GMA) 36.70A.215, requires jurisdictions planning under the GMA to consider implementing reasonable measures that will: (1) Increase consistency between actual development and existing planning policies and development regulations; and (2) Increase residential density or employment capacity within existing urban growth areas prior to or instead of the consideration of expansion of the Urban Growth Area (UGA). This policy advances GMA objectives for compact urban development and reduced sprawl.

Snohomish County has adopted a Countywide Planning Policy (CPP), after consultation with the cities in the County through Snohomish County Tomorrow that requires the consideration of Reasonable Measures prior to initiating UGA expansions. CPP UG-14 implements 36.70A.215 by referring to a list of measures and requiring the use of guidelines, both found in Appendix C, to evaluate all proposed UGA expansions covered in UG-14 d. 1-4. Starting with the 2004-2005 Comprehensive Plan update, each jurisdiction "…will demonstrate its consideration of reasonable measures in its comprehensive plan or, at its discretion, in a separate report."

The City has reviewed its use of "reasonable measures" in formulating its Land Use Element. The City has already implemented various measures to increase density within the UGA within its comprehensive plan and development regulations. The preferred land use plan recommends additional actions to increase the land holding capacity within the current UGA. Measures currently used by the City are listed in Table 4-6.

**Table 4-6 Measures Currently Used by the City of Marysville**

| Reasonable Measures | Date introduced | Frequency of use | Effect on Density Trend | Description/Comments |
|---|---|---|---|---|
| Measures that Increase Residential Capacity | | | | |
| Permit Accessory Dwelling Units (ADUs) in single family zones | 6/9/97 (o.2131) | Few times a year | Minimal | Code allows both attached and detached units. Most commonly used in downtown single family areas. |
| Provide Density Bonuses to Developers | Original PRD code effective in 1980's; revised 6/9/97 (o.2131), 7/15/02 (o. 2411) and 7/7/03 (o. 2481) | Frequent | Generally adds 10-20% density to subdivisions | Residential density incentives are applied through the Planned Residential Development ordinances. Revisions have allowed design and recreational amenities to quality for density incentives. |
| Transfer/Purchase of Development Rights | 6/9/97 (o.2131), revised 9/20/99 (o. 2280) | Frequent | Effective – depending on extent of sensitive areas, can allow significant lot recapture | On site density transfer of sensitive areas allowed within residential developments. |
| Allow Clustered Residential Development | 6/9/97 (o.2131) | Frequent | Effective – allowed through PRD's | Clustering, as used herein, is a site design tool to accomplish gross densities comparable to standard subdivisions though the reduction of lot sizes and retention of open space. |
| Allow duplexes | 6/9/97 (o.2131) | Frequent | Effective | Duplexes are permitted outright on 7200 s.f. lots on land designated High Density Single Family (R-6.5) and High Density Single Family – small lot (R-8). They require a conditional use permit and 12,500 s.f. lot in the Medium Density Single Family (R- |

| | | | | |
|---|---|---|---|---|
| | | | | 4.5) designation. |
| Increase allowable residential densities | 4/1/96 (o. 2068); 6/9/97 (o.2131); 5/17/99 (o.2258) | General application within UGA | Effective | Increased densities with comprehensive plan adoption in 1996. Implemented new zoning code to provide consistency with comprehensive plan policies in 1997. Completed areawide rezones throughout City in 1999 to implement comprehensive plan map and development regulations. |
| Mandate minimum residential densities | 9/1/03 (o.2487) | Rare | Effective when used | Minimum density was applied in the Smokey Point subarea to allow General Commercial properties to utilize up to 20% site area for residential use. The minimum density (12 du/gross acre) was approved to prevent lower density developments.<br>Single family minimum densities have been considered by the City on several occasions and generally rejected as a practice. |
| Allow townhomes & condominiums | 6/9/97 (o.2131) | Occasional | Effective | Used through PRD ordinance |
| Allow small residential lots | 6/9/97 (o.2131) | Frequent | Effective | City implemented comprehensive plan with development regulations and areawide rezones. 5000 s.f. minimum lot sizes allowed in all Med. And High Single Family zones (R-4.5 and R-6.5 du/net acre). 4000 s.f. allowed in R-8 zone. Smaller lot sizes allowed through PRD overlay. |
| Encourage Infill and Redevelopment | 4/1/96 (o. 2068); 6/9/97 (o.2131); 5/17/99 (o.2258) | Occasional | Effective if used | City conducted areawide rezones of entire city limits, including downtown. Mixed residential/commercial zoning implemented through most of downtown to encourage redevelopment. Downtown development has been slow, but is increasing each year. |
| Plan and zone for affordable and manufactured housing development | 6/9/97 (o.2131) | Frequent | Effective | This includes affordable housing incentives as well as having adequate residential land to meet market needs. Manufactured housing development, although allowed, is infrequent within city. |
| Measures that Increase Employment Capacity | | | | |
| Develop an | 11/2002 | Used daily | Effective | City completed an economic |

| | | | | |
|---|---|---|---|---|
| Economic Development Strategy | | | | development plan and strategy in late 2002 and has been implementing it from 2003 through City plans, budget, actions and citizen committees. Goals include business retention and attraction. |
| Measures that Support Increased Densities | | | | |
| Allow Mixed Uses | 6/9/97 (o.2131) | Frequent | Effective | Mixed use zone allows multiple family and/or commercial uses. All commercial zones allow above-ground residential uses. |
| Downtown Revitalization | 6/9/97 (o.2131) and capital decisions 2000-2004 | Broad use | Effective (outcome anticipated) | Regulations approved to allow residential densities in downtown. From 2000-2004 City has approved major capital expenditures in downtown to stimulate downtown revitalization (these projects are documented below) |
| Require Adequate Public Facilities | Parks impact fees 12/13/99 (o.2300);<br>Traffic impact fees 9/13/99 (o.2279);<br>School impact fees 12/7/98 (o.2213) | Routine | Somewhat effective | Helps pay for needed capital improvements but additional financing needed. |
| Urban Growth Management Agreements | 6/28/99 | Frequent | Effective | Interlocal agreement with Snohomish County on annexation and urban development. Has been helpful in facilitating annexations and providing for transportation impact mitigation. |
| Create Annexation Plans | `9/13/99 | Frequent | Effective | Since 1996, City has approved x annexations, representing x acres. |
| Implement a process to expedite plan and permit approval | 6/02-present | Pervasive | Effective | Reorganized department in 2002 and have implemented major permit streamlining beginning 2003. Results have proven valuable to economic development strategy. |
| Measures to Mitigate the Impact of Density | | | | |
| Design Standards | 6/9/97 (o.2131); 7/15/02 (o.2423) | Frequent | Limited effect | City implemented stricter standards for small lot (<5000 s.f.) developments following review of new developments on small lots. There is variability in the results and many developments are not subject to design standards. |

| | | | | |
|---|---|---|---|---|
| | | | | Commercial design standards are limited. |
| Conduct community visioning exercises to determine how and where the community will grow | 6/04 | Recent for 2005 comp plan update | Effective | Completed community visioning for this update. Helpful in identifying revisions and modifications to plan to achieve community goals. |
| Other Measures | | | | |
| Capital Facilities Investments | 2000-2004 | Pervasive | Effective | City has completed major capital projects over past 5 years. These have included a sewer projects including wastewater treatment plant upgrade; water distribution & storage facility construction; stormwater facilities; transportation improvements including downtown park & ride, State Avenue improvements, SR 528 and other roads; as well as major park improvements including a waterfront park with boat launch, downtown skateboard park, regional soccer fields complex, and community center. A new City Hall and major remodeling of the public safety complex were also completed. |

The following actions, Table 4-7, should be taken with respect to existing and additional reasonable measures to increase residential and employment densities:

**Table 4-7 Measures to Increase Residential and Employment Densities**

| Reasonable Measures | Recommended review or action |
|---|---|
| Measures that Increase Residential Capacity | |
| Permit Accessory Dwelling Units (ADUs) in single family zones | Review and possibly eliminate owner-occupancy requirement to increase construction of ADUs. |
| Provide Density Bonuses to Developers | Review residential density incentives to see if additional incentives are necessary to stimulate higher quality development. |
| Transfer/Purchase of Development Rights | Investigate potential to partner with County on Transfer of Development Rights for agriculture or stream base flow and water quality protection by purchase of headwater properties in unincorporated Snohomish County. |
| Allow Clustered Residential Development | Review PRD code for additional density incentives and allow PRDs through administrative design review instead of a rezone process. |
| Allow Co-housing | This would be currently allowed in PRD's. Investigate market need, interest and regulatory impediments for this type of development. |
| Allow duplexes | Continue with current regulations. |

| | |
|---|---|
| Allow Townhomes & Condominiums | Review PRD code for additional density incentives and allow PRDs through administrative design review instead of a rezone process. |
| Increase allowable residential densities | This plan includes new single family residential zones with increased densities and multiple family residential with increased densities in certain zones. |
| Mandate minimum residential densities | Consider minimum densities in multiple residential zones. |
| Reduce street width standards | Consider reduced standards to implement Low Impact Development standards and under certain design parameters. |
| Allow small residential lots | Continue with current regulations. |
| Encourage Infill and Redevelopment | Revise several of the zones in the Downtown planning area per recommended neighborhood plan. |
| Plan and zone for affordable and manufactured housing development | Plan for Fair Share Housing Allocation and monitor progress.<br>Create a mobile/manufactured home park subdivision ordinance. |
| Measures that Increase Employment Capacity | |
| Develop an Economic Development Strategy | Continue to implement plan and strategies. |
| Zone areas by building type, not by use | Consider pilot of Downtown planning area to eliminate use matrices, to be replaced by design standards. |
| Measures that Support Increased Densities | |
| Allow Mixed Uses | Continue with current regulations. |
| Downtown Revitalization | Implement Downtown neighborhood plan. |
| Require Adequate Public Facilities | Review capital facility plan annually; Review impact fees bi-annually. |
| Encourage Transportation-Efficient Land Use | |
| Urban Growth Management Agreements | Update interlocal agreements with Snohomish County to implement uniform urban design standards throughout UGA. |
| Create Annexation Plans | Annexation strategies are included within this Land Use element and discussed within various neighborhood plans. |
| Encourage developers to reduce off-street surface parking | Review low impact development (LID) standards and amend Engineering Design & Development (EDDS) to incorporate. |
| Implement a process to expedite plan and permit approval | Continue to meet or beat permit targets. |
| Measures to Mitigate the Impact of Density | |
| Design Standards | Revise design standards to address negative perceptions of higher density developments. |
| Urban amenities for increased densities | Revise development regulations to provide bonuses for urban amenities through residential density incentives or PRD ordinances. |
| Conduct community visioning exercises to determine how and where the community will grow | Continue with community planning workshops to monitor plan implementation. |
| Other Measures | |

| | |
|---|---|
| Urban Holding Zones | Designate requirements (annexation, level of service, facilities) required prior to development; Designate urban reserve and rural urban transition zones (RUTAs) for future growth and discourage or prohibit interim uses such as rural cluster subdivisions within these areas. |
| Capital Facilities Investments | Update capital facility plan annually. |

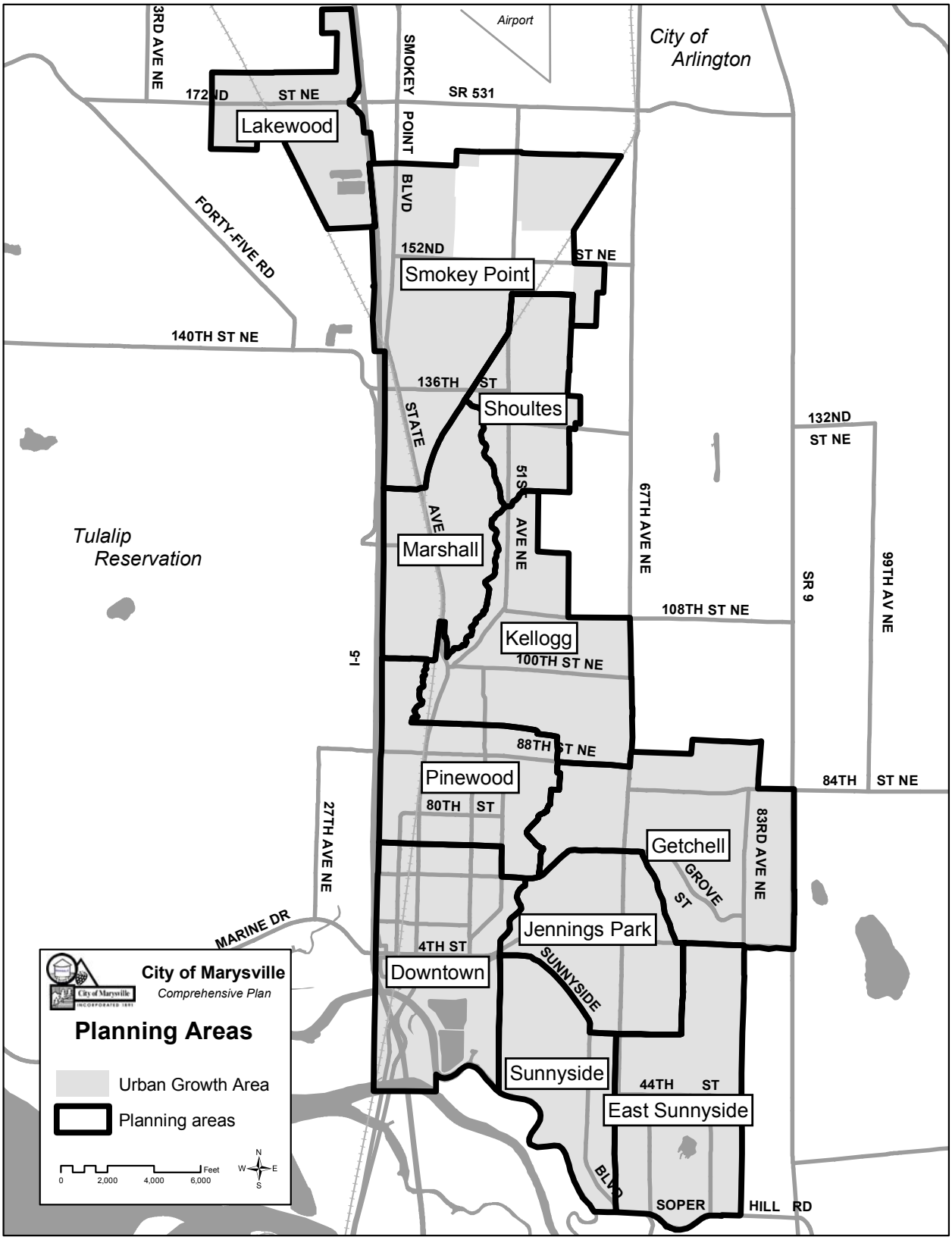
## F. NEIGHBORHOOD PLANNING AREAS

A thriving community is composed of livable neighborhoods. The City's land use planning begins with creating wonderful places and experiences within the community. Collectively these individual neighborhood experiences can produce a positive image and identity for the Marysville area. The overall plan considers connections, balanced land use mix, and access between neighborhoods and the region.

The neighborhood plans include more detailed review of each subarea, or neighborhood, as illustrated in Figure 4-6. Environment, land uses, housing type mix, densities, transportation features, parks and recreation features, public services and facilities, walkability, and aesthetics are considered to develop a future action plan to accomplish the goals and policies of the comprehensive plan.

The subarea planning process is an integral part of Growth Management Act (GMA) planning. A subarea plan is a special study of an area within a larger planning jurisdiction. The subarea is usually a neighborhood, an unincorporated urban area, or some other area that has special needs due to growth pressures. A subarea plan is usually part of the comprehensive plan of a jurisdiction. It could also be a plan adopted by multiple jurisdictions as a guide for dealing with future growth in the subarea. The subarea plans provide details on types and locations of land uses planned for neighborhood areas and urban centers, provide opportunities for a variety of residential densities, coordinate infrastructure improvements with planned uses and centers, and identify and preserve natural features, open space and critical areas.

**Figure 4-6 Neighborhood Planning Areas Map**

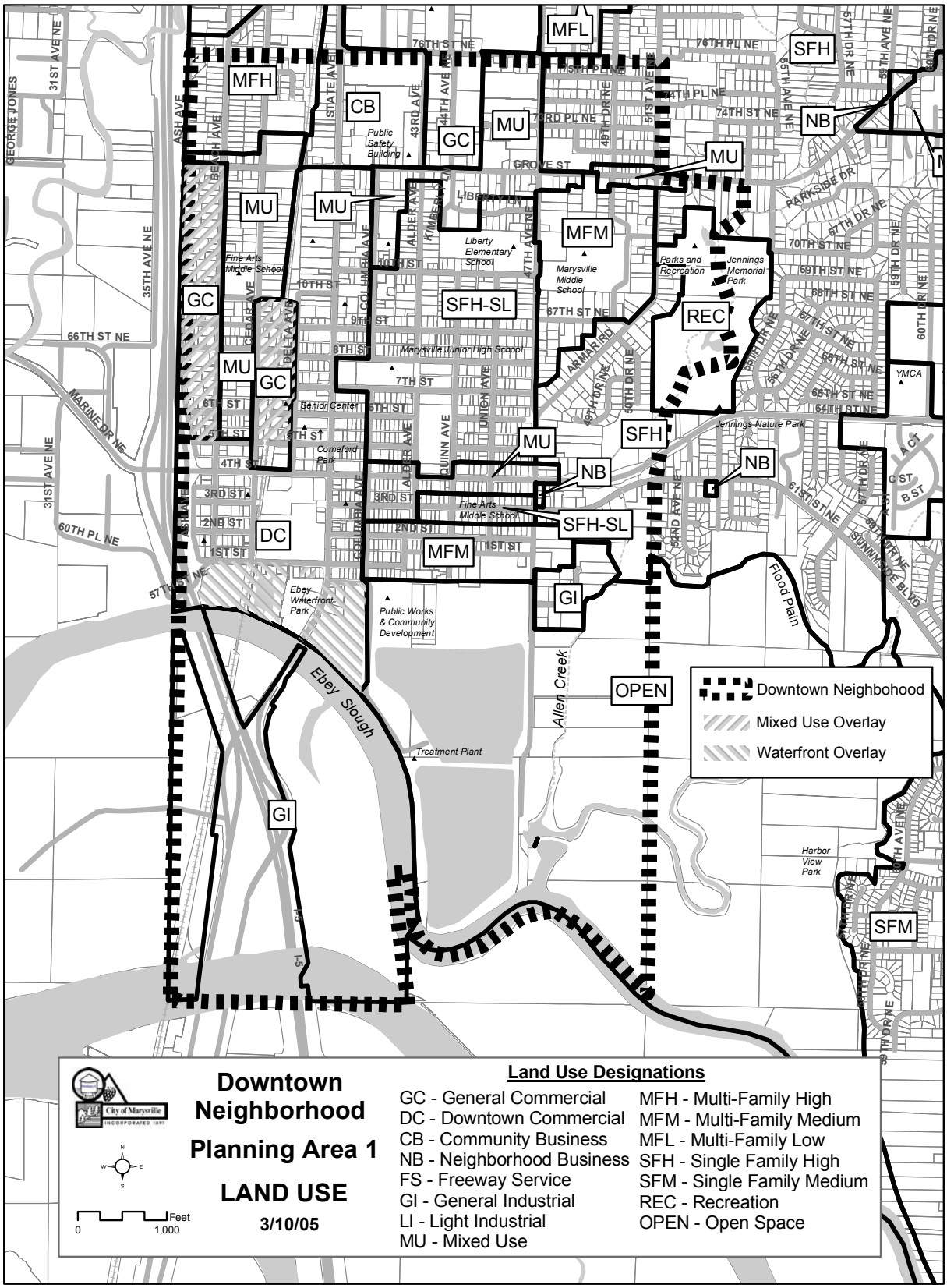


Dwelling units, population, and employment summaries are shown in Table 4-8.

**Table 4-8 Dwelling Units, Population, and Employment**

| Moderate Growth (UGA Expansion and Increased Densities) | | | | | | | |
|---|---|---|---|---|---|---|---|
| Planning Area | Acres | Dwelling Units (DU) | | Population | | Employment | |
| | | 2005 | 2025 | 2005 | 2025 | 2005 | 2025 |
| 1 – Downtown | 968.0 | 2334 | 2758 | 6059 | 6931 | 4276 | 4641 |
| 2 – Jennings Park | 806.6 | 2793 | 2998 | 8063 | 8638 | 447 | 448 |
| 3 – Sunnyside | 779.7 | 415 | 968 | 1419 | 3022 | 120 | 134 |
| 4 – East Sunnyside | 1585.3 | 910 | 4275 | 2349 | 11730 | 34 | 733 |
| 5 – Getchell Hill | 1623.3 | 2082 | 4143 | 6284 | 11758 | 230 | 1270 |
| 6 – Pinewood | 874.3 | 2629 | 3164 | 6971 | 8253 | 1135 | 1527 |
| 7 – Kellogg | 1249.1 | 2864 | 3544 | 8491 | 10350 | 1634 | 1711 |
| 8 – Marshall | 747.2 | 1795 | 2958 | 5138 | 7666 | 388 | 1168 |
| 9 – Shoultes | 561.4 | 1579 | 1776 | 4819 | 5391 | 136 | 136 |
| 10 – Smokey Point | 1858.8 | 834 | 982 | 2121 | 2417 | 2724 | 11965 |
| 11 - Lakewood | 837.1 | 501 | 1909 | 1328 | 4274 | 462 | 3033 |
| TOTAL | 11890.7 | 18736 | 29475 | 53042 | 80431 | 11586 | 26766 |

**Figure 4-7 Planning Area 1 – Downtown Neighborhood, Land Use Designations**



# V. HOUSING ELEMENT

## INTRODUCTION

The Housing Element provides an inventory and analysis of existing household characteristics, housing stock, housing characteristics, and housing needs within Marysville and its UGA. It identifies projected housing needs and identifies goals and policies to guide future housing development to meet these needs within the community.

## A. BACKGROUND

The Growth Management Act requires cities and counties to adopt a Housing element within our respective comprehensive Plans. The Act identifies the following goal as guidance for comprehensive plans:

*"Ensure the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock." (RCW 36.70A.020)*

This Housing Element recognizes the vitality and character of established neighborhoods and identifies sufficient land for housing to accommodate a range of housing types and prices.

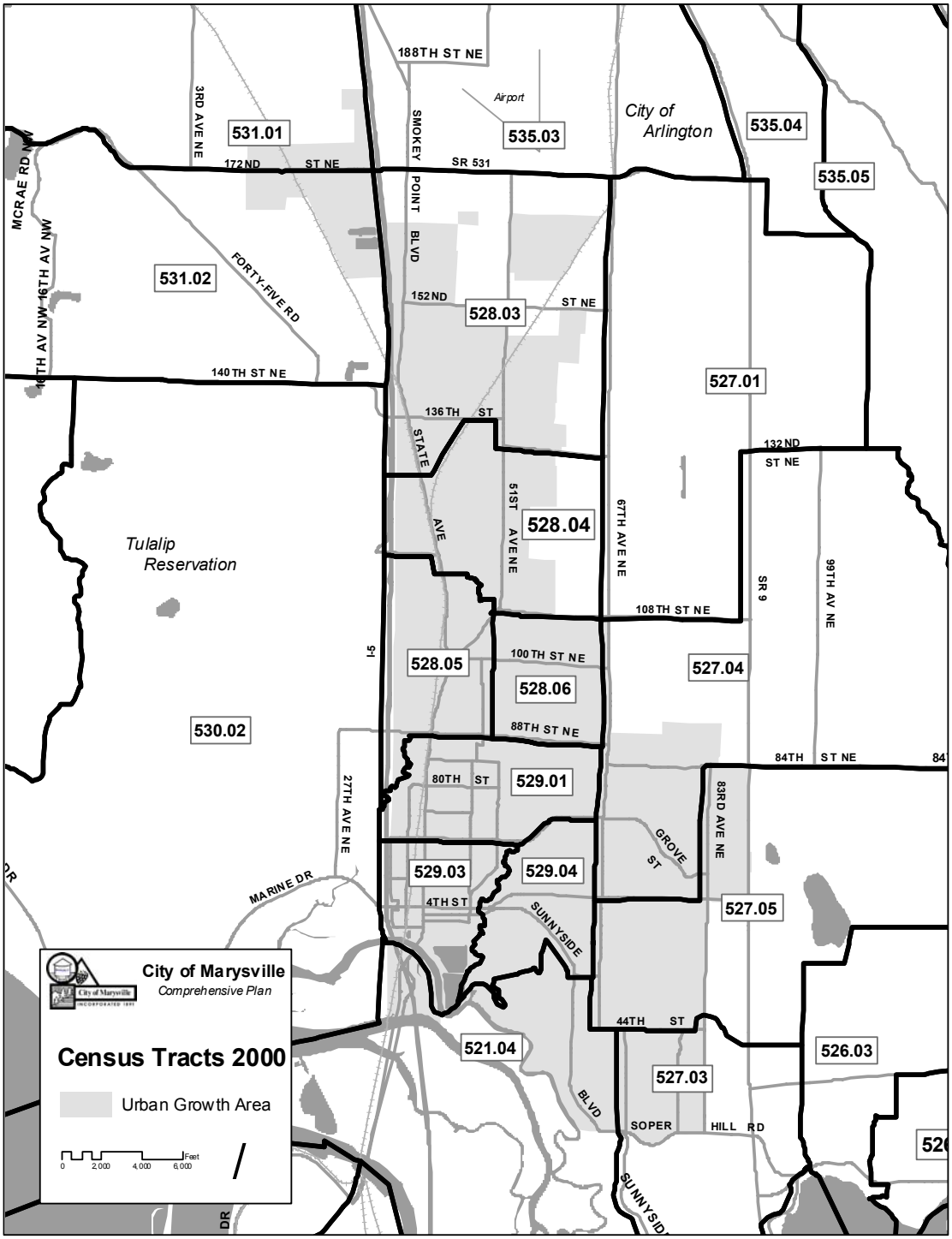
Snohomish County, as a fast-growing county, is required to evaluate every five years, whether the County and its cities are achieving their housing goals, objectives, and targets. This evaluation was accepted by the Snohomish County Tomorrow Steering Committee on July 23, 2003. This report is used as a resource in the City's Housing Element.

In addition, this element also uses statistics and information from the 1990 and 2000 U.S. Census and the Snohomish County Tomorrow Growth Monitoring Reports. These sources report information in a variety of statistical units: census tracts, jurisdictional boundaries such as the Marysville city limits and Snohomish County and the Marysville urban growth boundary. Figure 5-1 shows the relationship of the Urban Growth Area and individual census tracts. It should also be noted that city boundaries change as a result of annexation. Therefore change reported in the City between 1990 and 2000, may reflect annexation of existing neighborhoods, as well as new development.

Key factors that influence housing goals and policies for this plan update are:

- Existing housing characteristics including ownership, housing types, age, and quality;
- Availability and cost of existing housing;
- Wages and income, and the trends of job creation;
- Social factors such as household composition and race;
- Characteristics of the current population and forecast growth; and
- Projected housing needs.

**Figure 5-1 Marysville UGA and Census Tracts**



## B. HOUSING INVENTORY & ANALYSIS

### I. Owner and Rental Households

Generally ownership rates have increased slightly over the past decade. Countywide, ownership has increased from 66.3 to 67.7%. Marysville home ownership is up sharply, changing the composition of the city from a rental based city to owner householder majority. This is a result of annexations as well as new construction. Table 5-1 shows the distribution of ownership in Marysville.

**Table 5-1 Rates of Ownership**

| | 2000 | 1990 |
|---|---|---|
| Snohomish County | | |
| Owner Households | 67.7% | 66.3% |
| Rental Households | 32.3% | 33.7% |
| City of Marysville | | |
| Owners Households | 63.4% | 46.5% |
| Rental Households | 36.6% | 53.5% |

Source: U.S. Census, 2000 and 1990.

Rental housing is a mixture of both single family and multi-family structures. In the City of Marysville, 72% of rental units are multi-family. The following breakdown in Table 5-2 shows where rental housing is concentrated.

**Table 5-2 Comparisons of Ownership in City**

| Census Tract | % Owned | % Rented |
|---|---|---|
| Sno. Co. | 65.0% | 35.0% |
| Marysville | 63.0% | 37.0% |
| 529.01 | 55.6% | 44.4% |
| 529.03 | 30.7% | 69.3% |
| 529.04 | 74.2% | 25.8% |
| 528.03 | 74.9% | 25.1% |
| 528.04 | 82.8% | 17.2% |
| 528.05 | 70.9% | 29.1% |
| 528.06 | 87.7% | 12.3% |
| 527.01 | 88.6% | 11.4% |
| 527.04 | 91.2% | 8.8% |
| 527.05 | 90.6% | 9.4% |
| 521.04 | 78.3% | 21.7% |

Greater than Snohomish Co. %
More Rented than Owned Units

Source: U.S. Census, 2000.

In studying ownership patterns in the Study Area, the Census Tracts in 529 (downtown Marysville) have substantially more rental units than other tracts Areas. The area along Highway 9 has the highest rate of ownership.

## II. Housing Types & Densities

Marysville increased the percentage of non single family permits (duplex, multi-family, mobile/manufactured) issued in the five-year period (1996-2000) from the prior five-year period (1991-1995) as shown in Table 5-3. Generally, these housing types reflect more affordable housing stock being provided in new developments.

**Table 5-3 Percent of Non Single Family Permits Issued**

| Period | Duplex | Multi-Family | Mobile/ Manufactured Home | Total |
|---|---|---|---|---|
| 1991-1995 | 3.9% | 5.6% | 3.1% | 12.6% |
| 1996-2000 | 5.5% | 25.3% | 2.8% | 33.6% |

Table 5-4 shows the composition of housing in Marysville as compared to Snohomish County and the individual Census Tracts.

**Table 5-4 Units in Structure, As Percentage of Total**

| | Single Family † | 2-4 Units | 5+ Units | Other ‡ |
|---|---|---|---|---|
| Sno.Co. | 66% | 6% | 20% | 8% |
| Marysville | 61% | 11% | 17% | 11% |
| 521.04 | 82% | 3% | 0% | 15% |
| 527.03 | 86% | 5% | 1% | 8% |
| 527.04 | 87% | 3% | 0% | 9% |
| 527.05 | 88% | 0% | 0% | 12% |
| 528.03 | 73% | 5% | 1% | 21% |
| 528.04 | 91% | 5% | 0% | 4% |
| 528.05 | 74% | 3% | 13% | 10% |
| 528.06 | 94% | 1% | 0% | 5% |
| 529.01 | 55% | 16% | | 8% |
| 529.03 | 51% | 22% | | 0% |
| 529.04 | 65% | 7% | 15% | 13% |
| 531.01 | 73% | 2% | 0% | 26% |
| 531.02 | 75% | 0% | 0% | 25% |

† Single family attached and detached.
‡ Mobile homes, manufactured housing, trailers, boats, RVs.
Greater than Snohomish Co. %
Source: Census 2000

Since 1990, composition of housing types in the City of Marysville has changed more significantly than composition of housing types in Snohomish County. This change is a result of annexations of existing single family residential areas occurring between 1990 and 2000, as well as new construction. The resulting change in overall composition has

been a 14% drop in multiple-unit structures. Single family structures in the city have increased 1% while mobile homes, manufactured homes and trailers have increased by 3%. The County's largest change in composition has been a 3% drop in mobile homes, manufactured homes and trailers. Single family structures in the County have increased 2%, 2-4 Unit structures have decreased 1%, 5+ Unit structures have increased 1%.

Within the City of Marysville, 61% of dwelling units are single family, 11% are duplexes or small apartment buildings (2-4 units), and 17% are buildings with more than 5 units. In the areas where annexations are taking place, 75 to 86% of dwelling units are single family.

The fourth category of housing is mobile homes and manufactured housing. Within the City of Marysville 11% of dwelling units fall under this category. Their low cost, either rented or owned, can be an important factor in affordable housing. The pressure to redevelop them can be an issue.

Average net densities in approved single family/segregated condominium projects increased reflecting more efficient land use occurring within the city following implementation of GMA land use plans and development regulations. A comparison of average net densities for 1995-1997 and 1998-2000 are shown in Table 5-5

**Table 5-5 Average Net Densities Per Acre in Single Family/Segregated Condominium Projects**

| Period | DU/Acre | Increase |
|---|---|---|
| 1995 - 1997 | 5.14 | |
| 1998 - 2000 | 6.15 | 1.01 du/acre |

## III. Household Characteristics

Average household size in 2000 was 2.66 persons per household (pph), a 12.2% gain since 1990, the second highest gain of all county jurisdictions, raising the city above the countywide average, 2.65.

Family households represent 70.3% of all Marysville households, with average family size of 3.15 pph. However, the traditional family of a husband, wife, and children is becoming less common. Over one-third of households in the City are comprised of unrelated persons. People living alone are on the rise, as are the number of elderly and single parents, particularly women. These are also the groups in which higher rates of poverty occur.

The ages of people in rental housing in the City also indicates that it is not just for singles or childless couples. Rental units have 60% of persons 25-34, 51% of 35-44, 47% of 45-54. Thus at least half of persons in their child bearing and rearing years occupy rental housing. The decline continues to 37% for persons 55-64, then increases until more than 50% of persons over 75 are in rental units.

Marysville's proximity to Interstate 5 and transportation corridors results in Marysville households having amongst the shortest commute times of all Snohomish County jurisdictions, second only to Everett. Easy access to Interstate 5 and jobs has

contributed to making Marysville a desirable place to live. The median commute time for residents is 27.1 minutes. Table 5-6 shows commute times for Marysville households.

**Table 5-6 Commute Times for Marysville Households**

| Time | Percentage of Households |
|---|---|
| < 15 minutes | 26.6% |
| < 30 minutes | 62.8% |
| < 45 minutes | 81.2% |

Source: SCT 2002 Housing Evaluation Report

## IV. Income Characteristics and Growth

Annual household median income in Marysville grew 27.6% between 1990 and 2000, adjusted for inflation, from $36,889 to $47,088. This was the sixth fastest increase in the county. The countywide median is $53,060, so Marysville has a lower median income than the County. A distribution of households by income classification is shown in Table 5-7 for Snohomish County, City of Marysville, and Census Tract in the UGA.

**Table 5-7 Estimated Number of Households by Income Classification**

| Area | $0-$14,999 | | $15,000-$24,999 | | $25,000-$34,999 | | $0-$34,999 | | $35,000-$49,999 | | $50,000 and up | | Median Income |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sno.Co. | 19,933 | 9% | 20,319 | 9% | 25,371 | 11% | 65,623 | 29% | 37,905 | 17% | 121,438 | 54% | $53,060 |
| City of Marysville | 966 | 10% | 1,092 | 12% | 1,194 | 13% | 3,252 | 35% | 1,605 | 17% | 4,491 | 48% | $47,088 |
| 529.01 | 439 | | 441 | 14 | 468 | 15% | 1348 | 43% | 555 | 18% | 1258 | 40% | $40,417 |
| 529.03 | 177 | 10% | 230 | 14% | 338 | 20% | 745 | 44% | 451 | 26% | 514 | 30% | $37,827 |
| 529.04 | 123 | 6% | 217 | 11% | 313 | 16% | 653 | 34% | 274 | 14% | 988 | 52% | $51,030 |
| 528.03 | 148 | 9% | 138 | 8% | 165 | 10% | 451 | 27% | 315 | 19% | 892 | 54% | $51,472 |
| 528.04 | 150 | 7% | 150 | 7% | 186 | 9% | 486 | 23% | 281 | 13% | 1352 | 64% | $60,254 |
| 528.05 | 175 | 11% | 229 | 15% | 168 | 11% | 572 | 37% | 248 | 16% | 747 | 48% | $48,099 |
| 528.06 | 64 | 4% | 56 | 3% | 195 | 11% | 315 | 18% | 395 | 22% | 1095 | 61% | $56,390 |
| 527.03 | 39 | 3% | 70 | 5% | 130 | 9% | 239 | 17% | 279 | 20% | 907 | 64% | $59,594 |
| 527.04 | 88 | 5% | 107 | 5% | 89 | 4% | 284 | 14% | 292 | 14% | 1435 | 71% | $69,152 |
| 527.05 | 69 | 5% | 54 | 4% | 114 | 8% | 237 | 17% | 142 | 11% | 978 | 72% | $67,188 |
| 531.01 | 22 | 2% | 57 | 6% | 53 | 6% | 132 | 14% | 232 | 24% | 590 | 62% | $61,702 |
| 531.02 | 143 | 9% | 98 | 6% | 153 | 9% | 394 | 24% | 224 | 14% | 1004 | 62% | $58,253 |
| 521.04 | 73 | 13% | 53 | 10% | 20 | 4% | 146 | 27% | 135 | 24% | 279 | 50% | $47,400 |

Greater than Snohomish County %

Source: US Census, 2000.

HUD defined income classifications for Snohomish County are shown in Table 5-8.

**Table 5-8 Household Categories**

| Category of Households | % of Median Income | Income Range† |
|---|---|---|
| Extremely Low Income | 0% - 30% | $0 - $15,918 |
| Very Low Income | 31% - 50% | $15,919 - $26,530 |
| Low Income | 51% - 80% | $26,531 - $42,448 |
| Moderate Income | 81% - 95% | $42,449 - $50,407 |
| Middle Income | 96% - 120% | $50,408 - $63,672 |

† Calculated using Snohomish County median income.

Source: U.S. Department of Housing and Urban Development income classification guidelines.

Using HUD guidelines with the 2000 Census information and County median income, approximately 10% of Marysville households would be considered extremely low income, 12% very low income, and 22% as low income. This assumes a median of $42,500 for the $35-$49,999 income group, with half the households making above or below the median. Moderate income households represent approximately 9% of city households. Low-income to moderate-income households represent approximately 52% of all city households. Low-income to moderate-income households represent approximately 46% of all households countywide.

Of the 13 Census Tracts in the Marysville area, CT 529.03 has 57% of its households in the low income categories. CT 529.01 has 49% and CT 528.05 has 45% of households in low income categories. Ten CTs have over half the households in the middle income (or greater) category. CT 527.04 has 71% of households in the middle income (or greater) category. CT 527.04 also has the highest median income of the 13 CTs, at more than $22,000 above the City median income.

From 1990 to 2002, a total of 41,900 non-agricultural jobs were added to the Snohomish County economy, amounting to a 24.8% increase in employment. Most of this growth occurred between 1995 and 1998. Since 1998, the County has experienced net job losses. Job reductions have affected the manufacturing sector most significantly, primarily attributed to layoffs at Boeing. Job growth in other sectors (retail trade, services, construction, and government) have helped to reduce overall job reductions within the County. Service sector employment (hotel, business, health, legal, educational, social, engineering, and management services) represent 22.6% of jobs in 2002. Marysville's land use plan includes a large amount of commercial area, promoting a mixture of retail and service job growth. Retail jobs tend to be lower paying, therefore the City should provide adequate opportunities for lower income households so that families/individuals can both live and work in the community.

## V. Housing Costs & Affordability

Housing costs represent a significant share of household budgets. One of the goals of growth management is to provide affordable housing to Washington state residents. The term affordable housing, as used in this plan, means that households pay no more than 30% of their monthly income for housing costs (including utilities for rental units,

insurance and taxes for ownership). Marysville's goals, as well as the County's, focus on providing affordable housing to low to moderate income households.

Table 5-9 shows the percentages of home values or rents in the Marysville area and the maximum rents or home prices that would be considered affordable within each income classification, based on 2001 wage information for Snohomish County.

**Table 5-9 Housing Costs by Category**

| Income Classification | Maximum Monthly Rent | Maximum Home Price* |
|---|---|---|
| Extremely Low | $407 | $47,680 |
| Very Low Income | $732 | $85,824 |
| Low and Moderate Income | $1,289 | $150,987 |
| Middle Income | $1,628 | $190,720 |

* Based on 30 year, 8% fixed rate mortgage; includes an allowance for insurance and taxes; 2001 Snohomish County wage estimates.
Source: Snohomish County Tomorrow 2003 Growth Monitoring Report.

For the City, the 2000 Census (which utilizes owner's stated values & rents) shows the Median Owner Occupied Housing Value was $179,000 and the Median Contract Rent was $724. Trends in construction are making new housing more expensive. This can be seen in the cost of housing in 2003 and 2004. In 2003, Snohomish County median selling price was $221,950. In 2004, Snohomish County median selling price was $242,150.[1] Median home prices do not meet the definition for affordable housing.

**Owner Households**

Another measure of affordability is the percentage of home sales that were affordable to households earning up to 95% of median annual household income. Median household income and the average interest rate factor used to determine affordability changes each year. The median income, maximum affordable sales prices, maximum monthly costs affordable to low-moderate income households, and the average interest rate each year in Snohomish County are shown in Table 5-10.

**Table 5-10 Affordability Changes**

| Year | Median Annual Income | Maximum Sales Price | Maximum Monthly Cost | Average Interest Rate |
|---|---|---|---|---|
| 1995 | $44,964 | $123,158 | $987 | 7.4% |
| 1996 | $47,358 | $117,895 | $1,013 | 8.2% |
| 1997 | $50,631 | $129,474 | $1,037 | 7.6% |
| 1998 | $52,599 | $138,905 | $1,059 | 6.9% |
| 1999 | $52,450 | $152,539 | $1,163 | 6.9% |
| 2000 | $54,253 | $150,987 | $1,203 | 7.5% |

Source: SCT 2002 Housing Evaluation Report

[1] Northwest Multiple Listing Service, 2004.

Marysville is within the mid-range of jurisdictions within Snohomish County, with respect to homeownership affordability. The Snohomish County Growth Monitoring reports found 28.2% of all home sales between 1998 and 2000 in Marysville affordable to low-moderate income families, down from 28.8% in the previous three-year period. This is slightly ahead of the countywide figure of 26.1%. Similarly, the 2000 U.S. Census for Marysville homeowners with annual incomes less than $50,000 found 58.5% paying more than 30% of their monthly income for housing, a middle-range number among Snohomish jurisdictions.

Owner households with mortgages and annual incomes less than 95% of median and paying more than 30% of monthly income for housing for the County and Marysville are depicted in Table 5-11.

**Table 5-11 Less than Median Income, Paying More than 30% of Income in Mortgages**

| Year | County | County |
|---|---|---|
| 1990 | 38.9% | 33.1% |
| 2000 | 57.3% | 58.5% |

Source: U.S. Census, 1990 & 2000

This demonstrates that low-moderate income households are paying proportionally more for housing costs (in this case more than 30% of monthly income) to stay in homeownership. This dramatic increase may be a result of lower interest rates allowing greater access to ownership to low-moderate households. These households are willing to devote a relatively large portion of their household budget to mortgage payments to fulfill their goal of homeownership. Table 5-12 illustrates single-family residential home values by City and Census Tract.

**Table 5-12 Residential Value by Owners**

| Census Tracts | $0-$50,000 | $50,000 - $99,999 | $100,000 - $149,999 | $150,000 - $199,999 | $200,000 and up | Median |
|---|---|---|---|---|---|---|
| City | 18<br>1% | 87<br>2% | 1,017<br>22% | 2,175<br>46% | 1432<br>30% | $179,000 |
| 521.04 | 0<br>0% | 9<br>3% | 20<br>6% | 142<br>42% | 169<br>50% | $199,700 |
| 527.03 | 7<br>1% | 37<br>4% | 185<br>18% | 522<br>50% | 290<br>28% | $179,200 |
| 527.04 | 0<br>0% | 8<br>1% | 99<br>6% | 580<br>36% | 907<br>57% | $209,200 |
| 527.05 | 0<br>0% | 7<br>1% | 45<br>4% | 490<br>46% | 521<br>49% | $199,200 |
| 528.03 | 6<br>1% | 6<br>1% | 384<br>44% | 47% | 65<br>8% | $153,900 |
| 528.04 | 20<br>1% | 0<br>0% | | 732<br>45% | 215<br>13% | $156,700 |
| 528.05 | 2<br>1% | 27 | 184<br>19% | 556<br>58% | 188<br>20% | $169,900 |
| 528.06 | 10<br>1% | | 541 | 761 | 85<br>6% | $155,000 |
| 529.01 | 0<br>0% | 51<br>4% | 399<br>30% | 633<br>51% | 208<br>16% | $162,200 |
| 529.03 | 0<br>0% | 26<br>6% | 253<br>54% | 179<br>38% | 9<br>2% | $142,600 |
| 529.04 | 8<br>1% | 0<br>0% | 360<br>33% | 538<br>50% | 171<br>16% | $166,100 |
| 531.01 | 0<br>0% | 0<br>0% | 193<br>39% | 200<br>41% | 99<br>20% | $163,700 |
| 531.02 | 9<br>1% | 0<br>0% | 167<br>16% | 281<br>26% | 610<br>57% | $213,300 |

Greater than Snohomish County %

Source: US Census, 2000.

The City's median single-family residential home value is $179,000. Five CTs have greater median values with the highest at CT 531.02 at $213,300. Eight CTs have lesser median values with the lowest at CT 529.03 at $142,600.

A comparison of Table 5-9 Housing Costs by Category and Table 5-12 Residential Value by Owners shows that only 1% of housing in Marysville is affordable to extremely low income households. Three percent of housing is affordable to very low income households and 25% is affordable to low income households. Nearly 70% of housing is affordable to households that are middle income.

**Table 5-13 Contract Rent**

| Census Tracts | $0 - $299 | $300 - $499 | $500 - $749 | $750 - $999 | $1,000 & up | Median |
|---|---|---|---|---|---|---|
| City | 252<br>7 % | 352<br>10% | 1,310<br>38 % | 913<br>26 % | 588<br>17% | $724 |
| 521.04 | 0<br>0% | 20<br>5% | 5<br>4% | 56<br>41% | 36% | $798 |
| 527.03 | 0<br>0% | 5<br>2% | 42<br>19% | 70<br>31% | 0<br>48% | $990 |
| 527.04 | 9<br>6% | 16<br>10% | 23<br>15% | 20<br>13% | 73<br>47% | $1016 |
| 527.05 | 7<br>6% | 0<br>0% | 26<br>20% | 16<br>13% | 79<br>62% | $1075 |
| 528.03 | 10<br>3% | 8<br>2% | 55<br>14% | 149<br>37% | 0<br>42% | $963 |
| 528.04 | 0<br>0% | 20<br>6% | 63<br>18% | 95<br>27% | 2<br>48% | $989 |
| 528.05 | 9<br>2% | 31<br>7% | 132<br>29% | 145<br>32% | 0<br>29% | $846 |
| 528.06 | 0<br>0% | 17<br>8% | 10<br>4% | 64<br>28% | 52% | $1037 |
| 529.01 | 137<br>10% | 1<br>1 | 635<br>45% | 312<br>22% | 146<br>10% | $704 |
| 529.03 | 95<br>8% | 1<br>1 | 426<br>36% | 413<br>35% | 109<br>9% | $693 |
| 529.04 | 11<br>2% | 10<br>2% | 158<br>32% | 162<br>33% | 151 | $857 |
| 531.01 | 10<br>9% | 0<br>0% | 30<br>28% | 23<br>21% | 45 42% | $888 |
| 531.02 | 0<br>0% | 2<br>17% | 15<br>10% | 81<br>54% | 13<br>9% | $822 |

Greater than City % or Median.

Source: U.S. Census, 2000

**Renter Households**

Marysville is relatively affordable for renters. The Growth Monitoring Report surveys of rents, 1999 to 2001, found Marysville rental stock affordable to 88.6% of very low income households, the third best result among Snohomish County jurisdictions. The 2000 Census found 51.4% of renter households with incomes below $50,000 paying more than 30% of monthly income for housing, a number in the middle range of Snohomish County jurisdictions.

## VI. Age and Condition of Housing Stock

Factors affecting housing quality include age of structures. The age of construction can provide insights into neighborhoods. Neighborhoods with older housing stock can provide more housing character and diversity in housing construction and facades. Older homes can also provide affordable housing stock for lower income families. New construction provides updated electrical and plumbing systems, and meets today's energy standards, as well as being typically larger structures. 41% of Marysville's housing stock is new construction, built between 1990 and 2000. This is significantly higher than the county average of 28%. Only 4% of structures were built prior to 1940. Age of housing per census tract is shown in Table 5-14.

**Table 5-14 Age of Housing**

| | Percent of Structures Built | | | |
|---|---|---|---|---|
| Census Tract | 2000-1990 | 1970-1989 | 1940-1969 | pre-1940 |
| Sno. County | 28% | 41% | 24% | 7% |
| City | 41% | 35% | 20% | 4% |
| 521.04 | 28% | 31% | 26% | 14% |
| 527.03 | 57% | 17% | 18% | 8% |
| 527.04 | 64% | 28% | 6% | 2% |
| 527.05 | 59% | 22% | 15% | 5% |
| 528.03 | 42% | 48% | 10% | 1% |
| 528.04 | 20% | 54% | 25% | 1% |
| 528.05 | 24% | 38% | 36% | 2% |
| 528.06 | 37% | 55% | 8% | 1% |
| 529.01 | 18% | 46% | 35% | 1% |
| 529.03 | 8% | 30% | 47% | 15% |
| 529.04 | 46% | 44% | 10% | 1% |
| 531.01 | 53% | 30% | 10% | 7% |
| 531.02 | 43% | 41% | 13% | 3% |

Dominant age of homes.

Source: U.S. Census, 2000.

This means the condition of Marysville homes is generally good- with over 60% of housing units being less than 20 years old. Architecturally, Marysville's housing stock is relatively homogenous, the majority having been constructed within the last 20 years. Many of the developments were constructed independently on tracts of 10-20 acres. In the unincorporated areas of the UGA, projects utilized the County's planned residential development codes to increase density without any resulting increase in amenities or improvement to project design. As a result, some of the concerns emerging in the SCT 2002 housing evaluation report and in community forums have related to the lack of design elements and effective site planning in the original subdivision creation to provide higher quality neighborhoods. Many of the newer neighborhoods lack a sense of identity or place that enhances community image. This has resulted in a reluctance in many neighborhoods to accommodate higher densities and to allow alternative housing types. This plan should address strategies to improve housing quality to respond to community concerns.

## VII. Housing Resources (Assisted housing)

Marysville is a leader in the provision of assisted housing to its residents. The city contains 911 units of permanently assisted housing and 320 families receiving vouchers for a total of 1,231 assisted units, 12.7% of the housing stock as shown in Table 5-15. Marysville has the second highest number of assisted households of cities in Snohomish County. Permanently assisted projects are well dispersed in the city, as are the locations of voucher-assisted families. Since 1995, Marysville has added two permanently assisted projects, one 25-unit project providing transitional and permanent housing to families and the homeless with incomes below 30% and 50% of median income; and a project of 53 units, 46 of which serve households below 50% of median income, 7 households between 50% and 60% of median. Snohomish County Housing Authority owns and maintains two large complexes within the city limits.

**Table 5-15 Assisted Rental Housing**

| Owner/Contact | Number of Subsidized Units | Household Type |
|---|---|---|
| Private Non-Profit † | | |
| Housing Hope | 25 | Family/Homeless |
| Cedar Landing Housing Partners<br>360-658-4889 | 53 | - |
| Cedar Groves | 28 | Family/Low Income |
| Privately Owned – HUD Subsidized‡ | | |
| Harmony House North<br>1299 Cedar Street | 15 | Chronically Ill, Very Low Income |
| Marysville Quilceda Meadows<br>4520 84th Street | 16 | Wholly Developmentally Disabled,<br>Very Low Income |
| Pilchuck II Apartments<br>1724 Grove Street | 30 | Elderly, Very Low Income |

† Source: Snohomish County Tomorrow 2003 Growth Monitoring Report.

‡ Source: US Department of Housing and Urban Development, March 2004.

## VIII. Social Factors

Some components of the population deserve special attention within the Housing Element, since the type and availability of housing has a greater impact on that component. Some of these social factors are households living in poverty, the elderly, and special needs population.

In examining the ages of persons living in poverty a picture of how low income and affordable housing should be designed and distributed becomes clearer. Groups below poverty levels are shown in Table 5-16. The federal government establishes poverty thresholds annually. As an example, the poverty threshold in 2003 for a three-person family with two children was $14,824.

**Table 5-16 Percentage Comparison of Groups Below Poverty Levels**

| | Individuals | | | | All Families | | | Female Head of Families | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Census Tract | Total | 5-17 | 18+ | 65+ | Total | w/ Kids Under 18 | w/ Kids Under 5 | Total | w/ Kids Under 18 | w/ Kids Under 5 |
| Sno.Co. | 6.9% | 7.1% | 6.4% | 7.8% | 4.9% | 6.7% | 8.5% | 17.0% | 22.1% | 35.5% |
| City | 5.6% | 3.9% | 6.0% | 5.9% | 3.7% | 4.5% | 5.1% | 12.6% | 15.5% | 26.0% |
| 521.04 | 9.7% | 28.4% | 5.9% | 0.0% | 7.4% | 16.8% | 0.0% | 48.3% | 73.7% | 0.0% |
| 527.03 | 3.2% | 3.5% | 3.2% | 7.1% | 2.4% | 2.8% | 1.4% | 4.2% | 4.9% | 0.0% |
| 527.04 | 2.2% | 1.7% | 2.6% | 7.0% | 2.5% | 0.7% | 0.0% | 13.1% | 16.0% | 0.0% |
| 527.05 | 5.6% | 6.3% | 5.0% | 8.3% | 4.4% | 6.2% | 6.9% | 13.6% | 0.0% | 0.0% |
| 528.03 | 6.9% | 11.1% | 5.8% | 1.6% | 6.4% | 7.4% | 2.9% | 29.0% | 30.7% | 31.3% |
| 528.04 | 6.5% | 5.7% | 5.6% | 1.8% | 4.5% | 7.5% | 17.7% | 21.6% | 36.8% | 63.2% |
| 528.05 | 3.8% | 2.3% | 4.1% | 4.8% | 2.6% | 4.1% | 1.3% | 0.0% | 0.0% | 0.0% |
| 528.06 | 3.9% | 7.2% | 3.0% | 6.1% | 2.8% | 3.1% | 2.1% | 4.5% | 6.1% | 0.0% |
| 529.01 | 7.0% | 5.6% | 7.1% | 4.9% | 4.3% | 6.5% | 7.5% | 14.1% | 18.3% | 27.7% |
| 529.03 | 8.9% | 2.2% | 10.2% | 11.6% | 4.2% | 5.8% | 8.1% | 13.0% | 18.1% | 28.2% |
| 529.04 | 3.4% | 1.5% | 4.1% | 0.0% | 2.7% | 3.4% | 4.7% | 10.4% | 13.5% | 30.0% |
| 531.01 | 1.7% | 0.0% | 1.9% | 12.5% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| 531.02 | 4.5% | 0.3% | 5.1% | 7.2% | 4.0% | 2.3% | 4.1% | 7.9% | 10.9% | 0.0% |

Percentage of Persons or Families below Poverty is 0.5% or more higher than that for Snohomish Co.

Percentage of Persons or Families below Poverty is significantly higher than that for Snohomish Co.

Source: U.S. Census, 2000.

Compared with the County, the City and six CTs have a smaller percentage of their families and individuals living in poverty. Poverty is most frequently seen among female head of household families and individuals 65 and older.

In examining age, it is important to look at the overall aging of the population which is a national trend. The population of Marysville is also aging, necessitating new types and configurations of housing, and related services. Marysville has a 2% higher elderly population than the county averages as shown in Table 5-17. The elderly are concentrated in downtown Marysville.

**Table 5-17 Percentage of the Population Over 65**

| | 2000 |
|---|---|
| Sno.Co. | 9% |
| Marysville | 11% |
| 529.01 | 16% |
| 529.03 | 12% |
| 529.04 | 11% |
| 528.03 | 7% |
| 528.04 | 7% |
| 528.05 | 17% |
| 528.06 | 6% |
| 527.03 | 4% |
| 527.01 | 9% |
| 527.04 | 6% |
| 527.05 | 5% |
| 531.01 | 5% |
| 531.02 | 12% |
| 521.04 | 11% |

Greater than Snohomish Co. %.

Source: U.S. Census, 2000.

The kinds of housing targeted to these populations needs to be amenable to families and senior citizens.

## Special Needs

The following information is an informed estimate of the number of persons in each special needs category. It has been assumed that in distributing the County estimates that there is a proportionate share of persons with special needs throughout the County. The Marysville UGA population represents approximately 8% of the County population. 8% will be used to calculate current and future needs within the UGA. The City limits include approximately 56% of the UGA population in 2004.

### Homeless

In 2000, Snohomish County homeless shelter providers reported 10,571 individuals and families were turned away. At least 25% of the homeless sheltered are disabled, and 55% of them are families with children.[2] Furthermore, there may be persons who choose not to attempt to use the shelters who would remain uncounted.

### Disabled

Census information regarding disability is provided for the civilian noninstitutionalized population over five years of age. Individuals were classified as having a disability if: 1) they were five years and older and reported a long-lasting sensory, physical, mental or

[2] Snohomish County Community Assessment Data Committee Report, March 2002.

self-care disability; 2) they were 16 years and older and reported difficulty going outside of the home because of a physical, mental, or emotional condition lasting six months or more, or 3) they were 16 to 64 years old and reported difficulty working at a job or business because of a physical, mental, or emotional condition lasting six months or more . These figures do not include persons in institutions, military personnel or children under the age of five. People with disabilities represent large segments of the overall population. As a percentage of Marysville's elderly, 51% of the population over 65 years reported a disability, as shown in Table 5-18.

**Table 5-18 Disability Status**

| | 5 to 20 years | | 21 to 64 years | | 65 years and over | |
|---|---|---|---|---|---|---|
| Snohomish County | 10,243 | 7.1% | 59,598 | 16.7% | 23,280 | 42.8% |
| Marysville | 531 | 8.2% | 2,177 | 16.2% | 1,468 | 51.3% |

Source: U.S. Census, 2000.

**Mentally Ill**
State rates result in an estimated total of 2,754 persons age 18 and older in the UGA and 1,532 in the City with serious mental illness.[3]

**People with AIDS**
In the last 20 years, there have been 299 AIDS related deaths and 587 HIV infected persons in the County.[4] Between the years 1992 and 2001 the incidence rates for AIDS in Snohomish County were significantly lower than those for the state.

**Alcohol and Drug Addiction**
There is an accepted standard that there is approximately 10% of the population with alcohol and/or drug addiction. This would indicate that in 2003, there were 510 persons in the UGA and 284 persons in the City with addictions.

Marysville is fortunate to have a number of social service agencies, nonprofits in the community that can assist in meeting community needs. These agencies and nonprofits include Catholic Community Services, Compass Health, Marysville Food Bank, and the YMCA. Housing Hope and the Snohomish County Housing Authority also own and maintain housing projects and provide services within the city.

## C. FUTURE NEEDS

### I. Population & Demographics

The City of Marysville and Snohomish County have been experiencing significant growth as shown in Table 5-19. The County grew 30% in the 1990s, the largest increase of any county in the State, and places it in the top 30 counties nationwide for total population growth. Marysville's growth was higher than the County's as a result of the combined influence of new development and annexation. Housing growth from 1990 to 2000 is shown in Table 5-20.

[3] US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2002.

[4] Snohomish Health District, Health Statistics and Assessment, AIDS Incidence Rates.

**Table 5-19 Population Growth, 1990-2003**

| | 1990 | 2003 | Percentage Change |
|---|---|---|---|
| Snohomish County | 465,628 | 637,500 | 36.9% |
| City of Marysville | 10,328 | 28,370 | 174.7% |

Source: Snohomish County Tomorrow 2003 Growth Monitoring Report.

**Table 5-20 Housing Growth, 1990-2000**

| | 1990 | 2000 | Percentage Change |
|---|---|---|---|
| Snohomish County | 183,942 | 236,205 | 28% |
| City of Marysville | 4,565 | 9,730 | 113% |

Source: 2000 U.S. Census

This decade of growth has created a new demographic makeup for our community. Marysville has become a city of young families, children and seniors. The city exceeds countywide percentages in each of these age groups. Older adults, aged 35 to 64 comprise only 35.1% of the Marysville population, compared to 40.3% countywide.

## II. Housing Affordability and Needs for Low to Moderate Income Households

Affordable housing, as defined in this Plan, refers to households earning less than 95 percent of median income paying less than 30 percent of their monthly income for housing costs. Housing need is the measure used by Snohomish County to describe percentage of households within a jurisdiction earning less than 95 percent of median and paying more than 30 percent monthly for housing.

Between 1990 and 2000, the absolute numbers of households with housing needs rose for both renters and homeowner, renters in need as a percentage of all households in the county declined slightly from 14% to 13.9%. During the same period the comparable measure of homeowners in need as a percentage of all households increased from 7.5% to 10.7%.

Between 1990 and 2000, the total housing stock countywide increased by 30.9% or 53,139 units. Owned housing stock increased 33.9% as compared to a 25.2% increase in rental housing stock. In 1990, 66.3% of the county population owned their own home. In 2000, that number had climbed to 67.7%.

Table 5-21 shows the same trends as the County, with owner need rising for Low-Moderate Income Households in Marysville from 5.8% to 9.9% between 1990 and 2000, and renters with need decreasing from 23.1% to 16.5%.

**Table 5-21 Households with Housing Needs (below 95% median income) by Tenure**

| | Total Households and Households with Housing Need | | | Housing Need as % of Total Households | |
|---|---|---|---|---|---|
| | *Total Households* | *Owner Need* | *Renter Need* | *Owner Need* | *Renter Need* |
| County 2000 | 194,718 | 20,922 | 27,020 | 10.7% | 13.9% |

| | | | | | |
|---|---|---|---|---|---|
| County 1990 | 144,787 | 10,799 | 20,305 | 7.5% | 14.0% |
| Marysville 2000 | 8,186 | 812 | 1,350 | 9.9% | 16.5% |
| Marysville 1990 | 3,880 | 226 | 897 | 5.8% | 23.1% |

Table 5-22 below, depicts lower income owner households with mortgages (below 38% and 66% of median income) paying more than 30% of income for housing, as a percent of total households in 2000. In Marysville, 5.08% of the households are lower income households with housing need. This is lower than countywide averages.

**Table 5-22 Lower Income Households with Housing Needs**

| | | *Annual Household Income* | | | | | |
|---|---|---|---|---|---|---|---|
| | | Up to $20,000 | | From $20,000 to $34,999 | | Less than $35,000 | |
| | Total Households | Number | % of Total | Number | % of Total | Number | % of Total |
| Countywide | 194,718 | 4,790 | 2.5% | 6,883 | 3.5% | 11,673 | 6.0% |
| Marysville | 8,186 | 178 | 2.2% | 238 | 2.9% | 416 | 5.1% |

Source: SCT 2002 Housing Evaluation Report

## Snohomish County Tomorrow Fair Share Housing Allocation

The Snohomish County Tomorrow Fair Share Housing Allocation system models housing need throughout Snohomish County and allocates it throughout jurisdictions within Snohomish County for planning purposes. The goal of the Fair Share Housing Allocation is for jurisdictions to plan to eliminate all housing need within the planning period. This is an idealistic target.

The fair share methodology is intended to equitably distribute low and low-moderate income housing among the cities and unincorporated county. The purpose of the methodology is to ensure that concentrations of low-income housing do not continue to impact a few areas in the county. By taking into account existing low-income housing and jobs in each jurisdiction, the methodology redistributes the "fair share" of housing for which each jurisdiction should plan. The total fair share housing allocation includes both existing and projected housing needs.

Each jurisdiction's fair share housing allocation is determined with a standardized formula that calculates both existing and projected housing need. Projected housing need in Marysville is listed in Table 5-23. Factored into the formula is the proportion of lower-income jobs within or adjacent to the jurisdiction and proportion of lower-cost housing units in the jurisdiction's total housing stock as compared to the county-wide average.

These proportions are used to encourage the development or preservation of lower cost housing in areas adjacent to lower paying jobs. The housing factor is used in order to increase the housing allocation for cities with a small proportion of lower cost housing in comparison to other jurisdictions and decrease the housing allocation for cities with more lower cost housing compared with other jurisdictions.

Each jurisdiction's fair share housing allocation represents the number of existing and projected households with housing needs for which the jurisdictions should plan. The fair share allocation does not mean that all the units must be new construction. Rather that the jurisdiction should plan for that number of low and low-moderate housing units. There are a number of ways that a jurisdiction can meet the fair share housing allocation.

**Table 5-23 Projected Housing Need**

| Area | 2000 Households with Housing Needs (Unadjusted) | 2000 Households with Housing Needs (adjusted) | 2000-2025 Households with Housing Needs (adjusted) | 2025 Total Fair Share Housing Allocation | % of Total Fair Share Housing Allocation |
|---|---|---|---|---|---|
| Marysville | 2,481 | 2,164 | 1,619 | 3,783 | 4.5% |
| Marysville unincorp | 1,855 | 1,939 | 1,944 | 3,883 | 4.6% |

Source: SCT 2002 Housing Evaluation Report

The Fair Share model suggests that Marysville should plan to accommodate 7,666 affordable housing units within the Marysville planning area to satisfy all existing and future housing needs by 2025. This is a laudable goal, but suggests that the issues influencing housing supply, demand and costs are controlled solely by the local jurisdiction. It is beyond the financial capacity of local governments and nonprofits to satisfy all unmet housing needs through City and County actions and expenditures. Housing need is also influenced by regional, national and even global employment and financial factors that extends well beyond the influence of our local decision makers. This plan will however, consider strategies to address housing needs and consider alternatives to encourage dispersal of low to moderate income units throughout our community.

## III. Special Needs Housing and Services

The following outlines the requirements of special needs groups in having an adequate, affordable, and appropriate housing supply. All groups need affordable housing as a basic foundation. When supportive services are mentioned, this refers to help with paying bills, shopping for food and household items, nutritious meals, preparation and transportation to work, social events, and/or medical appointments:

*Elderly, including frail elderly*

Affordable housing, especially rentals

Supportive services to permit them to receive in-home care

More congregate space for frail elderly not able to have in-home services

More physically accessible units

*Homeless: Individuals*

Day shelter

Additional night shelters

Transitional housing (from shelter to market rate)

*Homeless: Families with Children*

Additional night shelters and longer stays at shelters

Linkage to services for children

Day care for pre-school and school-aged children

Transitional housing (from shelter to market rate)

*Severe Mental Illness*

More community-based housing

Residential treatment for children

Ability to keep housing units as mentally ill move in and out of hospitals or other institutions

*Developmental Disabilities*

More accessible units

Additional supportive services

*Physical Disabilities*

More accessible units

Additional in-home services

*Alcohol and Other Drug Addictions*

Case management

Youth detoxification services

Services for pregnant and postpartum women

*AIDS and Related Diseases*

Terminal care beds

Support for in-home care services

## IV. Housing Mix Ratios

What is the appropriate housing mix for Marysville? Currently, the countywide mix for structures is 66% single family (attached and detached), and 34% other (duplex, multi-family, mobile/manufactured home). Using this for planning purposes, the City would want to consider a mix of densities and unit types in its land use plan. This will ensure a variety of housing types and costs within the urban growth area in order to meet housing needs for both owner and rental households. Generally, non-single family structures are assumed to provide more affordable housing options and typically yield higher densities also resulting in more efficient and affordable use of land.

## V. Land Availability

In planning for the next twenty years, the city has conducted a land capacity analysis to verify and justify current and proposed urban growth areas and land use alternatives within the UGA. The land capacity analysis identifies 8313 buildable acres, and population capacity of 80,431 within the proposed UGA. This represents additional capacity for 10,739 additional households, representing 27,389 additional persons. Both vacant land and redevelopable land provide opportunities for new housing to meet 2025 population targets and address housing need.

## VI. Conclusions and Strategies

### Conclusions

The housing inventory and analysis allows us to draw some conclusions about housing needs in Marysville. It also enables us to identify strategies to address these needs. Some of the key factors emerging from the inventory and analysis are: 1) high rates of growth over the past decade and in the twenty year forecast period will continue, increasing housing needs within the UGA; 2) available vacant and redevelopable land within the Marysville UGA provide precious resources and opportunities for new housing development to meet housing needs and community goals; 3) wages within Marysville's UGA will remain steady or even decline with the increased emphasis in the land use element on creation of service and retail jobs; 4) housing production costs are likely to continue to increase; 5)the growth of young families and seniors will put additional pressures on provision of services for these age groups; and 6) community leaders and citizens desire higher quality developments within the community.

### Housing Strategies

- Ensure that all City residents have the opportunity to obtain safe, sanitary, and affordable housing.
- Create quality places and livable neighborhoods.
- Respect the character of existing residential neighborhoods.
- Work with the other elements of the Comprehensive Plan to understand and enhance the relationship of housing to them.
- Encourage land use practices, development standards, and building permit requirements that minimize, or if possible reduce, housing production costs.

# D. GOALS & POLICIES

## I. County-Wide Planning Policies Relating to Housing

The GMA requires each county, in cooperation with its cities, to adopt county-wide planning policies for affordable housing. (County wide planning policies are identified under the City's comprehensive plan numbering system in the following section.) County-wide planning policies that relate directly to the Marysville Comprehensive Plan are incorporated herein. The following policies were adopted by Snohomish County Tomorrow in 1993, with subsequent amendments:

CWPP-HO-1 Ensure that fair and equal access to housing is available to all persons regardless of race, color, religion, gender, sexual orientation, age, national origin, familial status, source of income, or disability.

CWPP-HO-2 Make adequate provisions for existing and projected housing needs of all economic segments of the county.

CWPP-HO-3 Strengthen interjurisdictional cooperative efforts to ensure an adequate supply of housing is available to all economic segments of the county.

# XI. PUBLIC FACILITIES AND SERVICES ELEMENT

## INTRODUCTION

As Marysville grows, the demand for facilities and services will increase substantially. The City of Marysville provides a wide range of public services within the City limits and occasionally to other portions of the Study Area. Other providers also serve the Urban Growth Area or the Study Area. (Please see the Glossary for definitions.) The services discussed in this section are:

- Public Services:
  - Police protection
  - Fire protection and ambulance service
  - Library
  - City Facility Goals, Policies, and Locational Criteria
- Schools
- Public Facilities
  - Water
  - Sewer
  - Storm Drainage
  - Solid Waste
  - Goals, Policies, and Locational Criteria

The Growth Management Act defines electricity, gas, telecommunications, and cable TV as "utilities." It defines water and sewer systems, streets, parks and recreation facilities, and schools separately as "public facilities." Finally police and fire protection and other governmental services are classified as "public services." As used in this Comprehensive Plan "utility" and "public facility" are not interchangeable terms. Plans for utilities are found in the Utility Element.

Streets and Parks are discussed separately in the Transportation and Parks Elements. Some of the services listed above are only provided within the City limits; others are provided to a larger area that usually does not correspond to the Urban Growth Area (UGA). In each section the area served is noted. In addition, few of the services have specific plans for serving the entire study area at this time.

Scattered development in unincorporated areas near Marysville can create problems in delivering services efficiently. Coordinated, planned delivery of services and facilities will be more efficient and cost effective; it will also increase long-range economic stability by assuring industries the future services they need.

Both the siting and size of public facilities and services has a significant impact on land use patterns and future growth. Careful, coordinated management is essential to provide these services in an orderly fashion and to minimize public costs. With respect to water and stomwater, reclamation can provide a valuable tool I the management of these resources. By investing in these services/facilities and scheduling their provision, Marysville residents will have a key role in implementing the policies.

The purpose of this section of the Comprehensive Plan is to:

- Provide a future vision of Public Facilities and Services in Marysville and its Urban Growth Area that is concurrent with anticipated growth
- Identify strategic plans and actions to maintain or improve services consistent with the vision

**Table 11-35 Solid Waste Accounts**

| Type/Size of Container | Number |
|---|---|
| Regular | 7,759 |
| Mini | 385 |
| One time per Month | 446 |
| 1 Yard | 157 |
| 1.5 Yard | 69 |
| 2 Yard | 92 |
| 3 Yard | 80 |
| 4 Yard | 71 |
| 6 Yard | 68 |
| 8 Yard | 43 |
| Total | 9,170 |

The department has five garbage trucks, one commercial capacity rear end load truck, and four front end loaders. The new front loading automated trucks can serve any size container. A truck can serve between 500 and 700 accounts per day.

Recycling services are contracted out to Waste Management Northwest, Inc. They provide weekly recycling services to residential and commercial customers. They pickup yard waste, mixed paper, corrugated cardboard, newspaper, glass, tin, aluminum, and some types of plastic (types 1 and 2).

### II. Future Needs and Assumptions

The recent, September 2004, conversion from rear-loaders to automated front-end loaders has enabled solid waste removal services to exceed capacity requirements for the current population.

Land use considerations that impact solid waste services include development density and road networks. Areas of higher density development permit more efficient collection of solid waste, whereas areas that are more spread out are less efficient. The road network is a factor in providing efficient service; a street system that isolates neighborhoods and has many cul-de-sacs and dead-ends may impact the speed of collection.

Dumping fees have risen quickly in the last few years. Rates will probably continue to rise to cover these increases, since rates cover all garbage costs.
No significant changes in recycling service are anticipated. However, the level of change that recycling has experienced in the previous 20 years, makes future changes difficult to predict. In some other counties, scrap metal and motor oil are recycled, so these are potential services.

## K. GOALS AND POLICIES: WATER, SEWER, STORM DRAINAGE, SOLID WASTE

### Goals:

1. Provide efficient construction of public services and facilities that are consistent with the comprehensive land use plan and available to serve the community concurrent with increased demand generated by new construction.
2. Equitable distribution and maximum utilization of City resources in the delivery of City services.

**Policies:**

PF-1 Accommodate new residential, commercial, and industrial development only when required facilities and services are available prior to or concurrent with development. Concurrency indicates that facilities are available within 6 years of construction of the new development. Payment of mitigation fees is considered concurrency.

PF-2 Encourage development in areas where facilities and services are already available before developing areas where new facilities and services would be required.

PF-3 Provide urban level facilities and services only in Urban Growth Areas.

PF-4 Provide urban level facilities and services in Urban Growth Areas to avoid health hazards, enhance the quality of life, and maintain viable, efficient, and cost-effective delivery.

PF-5 Give priority to water and sewer line extensions where on-site disposal systems have created known pollution or health hazards.

PF-6 Seek to coordinate, where appropriate, City investment in public facilities with business, employment, and economic development opportunities.

PF-7 Reduce the per unit cost of public facilities and services by encouraging urban density development, allowing the distribution of public and private facilities and services more efficiently.

PF-8 Coordinate and consolidate special districts providing facilities and services, where feasible, to distribute public and private services more efficiently.

PF-9 Respect the capability of land and natural systems when determining how to provide such facilities and services as storm water drainage and flood prevention, water, sewage and garbage disposal.

PF-10 Maintain or restore, wherever feasible, natural drainage systems in order to minimize the need for public expenditures and to recognize the amenity as well as the utilitarian functions as part of the natural drainage system.

PF-11 Allow location of public facility distribution sites within residential areas, provided they are suitably landscaped and buffered, designed, and improved to prevent hazards to life and adverse effects on the surrounding neighborhood.

PF-12 Encourage new techniques or innovative systems for sewage and sludge disposal, while also considering health and environmental concerns.

PF-13 Design and locate solid waste disposal systems and sites with proper consideration for present and future health and environmental impacts.

PF-14 Encourage reduction of solid waste, recycling, and pretreatment of industrial wastes. Educate the public on how to reduce their garbage output and how to participate in waste reduction and recycling programs. Encourage expansion of current recycling programs, especially plastics.

PF-15 Water reuse and reclamation should be encourage, especially for large commercial and industrial developments, and for high water users such as parks, schools, and golf courses.

PF-16 Water conservation should be aggressively pursued as a means of ensuring efficient water use and protection of water resources, and as a water supply source that can make a substantial contribution toward meeting future regional water needs.

PF-17 Use incentives to encourage undergrounding of distribution lines.

PF-18 Encourage development that minimizes water and other liquids from being discharged into any natural water courses, storm drainage system, or sanitary sewer in accordance with provisions of county, state, and federal water quality programs, guidelines, and regulations.

# Snohomish County Comprehensive Plan:
# Population & Employment

# Population and Employment

## Growth Targets

The GMA requires that the county designate UGAs based upon the 20-year population projection made for the county by the Washington State Office of Financial Management (OFM). Specifically, Urban Growth Areas (UGAs) are required to include areas and densities sufficient to accommodate the urban growth that is projected to occur in the county for the succeeding 20-year period. OFM released the original growth management population forecasts for counties in January 1992. They showed a total population of 714,244 by the year 2012 for Snohomish County, representing a nearly 220,000 (44.5%) population increase over the 1992 total county population estimate of 494,300. This forecast was the basis for the growth assumptions underlying the first round of city and county GMA comprehensive plans adopted in the mid-1990s.

At least every ten years, the GMA requires counties to work with the cities to review and update the UGAs so that they are capable of accommodating the urban growth projected to occur in the county for the succeeding 20 year period. The most recent OFM forecasts, released in January 2002 and extending to the year 2025, are currently being used by the county and the cities to satisfy the 10-year plan update requirement. Unlike the 1992 OFM forecasts which included a single population forecast only, the 2002 forecasts included a low, intermediate, and high population projection for each county. For Snohomish County, the OFM 2025 population forecast ranged from a low of 795,725 to a high of 1,062,903, up from 628,000 in 2002. The intermediate 2025 population forecast was 929,314 (defined as the "most likely" OFM forecast as specified in GMA).

Under GMA, OFM is required to provide 20-year population forecasts at the county level only. Subcounty allocations of the OFM forecast, essential for detailed comprehensive planning analyses (i.e., UGA determination, land use, housing, capital facilities requirements, and transportation), are developed collaboratively between the cities and the counties. In Snohomish County, the countywide planning policies (CPPs) define a process for allocating the OFM forecast to UGAs, cities, and rural areas through a cooperative and iterative planning process known as Snohomish County Tomorrow (SCT).

Snohomish County Tomorrow is an association of the 20 cities and towns in Snohomish County, Snohomish County government, and Tribal governments. It serves as a forum to develop and recommend growth management policies to the county council. SCT fulfills the Growth Management Act requirement that each county, planning under GMA, work in cooperation and collaboration with its cities, towns and federally recognized Indian tribes. SCT is the countywide group that develops and recommends amendments to the countywide planning policies.

The CPPs state that initial subcounty allocations of both population and employment are based on the Puget Sound Regional Council's (PSRC) small area forecasts. The PSRC's forecasts are based on the Vision 2020 growth management, economic and transportation strategy, which directs new regional growth to urban centers

and UGAs located throughout the central Puget Sound region. High population and employment densities are assumed within centers in order to help reduce sprawl and link growth centers to a multi-modal transportation system. Within Snohomish County, PSRC modeled three urban centers (Downtown Everett, Lynnwood/Alderwood Mall, and Bothell/Canyon Park). A manufacturing/industrial center at Paine Field/Boeing was also included in PSRC's forecast model.

Using the new OFM population forecast range and the latest PSRC small area forecasts (developed during fall 2002), the SCT Planning Advisory Committee (PAC), composed of Snohomish County city and county planners, released draft initial 2025 population and employment growth target ranges for jurisdictional review in January 2003. Jurisdictions reviewed the targets based on relevant land capacity and urban capital ficilities and service capacity information. Feedback from local jurisdictions was evaluated by the PAC through the end of summer 2003. The PAC's recommendation on the initial 2025 growth target allocation was reviewed and approved by the SCT Steering Committee and forwarded to the county council in the fall of 2003. The county council adopted initial 2025 population and employment growth targets into Appendix B of the countywide planning policies in February 2004 (Amended Ordinance 04-006). The adopted initial allocation amounted to a total 2025 countywide population of 914,239. A portion of the total 2025 population (15,000) was reserved for potential fully contained communities (FCCs).

As part of its current 10-year comprehensive plan update effort, the county evaluated the initial 2025 growth allocation contained in the countywide planning policies, as well as a lower and a higher growth alternative scenario for unincorporated areas. Growth targets for cities were held constant at their initial target preference levels in order to evaluate the impacts associated with changes to the county's future land use plan and growth target assumptions. As shown in Appendix D, the growth targets associated with the county's preferred plan, when combined with the city initial growth targets, resulted in a total 2025 countywide population target of 933,000, with a 15,000 portion of that total reserved for potential FCCs. As a result, the countywide 2025 population target associated with the county's preferred plan is nearly identical to the OFM 2025 intermediate ("most likely") population forecast of 929,314 for Snohomish County.

## Target Reconciliation

The selection of preferred plan alternatives by cities within Snohomish County is occurring simultaneously with the adoption of the county's updated plan. It is therefore impossible to reconcile the preferences of each city, as expressed in their respective plans, prior to the GPP update. Important planning work is currently being conducted by the cities as part of their 10-year plan update efforts. The results of this work may affect county decisions on UGA capacity to accommodate population and employment growth thus necessitating possible adjustments to planned densities, land uses, or UGA boundaries. These decisions, if necessary, would occur after the initial 10-year county and city plan updates.

To achieve a balance between the preferred plan alternatives of cities and GMA goals, Snohomish County will participate with the cities through Snohomish County Tomorrow in a target reconciliation process once GMA plans have been updated. The purpose of the process will be to adjust the population and employment targets consistent with the CPPs and based upon adopted local comprehensive plan preferences. The SCT Steering Committee will

recommend an updated 20-year allocation of population and employment to the county council to replace the initial 2025 targets in Appendix B of the CPPs. Target reconciliation may result in comprehensive plan amendments to adjust planned densities, land uses, or UGA boundaries using the process described in LU1.D.1.

**Long-Term Monitoring**

Once target reconciliation has been accomplished, the county and the cities will monitor the extent to which the 2025 growth targets are being realized in cities, UGAs, and rural areas. This continues several years of interjurisdictional growth monitoring work which started in 1997 with the publication of the first annual SCT growth monitoring report. If the growth monitoring reports show that geographic distribution of actual residential and non-residential development is not in line with the targets, then the targets may not be accurate or the GMA plans may not be having the intended effects. The development trend data, relative to the targets, become the indicator for a reevaluation of either the targets and/or the plans.

Monitoring the remaining capacity of land within UGAs to accommodate future growth is as important as monitoring the growth targets. This requires monitoring the actual density of new development along with the amount in order to evaluate the adequacy of the remaining land supply within the UGA to accommodate future growth. If actual development densities are lower than originally assumed in the land capacity analysis for the UGA, adjustments to the plan densities, development regulations, or the UGA boundary may be required to provide for adequate future land supply throughout the remainder of the GMA plan horizon.

Both the target monitoring and UGA land supply monitoring efforts described above are consistent with the GMA's requirements for periodic review and evaluation of development patterns within UGAs. In 1997, the GMA was amended to include a new requirement for Snohomish County and its cities to establish a buildable lands monitoring program that provides for the review and evaluation of residential, commercial and industrial lands every five years. Through this program, the county and the cities are required to ensure a sufficient inventory of buildable land throughout the remaining portion of the 20-year plan horizon.

The assessment of the adequacy of the remaining urban land supply is to be based on actual development densities observed within the UGA since GMA plan adoption or the previous buildable lands report. The first report was published in 2002. The next report is due in 2007.

Buildable lands monitoring may result in revisions to the population and employment targets in the CPPs. Adjustments to plan densities or UGA boundaries through the annual plan amendment process may also be necessary. Snohomish County will continue to work through Snohomish County Tomorrow to develop and refine specific criteria for monitoring and evaluating the need for target and UGA boundary adjustments.

The following pages list the goals, objectives, and policies for growth allocation, target reconciliation and long-term monitoring.

## GOAL PE 1 Establish a subcounty allocation of projected growth to the year 2025 that is consistent with

**the goals of the Growth Management Act and the countywide planning policies.**

## Objective PE 1. A — Direct future growth in unincorporated Snohomish County primarily into urban areas.

**PE Policies**

1.A.1 Snohomish County's portion of the urban growth areas shall receive the majority of the unincorporated county's projected population and employment growth as shown in Appendix D.

1.A.2 New population and employment in unincorporated areas shall be located in urban areas best suited to accommodating the growth. Urban areas having adequate existing or planned public facility and service capacities to accommodate the growth should be the prime recipients of future growth.

1.A.3 The allocation of unincorporated population and employment growth to urban areas shall reflect the urban centers designated in the county's comprehensive plan.

1.A.4 The population and employment allocation for the unincorporated Southwest UGA shown in Appendix D shall include subtotals for the municipal urban growth areas (MUGAs) associated in the countywide planning policies with each of the nine cities in the Southwest UGA.

1.A.5 The population allocation shown in Appendix D shall reserve a portion of the 20-year OFM population forecast for potential fully contained communities (FCCs). The portion of the population reserve associated with an approved FCC shall become part of the urban growth allocation.

1.A.6 The population allocation shown in Appendix D shall reserve a portion of the 20-year OFM population forecast for potential allocation to UGA expansions associated with TDR receiving areas designated pursuant to LU Policy 14.A.6.

## Objective PE 1.B — Reduce future growth rates in rural areas of the county.

**PE Policies**

1.B.1 The rural (non-tribal) population and employment growth forecast shown in Appendix D and any future amendments to the forecast shall represent a reduction in the amount of rural growth compared with pre-GMA rural growth trends.

1.B.2 The rural (non-tribal) growth forecast and any future modifications to the forecast shall result in a reduction in the share of total county population and employment growth located within rural areas when com-

pared with the pre-GMA rural growth trends of 28% for population and 8% for employment.

**Objective PE 1.C** **Maximize use of the remaining land capacity within cities for allocating future urban growth to cities within Snohomish County.**

**PE Policies** 1.C.1 Current information on the remaining land capacity of cities to accommodate additional growth shall be used to establish the allocation of future population and employment growth for cities shown in Appendix D.

1.C.2 Each city's GMA reasonable measures program for accommodating additional population and employment growth shall be evaluated and used to establish the capacity for and allocation of future population and employment growth for cities.

## GOAL PE 2 Maintain and support a process for monitoring and adjusting, if necessary, the population and employment growth targets.

**Objective PE 2.A** **Maintain and support a target reconciliation process using the Snohomish County Tomorrow process to review and, if necessary, adjust the population and employment targets once the GMA comprehensive plans of jurisdictions in Snohomish County are updated to accommodate the succeeding 20 years of growth.**

**PE Policies** 2.A.1 The county and cities will jointly review the preferred growth targets in updated city comprehensive plans for discrepancies with the target allocation associated with the county's updated plan.

2.A.2 The Snohomish County Tomorrow Steering Committee will review and recommend to the county council an updated 2025 population and employment allocation for cities, UGAs, and rural areas. The updated allocation shall reconcile any differences revealed during the review of locally adopted targets. The allocation shall consider the plan of each jurisdiction and be consistent with the Growth Management Act and the countywide planning policies.

2.A.3 The county council will consider the recommendation of the Steering Committee and will replace Appendix B of the countywide planning

policies with an updated 2025 population and employment allocation for cities, UGAs, and rural areas.

**Objective PE 2.B** **Maintain and support a long-term target monitoring process through Snohomish County Tomorrow to review annually and, if necessary, adjust the population and employment targets subsequent to target reconciliation.**

**PE Policies** 2.B.1 Snohomish County and the cities will jointly monitor the following indicators within cities, UGAs, and rural areas:

(a) estimated population and employment growth,
(b) annexations and incorporations,
(c) residential and non-residential land consumption,
(d) land supply and land values relative to demographic changes,
(e) availability and affordability of all housing types, and
(f) any other relevant indicator which may affect the growth target allocation, i.e., capital facilities capacity, land price escalation, or comprehensive plan changes.

2.B.2 Snohomish County will continue to participate with cities through Snohomish County Tomorrow to refine the monitoring criteria.

2.B.3 Results of the target monitoring program will be published through Snohomish County Tomorrow in an annual growth monitoring report.

2.B.4 The Snohomish County Tomorrow Steering Committee will review, and may recommend to the county council, an adjustment to the 2025 population and employment allocation for cities, UGAs, and rural area. The allocation shall be based on the results of the target monitoring program and be consistent with the Growth Management Act and the countywide planning policies.

2.B.5 The county council will consider the recommendation of the Steering Committee and may amend Appendix B of the countywide planning policies with adjusted 2025 population and employment targets for cities, UGAs, and rural areas.

**Objective PE 2.C** **Review Snohomish County's comprehensive plan for internal consistency following adjustments to the growth targets introduced during either initial target reconciliation or long-term target monitoring.**

**PE Policies** 2.C.1 The county shall evaluate through a cooperative process with the cities whether adjustments to planned densities, land uses, or UGA boundaries are necessary as a result of amendments to the growth targets.

2.C.2 Changes to the target allocation shall be fully incorporated, where necessary, into other Snohomish County comprehensive plan elements, specifically land use, housing, capital facilities, parks and recreation, and transportation.

**Appendix D, Table D-1**

**2025 Population Targets for Council Adoption (December 21, 2005); updated December 22, 2005 consistent with the final Future Land Use Map adopted by the Snohomish County Council on December 21, 2005**

| Area | 2002 Estimated Population | 2025 Population Target | 2002-2025 Numeric Change | Pct of Total Co. Growth |
|---|---|---|---|---|
| **Non-S.W. County UGA** | 134,101 | 227,165 | 93,064 | 30.5% |
| Arlington UGA | 13,920 | 24,320 | 10,400 | 3.4% |
| Arlington City | 13,280 | 17,360 | 4,080 | 1.3% |
| Unincorporated | 640 | 6,960 | 6,320 | 2.1% |
| Darrington UGA | 1,468 | 2,125 | 657 | 0.2% |
| Darrington Town | 1,335 | 1,910 | 575 | 0.2% |
| Unincorporated | 133 | 215 | 82 | 0.0% |
| Gold Bar UGA | 2,817 | 3,500 | 683 | 0.2% |
| Gold Bar City | 2,055 | 2,497 | 442 | 0.1% |
| Unincorporated | 762 | 1,003 | 241 | 0.1% |
| Granite Falls UGA | 2,909 | 6,100 | 3,191 | 1.0% |
| Granite Falls City | 2,760 | 4,770 | 2,010 | 0.7% |
| Unincorporated | 149 | 1,330 | 1,181 | 0.4% |
| Index UGA (incorporated) | 160 | 190 | 30 | 0.0% |
| Lake Stevens UGA | 26,828 | 46,125 | 19,297 | 6.3% |
| Lake Stevens City | 6,640 | 8,360 | 1,720 | 0.6% |
| Unincorporated | 20,188 | 37,765 | 17,577 | 5.8% |
| Maltby UGA (unincorporated) | NA | NA | NA | NA |
| Marysville UGA | 50,828 | 83,500 | 32,672 | 10.7% |
| Marysville City | 27,580 | 39,720 | 12,140 | 4.0% |
| Unincorporated | 23,248 | 43,780 | 20,532 | 6.7% |
| Monroe UGA | 16,240 | 26,590 | 10,350 | 3.4% |
| Monroe City | 14,670 | 20,540 | 5,870 | 1.9% |
| Unincorporated | 1,570 | 6,050 | 4,480 | 1.5% |
| Snohomish UGA | 10,194 | 14,535 | 4,341 | 1.4% |
| Snohomish City | 8,575 | 9,981 | 1,406 | 0.5% |
| Unincorporated | 1,619 | 4,554 | 2,935 | 1.0% |
| Stanwood UGA | 4,479 | 9,340 | 4,861 | 1.6% |
| Stanwood City | 4,085 | 5,650 | 1,565 | 0.5% |
| Unincorporated | 394 | 3,690 | 3,296 | 1.1% |
| Sultan UGA | 4,258 | 10,840 | 6,582 | 2.2% |
| Sultan City | 3,910 | 8,190 | 4,280 | 1.4% |
| Unincorporated | 348 | 2,650 | 2,302 | 0.8% |
| **S.W. County UGA** | 380,579 | 527,271 | 146,692 | 48.1% |
| Incorporated S.W. | 242,490 | 297,955 | 55,465 | 18.2% |
| Bothell City (part) | 14,490 | 22,000 | 7,510 | 2.5% |
| Brier City | 6,445 | 7,790 | 1,345 | 0.4% |
| Edmonds City | 39,460 | 44,880 | 5,420 | 1.8% |
| Everett City | 96,070 | 123,060 | 26,990 | 8.9% |
| Lynnwood City | 33,990 | 38,510 | 4,520 | 1.5% |
| Mill Creek City | 12,055 | 16,089 | 4,034 | 1.3% |
| Mtlake Terrace City | 20,470 | 22,456 | 1,986 | 0.7% |
| Mukilteo City | 18,520 | 22,000 | 3,480 | 1.1% |
| Woodway Town | 990 | 1,170 | 180 | 0.1% |
| Unincorporated S.W. | 138,089 | 229,316 | 91,227 | 29.9% |
| **UGA Total** | 514,680 | 754,436 | 239,756 | 78.6% |
| City Total | 327,540 | 417,123 | 89,583 | 29.4% |
| Unincorporated UGA Total | 187,140 | 337,313 | 150,173 | 49.2% |
| **FCC Population Reserve** | NA | 15,000 | 15,000 | 4.9% |
| **TDR Population Reserve** | NA | 4,900 | 4,900 | 1.6% |
| **Potential UGA total** | 514,680 | 774,336 | 259,656 | 85.1% |
| **Non-UGA Total** (Rural Unincorporated) | 113,320 | 158,615 | 45,295 | 14.9% |
| **County Total** | 628,000 | 932,951 | 304,951 | 100.0% |

FCC = Fully Contained Community; TDR = Transfer of Development Rights; NA = Not applicable.

**Appendix D, Table D-2**

**2025 Employment Targets for Council Adoption (December 21, 2005); updated December 22, 2005 consistent with the final Future Land Use Map adopted by the Snohomish County Council on December 21, 2005**

| Area | 2002 Estimated Employment | 2025 Employment Target | 2002-2025 Numeric Change | Pct of Total Co. Growth |
|---|---|---|---|---|
| **Non-S.W. County UGA** | 43,105 | 74,805 | 31,700 | 24.1% |
| Arlington UGA | 8,103 | 15,360 | 7,257 | 5.5% |
| Arlington City | 7,928 | 14,350 | 6,422 | 4.9% |
| Unincorporated | 175 | 1,010 | 835 | 0.6% |
| Darrington UGA | 371 | 535 | 164 | 0.1% |
| Darrington Town | 371 | 415 | 44 | 0.0% |
| Unincorporated | - | 115 | 115 | 0.1% |
| Gold Bar UGA | 175 | 210 | 35 | 0.0% |
| Gold Bar City | 172 | 210 | 38 | 0.0% |
| Unincorporated | 2 | - | (2) | 0.0% |
| Granite Falls UGA | 802 | 2,200 | 1,398 | 1.1% |
| Granite Falls City | 802 | 2,109 | 1,307 | 1.0% |
| Unincorporated | - | 91 | 91 | 0.1% |
| Index UGA (incorporated) | 44 | 70 | 26 | 0.0% |
| Lake Stevens UGA | 3,799 | 6,615 | 2,816 | 2.1% |
| Lake Stevens City | 1,164 | 1,805 | 641 | 0.5% |
| Unincorporated | 2,636 | 4,810 | 2,174 | 1.7% |
| Maltby UGA (unincorporated) | 2,107 | 4,960 | 2,853 | 2.2% |
| Marysville UGA | 11,292 | 19,285 | 7,993 | 6.1% |
| Marysville City | 9,369 | 12,260 | 2,891 | 2.2% |
| Unincorporated | 1,923 | 7,025 | 5,102 | 3.9% |
| Monroe UGA | 7,627 | 12,390 | 4,763 | 3.6% |
| Monroe City | 7,506 | 11,800 | 4,294 | 3.3% |
| Unincorporated | 121 | 590 | 469 | 0.4% |
| Snohomish UGA | 4,842 | 6,410 | 1,568 | 1.2% |
| Snohomish City | 4,015 | 4,900 | 885 | 0.7% |
| Unincorporated | 827 | 1,510 | 683 | 0.5% |
| Stanwood UGA | 3,081 | 5,550 | 2,469 | 1.9% |
| Stanwood City | 2,856 | 4,790 | 1,934 | 1.5% |
| Unincorporated | 225 | 760 | 535 | 0.4% |
| Sultan UGA | 860 | 1,220 | 360 | 0.3% |
| Sultan City | 843 | 1,190 | 347 | 0.3% |
| Unincorporated | 18 | 30 | 12 | 0.0% |
| **S.W. County UGA** | 163,204 | 252,377 | 89,173 | 67.8% |
| Incorporated S.W. | 142,477 | 212,273 | 69,796 | 53.1% |
| Bothell City (part) | 11,247 | 15,840 | 4,593 | 3.5% |
| Brier City | 300 | 430 | 130 | 0.1% |
| Edmonds City | 10,300 | 12,190 | 1,890 | 1.4% |
| Everett City | 80,493 | 130,340 | 49,847 | 37.9% |
| Lynnwood City | 22,876 | 31,350 | 8,474 | 6.4% |
| Mill Creek City | 2,890 | 4,544 | 1,654 | 1.3% |
| Mtlake Terrace City | 7,869 | 8,039 | 170 | 0.1% |
| Mukilteo City | 6,449 | 9,450 | 3,001 | 2.3% |
| Woodway Town | 53 | 90 | 37 | 0.0% |
| Unincorporated S.W. | 20,727 | 40,104 | 19,377 | 14.7% |
| **UGA Total** | 206,309 | 327,182 | 120,873 | 91.9% |
| City Total | 177,548 | 266,172 | 88,624 | 67.4% |
| Unincorporated UGA Total | 28,761 | 61,010 | 32,249 | 24.5% |
| **Non-UGA Total** (Rural Unincorporated) | 7,566 | 18,150 | 10,584 | 8.1% |
| **County Total** | 213,875 | 345,332 | 131,457 | 100.0% |

Includes all full- and part-time wage and salary workers and self-employed persons, excluding jobs within the resource (agriculture, forestry, fishing and mining) and construction sectors. Non-UGA total includes employment forecast information provided by Tulalip Tribes to the year 2020, extrapolated by to 2025 by Snohomish County Tomorrow. Assumes a total of 12,300 jobs on Tulalip Reservation by 2025 (up from 2,680 total jobs in 2000).

# Snohomish County Comprehensive Plan:
# Land Use

# Land Use

This land use element is comprised of interrelated land use goals which form the basis of the county's land use strategy and:

- provide for a supply and distribution of land use types to accommodate the majority of county population and employment growth within urban growth areas;
- reduce land consuming urban development patterns and provide structure for urban development within neighborhoods or urban centers;
- reduce development pressures and patterns of sprawl within rural areas;
- conserve agricultural, forest and mineral resource lands of long-term commercial significance; and
- preserve and protect open space, scenic and cultural resources.

The following sections provide more detailed explanations of the land use strategy. Each section includes various land use goals, objectives, policies, and implementation measures to carry out the strategy.

Policy framework for this chapter comes from the Growth Management Act RCW 36.70A (GMA), the Puget Sound Regional Council's Vision 2020 and Destination 2030 Policy Documents and the Countywide Planning Policies (CPPs), as well as the 1995 General Policy Plan (GPP).

The sections are Urban Growth Areas (with subsections of Fully Contained Communities (FCC), Urban Development Patterns, Urban Design, Centers, and Small Area and Neighborhood Structure); Rural Lands; and Resource Lands.

## Urban Growth Areas

The GMA requires that urban growth areas (UGAs) be designated through the county's plan. UGAs are to include areas and densities sufficient to permit the urban growth that is projected to occur in the county over the next twenty years. Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

Planning for growth in this way accomplishes two GMA goals: 1) the efficient provision and utilization of public facilities and services, including public transportation; and 2) reduced conversion of undeveloped land into sprawling, low-density development.

Individual UGAs have been designated to include each city and town in the county with the nine cities in southwest county included in one large UGA. Each UGA contains both incorporated and unincorporated areas. The total additional population capacity within the Snohomish County composite UGA as documented by both City and County comprehensive plans does not exceed the total 20-year forecasted UGA population growth by more than 15 percent. UGA boundaries

will be re-evaluated at least once every five years to ensure they are adequate to accommodate 20-year growth projections. This assessment of UGA capacity is based upon developable lands, environmental constraints, city comprehensive plans, housing and economic development needs, public facility and service capacities and, lastly, the implementation of growth strategies aimed at developing and enhancing urban development patterns.

The county and the cities and towns within the county collaborated on a policy framework for designating UGAs and directing urban growth patterns. It is called the Countywide Planning Policies (CPP). This policy framework is informed by the multi-county planning policies (Vision 2020 and Destination 2030) and the countywide planning policies.

In the southwest area of the county the UGA includes nine cities and unincorporated urban area, all contiguous to one another. The entire area is known as the Southwest Urban Growth Area (SWUGA). This unincorporated urban area has been further divided to show that the appropriate adjacent city will annex the area in the future. Hence, these subdivided areas are labeled Municipal Urban Areas (MUGA's) e.g. Lynnwood's MUGA; Mill Creek's MUGA.

This General Policy Plan provides additional direction, consistent with the multi-county and countywide planning policies, for urban growth within the unincorporated portions of all the UGAs.

The plan also provides for the designation of rural urban transition areas (RUTAs) outside of UGAs. Rural urban transition areas are intended to set aside a potential supply of land for employment and residential land uses for possible future inclusion in a UGA. The policies provide direction for the designation of rural urban transition areas.

This plan promotes the use of innovative techniques, such as transfer of development rights receiving area designations, to encourage the preservation of rural and resource lands and the efficient use of urban land.

This chapter of the GPP addresses: 1) locating, sizing, maintaining and expanding UGA boundaries; 2) establishing potential future UGA areas; 3) a new UGA called FCC's; 4) urban development patterns and design; 5) urban centers; 6) urban phasing; and 7) neighborhood structures.

## GOAL LU 1 — Establish and maintain compact, clearly defined, well designed UGAs.

### Objective LU 1.A — Establish UGAs with sufficient capacity to accommodate the majority of the county's projected population and employment growth over the next 20 years.

**LU Policies** 1.A.1 UGAs shall contain sufficient land capacity for a variety of land uses and densities, including green belts and open space, in suitable locations to accommodate the county's 20-year population projection allocated to the urban area. The total additional population capacity within the Snohomish County composite UGA as documented by both City and County comprehensive plans shall not exceed the total 20-year forecasted UGA population growth by more

than 15 percent. A portion of the 20-year forecast UGA population may be reserved for allocation to Transfer of Development Rights (TDR) receiving areas and Fully Contained Communities (FCC). Following the initial establishment of the UGAs in the General Policy Plan, subsequent recalculation of the percent by which additional population capacity exceeds the 20-year forecasted population growth shall occur at the time of the mandatory 10-year comprehensive review and updating of UGAs.

1.A.2 Snohomish County shall ensure no net loss of capacity to accommodate the amount and type of projected employment growth for 2025 while ensuring an adequate supply of both new and existing affordable housing.

1.A.3 Snohomish County shall ensure a no net loss of housing capacity that preserves the County's ability to accommodate the 2025 growth targets, while pursuing compliance with all relevant federal, state and local laws and regulations.

1.A.4 UGAs shall have existing or planned infrastructure capacity to adequately support urban growth over the 20-year period.

1.A.5 Determination of adequate land capacity shall be based on methodologies developed jointly with other jurisdictions and shall be consistent with Countywide Planning Policy UG-13.

1.A.6 All incorporated cities and towns shall be included within UGAs.

1.A.7 Designated forest and agricultural lands shall not be included within the UGA unless the designated lands are maintained as natural resource lands and a TDR/PDR program has been enacted by the city or the county.

1.A.8 New, fully-contained communities outside existing UGAs shall be considered when a portion of the population is placed in a reserve for Fully Contained Communities and the proposed communities are sited in accordance with the conditions in LU1.E.1 and the criteria in LU1.E.2. A FCC shall be sited only when an application is approved by Snohomish County.

1.A.9 UGA boundaries shall be re-evaluated at least every five years to determine whether or not they are capable of meeting the county's 20-year population and employment projections. This re-evaluation shall be consistent with Snohomish County's "buildable lands" review and evaluation program requirements established in Countywide Planning Policy UG-14 except that these conditions do not apply to the expansion of a UGA for churches or school instructional facilities when the affected land is dedicated solely for those uses.

1.A.10 Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity

within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures in accordance with the guidelines for review contained in Appendix C of the Countywide Planning Policies to evaluate all UGA boundary expansions proposed pursuant to LU 1.A.11.1 through LU 1.A.11.4.

1.A.11 Expansion of the boundary of an individual UGA to include additional residential, commercial and industrial land shall not be permitted unless it is supported by a land capacity analysis adopted by the County Council pursuant to RCW 36.70A.110 and otherwise complies with the Growth Management Act, and includes consultation and coordination with appropriate jurisdictions in the UGA or MUGA. In addition, one of the following nine conditions must be met:

1. The expansion is a result of the review of UGAs at least every ten years to accommodate the succeeding twenty years of projected growth, as required by RCW 36.70A.130(3).
2. The expansion conforms with the findings of the most recent five-year buildable lands review and evaluation conducted required by RCW 36.70A.215 and described in Countywide Planning Policy (CPP) UG 14(a) through (d).
3. Both of the following conditions are met for expansion of the boundary of an individual UGA under an annual comprehensive plan amendment cycle to include additional residential land:
   (a) Population growth within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty percent of the additional population capacity estimated for the UGA at the start of the planning period, as documented in the most recent Snohomish County Tomorrow Growth Monitoring Report or the buildable lands review and evaluation (Buildable Lands Report); and
   (b) An updated residential land capacity analysis conducted by city and county staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions.
4. For expansion of the boundary of an individual UGA during the annual comprehensive plan amendment cycle to include additional commercial and industrial land, the county and the city or cities within that UGA document that commercial or industrial land consumption within the UGA (city plus unincorporated UGA combined) since the start of the twenty-year planning period, equals or exceeds fifty

percent of the developable commercial or industrial land supply within the UGA at the start of the planning period. In UGAs where this threshold has not yet been reached, the boundary of an individual UGA may be expanded to include additional commercial or industrial land if the expansion is based on an assessment that concludes there is a deficiency of larger parcels within that UGA to accommodate the remaining commercial or industrial growth projected for that UGA. Other parcel characteristics determined to be relevant to the assessment of the adequacy of the remaining commercial or industrial land base, as documented in the Procedures Report required by CPP UG-14(a), may also be considered as a basis for expansion of the boundary of an individual UGA to include additional commercial or industrial land.

5. The expansion is necessary to make technical corrections to a UGA boundary to be more consistent with CPP UG-1, which requires a UGA to have identifiable physical boundaries such as natural features, roads, or special purpose districts, where feasible, provided that such expansions shall not increase total residential capacity by more than by the lessor of 0.5% or 20 acres, nor employment capacity by any significant amount, of an individual UGA in any given year, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report.
6. The expansion will result in the realization of a significant public benefit as evidenced by Transfer of Development Rights (TDR) to the expansion area from Agriculture or Forest lands designated as TDR sending areas. The expansion area shall not be a designated forest or agricultural land of long-term significance. The expansion area shall be consistent with Objective LU 14.A and the TDR population reserve established in Appendix D pursuant to PE Policy 1.A.6.
7. The expansion will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space adjacent to and outside of the revised UGA boundary and will provide separation between urban and rural areas. The presence of significant natural or cultural features shall be determined in consultation with the city or cities immediately adjacent to the proposed expansion. Significant natural or cultural feature(s) may include, but are not limited to, landforms, rivers, bodies of water, historic properties, archeological resources, unique wildlife habitat, and fish and wildlife conservation areas.

8. The expansion is a response to a declaration by the County Executive, or the County Council by resolution, of a critical shortage of affordable housing, which has the following characteristics:
   (a) is incurable in a timely manner by the implementation of reasonable measures or other instrumentality reasonably available to the jurisdiction; and
   (b) the expansion is reasonably calculated to provide affordable housing;

   The expansion shall be directed toward accommodating households displaced by the closure of mobile home parks. The expansion shall be a demonstration area for mobile home parks or small-lot subdivisions only. Such declaration or resolution of a critical shortage of affordable housing must be supported by an updated housing needs analysis demonstrating that there is an insufficiency of land within the UGA to provide an adequate housing stock for all economic segments of the population. The expansion must be supported by documentation that explains why reasonable measures cannot be implemented in time to prevent a critical shortage of affordable housing or that such reasonable measures do not exist.
9. The expansion will result in the economic development of lands that no longer satisfy the designation criteria for natural resource lands and the lands have been redesignated to an appropriate non-resource land use designation, provided that expansions are supported by the majority of the affected cities and towns whose UGA or designated MUGA is being expanded and shall not create a significant increase in total employment capacity (as represented by permanent jobs) of an individual UGA, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report in the year of expansion.

1.A.12 Land use and capital facilities required for growth within the UGA shall be evaluated at least every five years to determine whether or not modifications to land use or facilities are required to more adequately meet the projected needs of the UGA.

1.A.13 Urban growth areas which are located within the floodplain, as identified in 30.65 SCC (Special Flood Hazard Areas), shall comply with all provisions of that title, except that airports, and uses directly related to airports and sawmill storage yards, should be allowed in density fringe areas through a code amendment when located adjacent to existing airport or sawmill uses. Annexation agreements shall ensure the continued implementation of this policy.

1.A.14 Technology corridors should be considered as a strategy to direct jobs to areas within the UGA.

## Objective LU 1.B

**Designate rural urban transition areas outside of and adjacent to UGAs to reserve a potential supply of land for residential and employment land uses for the next plan cycle.**

**LU Policies**

1.B.1 The designation of rural urban transition areas is an overlay that may be applied to rural lands adjacent to UGAs as a result of the review of UGAs at least every ten years, as required by RCW 36.70A.130(3), in order to allow for possible future expansion of employment and residential land uses.

1.B.2 Rural urban transition area boundaries shall not include designated farm or forest lands.

## Objective LU 1.C

**Establish and maintain a UGA boundary that provides a distinct edge between urban and rural land uses.**

**LU Policies**

1.C.1 Unique topographical and physical features such as watershed boundaries, streams, rivers, ridge lines, steep slopes, roads, railroad lines and transmission lines (where they follow property lines) and special purpose district boundaries shall be used, if possible, to delineate and define the boundary.

1.C.2 The design of development and the location of structures along the UGA boundary should use guidelines such as the Residential Development Handbook for Snohomish County Communities (Snohomish County Tomorrow, 1992) which includes cluster development techniques.

1.C.3 The designation and siting of new industrial, commercial, and public facility land uses along the UGA boundary should include vegetative buffers.

1.C.4 Annexations and planned urban densities shall be prohibited outside of the UGA boundary, and the provision of sanitary sewers to development outside and adjacent to the UGA shall be allowed only for: (a) public health emergencies; (b) for necessary public facilities that are required to be served by sanitary sewers and cannot be feasibly located within the UGA; and (c) for churches and schools bcated within rural lands with sewer lines located on or directly adjacent to the church or school property. Urban capital facilities, including sanitary sewer facilities, may be located outside a UGA only when there are compelling reasons for such locations related to engineering design requirements or significant limitations on site availability and when they are intended and designed solely to serve urban development with the UGA.

## Objective LU 1.D

**Continue to support the joint city/county planning process that may result in adjustments to UGA boundaries consistent with this plan and GMA.**

**LU Policies**

1.D.1 Following the reconciliation of population and employment projections by Snohomish County Tomorrow and the county, make adjustments to UGA boundaries, if necessary.

1.D.2 UGA plans may be undertaken to provide greater detail as to the type and location of future land uses and shall address the following.

(a) Analyze and designate locations for increased residential, commercial, and industrial densities.

(b) Preserve and enhance unique and identifiable characteristics such as urban centers, cultural and historic resources, critical areas, open space areas and trails, distinctive development patterns, and neighborhood areas.

(c) Provide for growth phasing areas within UGAs where appropriate.

(d) Provide for any needed amendments to the General Policy Plan following adoption of the UGA plan.

(e) Consider open space, parks, and recreational facilities needed for urban growth.

## Fully Contained Communities

A fully contained community (FCC) is a new community, located in a rural area at least one mile outside current UGAs within reasonable distance to a state highway or arterial. No FCC will be sited until an application for an FCC is approved. The FCC provides a mix of uses supporting the residential, service, facility and employment needs of the residents of the FCC. The specific interrelation between an FCC and neighboring areas is described more fully in LU 1.E. Upon approval, an FCC is considered part of a UGA and is urban in nature.

The term "fully contained" does not mean totally self contained, but rather that criteria and regulations affecting FCCs shall avoid, minimize and mitigate the impacts of FCCs on nearby lands. Also, the FCC may not provide the origin and end point of all needed services and utilities and may provide services to property located outside the FCC. The FCC will pay its fair share of needed services and facilities within and outside the community as determined by governing laws and regulations.

RCW 36.70A.350 allows counties to establish a process for reviewing proposals to authorize new FCCs outside of existing UGAs. Approval depends on complying with criteria established in RCW 36.70A.350 (1) and LU 1.E.2. An FCC offers many opportunities to Snohomish County, including:

- Innovative land use planning to provide a portion of projected housing and employment needs;
- A mix of uses in a compact area designed to reduce off-site traffic impacts;
- Comprehensive land use planning for a large area at one time;
- A coordinated approach to land use, open space, infrastructure and critical area planning;
- Integration of natural features throughout urban neighborhoods;
- A diversity of housing types and ownership options;
- The establishment of a specific range and intensity of uses;
- A high degree of certainty about the nature of future development;
- Efficient review and approval of land use applications using comprehensive and consistently applied development standards and mitigation measures;
- Opportunities to create a system of public open spaces linked by recreational/fitness trails in proximity to natural amenities; and
- New economic development opportunities.

Since there are also challenges associated with developing FCCs, they shall also reduce or eliminate negative impacts by measures such as the following:

- Completing the master plan before development begins;
- Monitoring the implementation of permits and agreements to assure conformity with plans;
- Providing for the protection of rural or resource character of neighboring property; and
- Demonstrating the financial capacity of the development entity to assure completion of the development as planned.

## Objective LU 1.E — Establish preconditions, criteria and a process for considering an FCC.

**LU Policies** 1.E.1 All of the following preconditions shall be met prior to considering the designation of a site as an FCC:

(a) The site shall contain at least 2,000 acres, with an adequate amount of property to accommodate a compact and efficient urban community;

(b) The site shall be in single ownership or control by a legal entity with the financial capacity to facilitate site planning and to assure ultimate development consistent with an approved FCC master plan;

(c) The site shall be located on land that is not resource land or

(i) on designated forest lands that no longer satisfy the criteria set forth in LU 8.A.2; or

(ii) on designated mineral lands that no longer meet the criteria set forth in LU 9.A.

(d) The siting and development of the FCC shall assure that it can incorporate as a separate city in the future; and

(e) The site shall be at least one mile from any Snohomish County city and at least one mile from any urban growth area boundary associated with a Snohomish County city.

1.E.2 FCC development regulations shall address the following criteria, including those established in RCW.36.70A.350. Nothing in the following statements limits the applicability of existing Snohomish County Codes:

(a) New on-and off-site infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050 prior to development.

(1) The site shall either be capable of connecting to an existing public water supply system that has the capacity to serve the needs of the proposed project, or have identified water rights to establish a new system, as determined by the governing agency, without unmitigated negative impacts on existing water users and water resources;

(2) The site shall either be capable of connecting to an existing public wastewater treatment system that has the capacity to serve the needs of the proposed project, or the demonstrated capability to develop a new wastewater treatment facility to meet the needs of the proposed

project that, after mitigation, will not adversely impact any watersheds; and

(3) The site shall be located where adequate road systems are in place or will be put in place to address transportation needs and impacts. Snohomish County shall confirm the evaluation of the transportation infrastructure impacts and improvement needs and their financial implications shall be evaluated. The evaluation will include a determination that a proposed FCC can be made consistent with requirements of chapter 30.66B SCC. The obligations arising from this analysis shall be included in the Development Agreement. (see LU1.E.4)

(4) Responsibility for the provision of any needed facilities shall be determined in the Development Agreement.

(b) Transit-oriented site planning and traffic demand management programs are implemented.

Sites for pedestrian, bicycle and high occupancy vehicle facilities shall be designated and incorporated into the design and management of the FCC. (See also chapter 30.66B SCC and LU 1.E.4)

(c) Buffers are provided between the FCC and adjacent urban development.

Perimeter buffers may be provided on- or off-site, consisting of either landscaped areas with native vegetation or natural areas, to reduce impacts on adjacent lands.

(d) The FCC shall provide a mix of uses to offer jobs, housing and services to the residents of the new community.

(1) The FCC shall allocate a sufficient amount of land with appropriate infrastructure to accommodate an appropriate number of employment opportunities as determined by an analysis of the relevant factors affecting the proposed FCC.

(2) Service uses in the FCC may also serve residents outside the FCC, where appropriate.

(e) Affordable housing is provided within the new community for a broad range of age and income levels.

The percentage of housing for low and moderate income households shall comply with Snohomish County's fair share housing allocation.

At least 30% of the total housing within the FCC shall be divided into three classes:

(1) affordable to those with incomes at 80% of the median income;

(2) affordable to those with incomes at 100% of the median income; and

(3) affordable to those with incomes at 120% of the median income.

The exact mix between these three classes shall be determined by the director.

(f) Environmental protection has been addressed and provided for.

(g) Development regulations are established to ensure urban growth will not occur in adjacent non-urban areas.

(1) Measures shall include, but are not limited to, rural zoning of adjacent rural areas, limits on size of FCC water and sewer systems.

(2) FCC shall prohibit connection by property owners in the adjacent rural area to the FCC sewer and water mains or lines, except as allowed under GMA.

(h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands.

The site shall be on land that minimally impacts any designated resource lands;

(i) The plan for the FCC is consistent with the development regulations established for the protection of critical areas and shorelines by the county pursuant to RCW 36.70A.170 and chapter RCW 90.58.

The site shall be located where environmental impacts to critical areas can be avoided, minimized, or mitigated.

(j) Low impact development and other techniques developed for resource conservation and reduction of environmental impacts, both during construction and over the life of the project, shall be incorporated into the planning, design, construction, and operation of the project.

(k) The FCC applicant will prepare a financial and fiscal analysis of the adequacy of existing capital facilities and general governmental services "necessary for urban development," and a financial plan to address identified needs.

(l) The FCC applicant shall coordinate and cooperate with cities and nearby property owners that would be directly affected

by the establishment of the FCC and shall document its efforts during the approval process.

1.E.3 Snohomish County shall adopt development regulations for FCCs which establish the process for:

(a) Administrative and public review and approval of a FCC master plan;

(b) Any amendments to the FCC master plan; and

(c) Subsequent development review and approvals.

1.E.4 Snohomish County and the owner or owners of all land within a FCC shall enter into a Development Agreement, as authorized by RCW 36.70B.170-210, prior to any subdivision and construction of any development designated in the approved FCC master plan. This Development Agreement shall:

(a) Specify the term of the FCC permit;

(b) Incorporate from the FCC master plan detailed development standards for retention of natural vegetation, landscaping, parking, signage, trails, utility corridors, storm water management and groundwater protection pedestrian/vehicular traffic separation, and clearing and grading;

(c) Provide financial plans for infrastructure and services, amount and payment of impact fees, and eventual incorporation as a city/town;

(d) Specify roles and responsibilities in the provision of services and facilities in the FCC;

(e) Provide conditions for phasing and development, and mitigation measures that apply to the FCC;

(f) Provide a mechanism for assuring a mixture of uses and housing types in the development of the FCC in accordance with the applicable goals, objectives, policies and development standards;

(g) Provide a plan for the conversion of commercial to residential land use;

(h) Identify the permitted land uses, densities, and constraints for the development as a whole and for subareas;

(i) Provide a plan for zoning changes for the FCC;

(j) Provide provisions for the "Critical Areas Development Standards";

(k) Specify the permit process and platting standard for the FCC;

(l) Provide any needed Quarry Development Standards;

(m) Define the urban road design standards for the FCC;

(n) Provide the agreement for implementing water and sewer service to FCC areas;

(o) Provide park and recreation improvements to the FCC, including plan for trails;

(p) Include a plan for schools, police and fire programs for the FCC;

(q) Address the adequacy and sufficiency of public facilities;

(r) Specify a plan for signs and landscaping for the FCC;

(s) Include Public Works agreement established for the FCC;

(t) Include county processing and review procedures;

(u) Provide for vesting of development standards for the FCC;

(v) Provide joint transportation improvements and preservation of open space for the FCC;

(w) Include general provisions agreed upon for the FCC;

(x) Provide for monitoring of measures to reduce impacts and address permitting conditions; and

(y) Include other terms and conditions the county deems necessary or appropriate to ensure that the development of the FCC is accomplished in compliance with the provisions and policies of Snohomish County and state and federal regulations that govern such development.

## Urban Development Patterns

To promote efficient utilization of land within unincorporated UGAs, the county will encourage well-designed, more pedestrian-friendly urban development patterns with a greater mix of uses and a more efficient, creative use of land. By improving land use efficiency in UGAs, several GMA objectives can be accomplished:

- reduced dependence on the automobile;
- increased support for public transportation;
- improved air quality;
- increased choice of housing types;
- improved efficiency of infrastructure provision and usage; and
- reduced consumption of rural lands.

In addition to the GMA, multi-county planning policies and the countywide planning policies also support these objectives.

Snohomish County's Opinion Survey and Visual Preference Assessment, Transit Oriented Development Guidelines (Snohomish County Tomorrow, 1999), the Residential Development Handbook for Snohomish County, the Snohomish County Tomorrow Urban Centers paper and Snohomish County centers studies all provide additional direction and support for these concepts.

To improve the efficiency of urban residential land utilization, planning within UGAs and development regulations will ensure that future residential subdivisions will achieve a minimum net density of 4 to 6 dwelling units per acre except in areas within or near critical areas that are large in scope, with a high rank order value, and are complex in structure and function. In addition, the county will provide for higher density and mixed use housing types around and within centers and along major transportation corridors; encourage infill and intensification of areas at existing residential densities; and also broaden the variety of housing types within both traditional single family and multi-family neighborhoods while respecting the vitality and character of established residential neighborhoods. A mix of housing types with a range of densities will be encouraged throughout UGAs, as long as they are carefully sited, well designed, and sensitively integrated into existing communities.

For all commercial and industrial developments, the intent is to encourage the expansion, revitalization, redevelopment, and intensification of these areas before establishing new sites. The county also intends to limit new strip commercial development and focus the majority of new commercial growth within mixed-use commercial centers or revitalized strip commercial areas.

To ensure efficient expansion of infrastructure and services, the plan provides for the designation of urban growth phasing overlay areas. This overlay designation, when used, will direct development into areas where existing infrastructure capacity is available before infrastructure is extended into predominantly undeveloped areas.

The growth phasing overlay was originally applied to rural areas added to several urban growth areas with the adoption of the GPP in 1995. It served to phase development in these areas until plans for land use, public facilities and services to serve urban development were complete. There may be no areas within the growth phasing overlay on the Future Land Use map at any given time. However, the policies and designation remain for future use should similar circumstances arise as a result of comprehensive plan updates or UGA expansions.

## GOAL LU 2 Establish development patterns that use urban land more efficiently.

### Objective LU 2.A Increase residential densities within UGAs by concentrating and intensifying development in appropriate locations.

**LU Policies**

2.A.1 Within UGAs, development regulations shall be adopted and maintained which will require that new residential subdivisions achieve a minimum net density of 4-6 dwelling units per acre in all unincorporated UGAs, except (1) in the UGAs of Darrington, Index, and Gold Bar as long as those cities do not have sanitary sewer systems and (2) in areas without sanitary sewers which the sewer purveyor with jurisdiction, or in nearest reasonable servicing proximity will certify are either an unsewered urban enclave or are not capable of being connected to public sewers via annexation within the next six years or by the improvements provided pursuant to its adopted six year capital facilities plan, (3) where regulations for development on steep slopes require reduced lot or dwelling unit yields, or (4) where a lower density is necessary because of the existence of critical areas that are large in scope, with a high rank order value, and are complex in structure and function. Lot size averaging, planned residential developments, sewerage regulations and other techniques may be used to maintain minimum density or to insure later development at minimum densities is not inhibited when sanitary sewers become available.

2.A.2 The county shall not support any proposed annexation by a city unless and until an annexation agreement has been signed by the county and said city ensuring the continued implementation of Policy LU 2.A.1 for the area to be annexed.

2.A.3 Any UGA shall provide for a variety of residential densities identifying minimum and maximum allowable. Density ranges shall consider the presence of critical areas.

2.A.4 Any UGA shall provide opportunities for a mix of affordable housing types (e.g. small lot detached, townhouses, duplex, triplex, 6 to 8 unit apartment and small group housing units) within medium density residential areas.

2.A.5 Medium and high density residential development (including elderly and disabled housing) shall be encouraged to locate, where possible, within walking distance of transit access or designated transit corridors, medical facilities, urban centers, parks, and recreational amenities.

2.A.6 Within UGAs, alternatives to standard single family designs such as zero lot line housing and cottages on small lots around a central courtyard, shall be considered in development regulations for residential areas.

2.A.7 Rezones and subdivisions in areas designated Other Land Uses shall only be allowed when a detailed UGA plan and, if required by the General Policy Plan, a master plan has been adopted for the area.

## Objective LU 2.B Encourage intensification and revitalization of existing and planned commercial and industrial areas.

**LU Policies**

2.B.1 The county shall encourage expansion, revitalization, redevelopment, and intensification of existing areas before new sites are designated and zoned.

2.B.2 The majority of new commercial development shall be accommodated as mixed use in urban centers, and/or urban village or adjacent to transit stations or designated transit corridors (see also policies under LU 3.A.1 or objectives LU 4.A and 4.B).

2.B.3 The intensification or redevelopment of existing strip commercial developments shall be encouraged including changing to mixed use in appropriate locations.

2.B.4 New strip commercial development shall be discouraged.

2.B.5 New industrial areas within the UGAs shall be designated only within areas which have direct access to existing and proposed transportation facilities (airports, highways, rail and transit lines), and in areas with adequately planned, programmed or existing roads, utilities and services.

## Centers

Centers have been identified by the county and its cities where significant population and employment growth can be located, a community-wide focal point can be provided, and the increased use of transit, bicycling and walking can be supported. These centers are intended to be compact and centralized living, working, shopping and/or activity areas linked to each other by high capacity or regular bus transit. The concept of centers is pedestrian orientation with pedestrian circulation, pedestrian scale and pedestrian convenience and with a mix of uses. An important component of a center is the public realm. The public realm is areas within the center that the public has access to for informal rest and recreation activities such as walking, sitting, games and observing the natural environment. The public realm along with residential and employment uses define a sense of place and give the center an identity.

The primary direction for the development of centers comes from Vision 2020. The multicounty planning policies and the countywide planning policies provide further direction. Specific guidelines for center development are derived from Vision 2020 and the Snohomish County Tomorrow Urban Centers paper and Transit Oriented Development Guidelines Report and are updated based on recent regional center development and the SW Snohomish County Urban Center Phase 1 Report (February 2001).

VISION 2020 is the long-range growth management, economic and transportation strategy for the central Puget Sound region encompassing King, Kitsap, Pierce and Snohomish counties. It combines a public commitment to a growth management vision with the transportation investments and programs and economic strategy necessary to support that vision. VISION 2020 also identifies the policies and key actions necessary to implement the overall strategy. VISION 2020 was developed by the Puget Sound Regional Council, an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about regional growth and transportation issues in the four-county central Puget Sound region.

The Snohomish County Tomorrow urban centers guidelines provide for a hierarchical classification of centers to be developed within the county.

Snohomish County initially designated centers as a circle on the Future Land Use Map in the 1995 GMA Comprehensive Plan to provide a starting point for more detailed planning. Urban Centers were also designated in adopted UGA plans.

Snohomish County has three types of centers in unincorporated UGAs:

- Urban Centers
  - A sub-component of Urban Centers is the Transit/Pedestrian Villages
- Urban Villages
- Manufacturing and Industrial Centers

The three types of centers are differentiated by purpose, location intensity, and characteristics. Urban centers provide a mix of high-density residential, office and retail development with public and community facilities and pedestrian connections located along designated high capacity routes or transit corridors. The plan designates Urban Centers at the following locations:

- Interstate 5 and 128th St SE;
- Interstate 5 and 164th St SW;
- State Route 527 and 196th St SE;
- State Route 99 and State Route 525;
- State Route 99 and 152nd St SW; and
- Interstate 5 and 44th Avenue West.

Transit/Pedestrian Villages are core areas within designated Urban Centers where transit-oriented development will be required. They feature mixed-use buildings combining housing and offices with neighborhood oriented retail shops and services, with street front retail at key locations in a compact area. Transit/Pedestrian Villages require access to transit and will be considered for inclusion in the regional light rail system or enhanced high-capacity express bus service. They provide multiple family housing at a density that supports high-capacity transit. Emphasis is placed on the public realm and creation of a sense of place with the inclusion of park, open spaces, plazas, transit centers and other public facilities. The plan designates a Transit/Pedestrian Village at the following location:

- 164th St SW and Ash Way

Urban Villages are smaller scale than urban centers, have lower densities, and allow mixed uses and may be located on or outside a high capacity transit corridor. The plan designates Urban Villages at the following locations:

- State Route 99 and Airport Road;
- State Route 99 and Center Road;
- 112th St SE and 4th Ave W;
- 164th St SW and 33rd Ave W;
- 132nd St SE and 42nd Ave SE;
- 148th St SE and Seattle Hill Road;
- State Route 527 and 185th St SE;
- Filbert Road and North Road;
- Maltby Road and 39th Ave SE; and
- 80th Ave NW and 284th St NW.

Manufacturing/Industrial Centers are major existing regional employment areas of intensive, concentrated manufacturing and industrial land uses which cannot be easily mixed at higher densities with other land uses and located with good access to the region's transportation system (VISION 2020, Appendix I, Table 2). The plan designates a Manufacturing and Industrial Center at Paine Field.

Whenever possible, it is the county's intent to support the efforts of the cities to preserve, enhance, or develop centers within their city limits. Centers within unincorporated UGAs will be established with special emphasis on areas within the Southwest UGA cognizant of the cities efforts for their own centers. The county will explore incentives and develop other techniques to make center development viable in the long term. Careful attention must be given to the recreational and cultural needs of those who will live and work in unincorporated county areas.

## GOAL LU 3 — Establish compact, clearly defined mixed-use centers that promote a neighborhood identification.

### Objective LU 3.A — Plan for Urban Centers within unincorporated UGAs consistent with Vision 2020 and the CPP's.

**LU Policies** 3.A.1 The Future Land Use Map (FLUM) and UGA land use plans shall include designations and implementation measures for Urban Centers, based on the characteristics and criteria below.

3.A.2 Urban Centers shall be compact (generally not more than 1.5 square miles), pedestrian-oriented areas within designated Urban Growth Areas with good access to higher frequency transit and urban services. Pedestrian orientation includes pedestrian circulation, pedestrian scaled facilities and pedestrian convenience. These locations are intended to develop and redevelop with a mix of residential, commercial, office, and public uses at higher densities, oriented to transit and designed for pedestrian circulation. Urban Centers should also include urban services and reflect high quality urban design. Urban Centers shall emphasize the public realm (open spaces, parks and plazas) and create a sense of place (identity). Urban Centers will develop/redevelop over time and may develop in phases.

3.A.3 Urban Centers shall be located adjacent to a freeway/highway and a principal arterial road, and within one-fourth mile walking distance from a transit center, park-and-ride lot, or be located on a regional high capacity transit route or a major bus route.

3.A.4 Residential net densities shall not be less than 12 dwelling units per acre; maximum densities may be established as part of more detailed planning. Population and employment size will be consistent with criteria in the Countywide Planning Policies and General Policy Plan.

3.A.5 The following Urban Centers are designated on the FLUM: 164th Street and I-5; 128th Street and I-5; Highway 99 and 152nd St SW; Highway 99 and SR-525; 196th Street and SR-527; and 44th Avenue West and I-5. Additional Urban Centers may be designated in future amendments to the Comprehensive Plan.

3.A.6 Desired growth within Urban Centers shall be accomplished through the development of concept or master plans, application of appropriate zoning classifications, provision of necessary services and public facilities, including transit, sewer, water, stormwater, roads and pedestrian improvements, parks, trails and open space, and protection of critical areas. The County will identify and apply methods to facilitate development within designated Urban Centers, including supportive transit, parks, road and non-motorized improvements.

## Objective LU 3.B Plan for Transit/Pedestrian Villages within Urban Centers.

**LU Policies** 3.B.1 Transit/Pedestrian Villages are core areas within designated Urban Centers where transit-oriented development is required. Transit/Pedestrian Villages shall be designated on the FLUM. Transit/Pedestrian Villages require access to transit and will be considered for regional light rail or high-capacity express bus service.

3.B.2 Transit/Pedestrian Villages will be located within one-fourth mile walking distance of a transit center or park-and-ride lot or on a bus route with at least one stop within the Village.

3.B.3 Minimum densities within Transit/Pedestrian Villages shall be at least 20 dwelling units per acre with maximum densities determined through more detailed planning.

3.B.4 The county shall develop and adopt a detailed master plan for each Transit/Pedestrian Village as an amendment to the GPP. State Environmental Policy Act review shall be conducted for each plan. The plan and planning process shall include the following elements:

(a) a survey of local residents and property owners to identify local issues;

(b) analysis of land use, including an assessment of vacant and redevelopment land potential, ownership patterns, and a ranking of sites based on their potential for development/redevelopment in the near and long terms;

(c) analysis of demographic and market conditions, to help identify the most feasible mix of land uses;

(d) assessment of environmental constraints and issues (e.g., wetlands, streams, views);

(e) identification and mapping of the geographic boundaries for each Village center;

(f) identification of and creation of a conceptual plan for the Village area, indicating the general location and emphasis of various land uses including residential, employment and the public realm, and any potential phases of development;

(g) review and allocation or reallocation of targets for population and employment growth and affordable housing, in conjunction with land use planning;

(h) identification of public service and capital facility needs (e.g., drainage, sewerage facilities, parks, cultural/educational facilities, transit facilities), and development of a targeted, phased capital improvement program;

(i) development of a circulation plan, including street improvements, parking management, and pedestrian and bicycle improvements;

(j) recommendations to address specific design concerns and planning or regulatory issues; and

(k) analysis of existing and potential transit service.

3.B.5 Transit Pedestrian/Village development shall be regulated through the Urban Centers Demonstration Program (SCC 30.34A). Snohomish County shall consider a new zoning classification for Transit/Pedestrian Villages. The new zone will guide and encourage the type, form and density of development appropriate for Transit/Pedestrian Villages. Incentives, such as density bonuses, will also be included. The classification will incorporate design guidelines to promote high quality site and building design, pedestrian amenities and environmental features. The regulations will be tested and refined as the result of ongoing planning and/or through demonstration projects.

3.B.6 Snohomish County will work with key service providers and agencies to develop coordinated capital facility plans for each designated village. The county will also use its budgeting process to target and prioritize provision of adequate county services and facilities to designated centers.

## Objective LU 3.C Plan for Urban Villages within unincorporated UGAs.

**LU Policies**

3.C.1 Urban Villages shall be planned as compact (approximately three to 25 acres in size), pedestrian-oriented areas within designated Urban Growth Areas with existing or potential access to public transit. The development will include a variety of small-scale commercial and office uses, public buildings, high-density residential units, and public open space. Pedestrian orientation includes pedestrian circulation, pedestrian scale and pedestrian convenience with connections between neighborhoods, communities and other centers. Urban Villages should also include urban services and reflect high quality urban design. Urban Villages serve several neighborhoods or communities within a radius of about two miles. Urban Villages will develop/redevelop over time and may develop in phases.

3.C.2 Urban Villages shall be located adjacent to a principal arterial road and with existing or potential access to public transit. Urban Villages shall generally be located within one-fourth mile walking distance from existing or potential public transportation.

3.C.3 Residential net densities shall be at least 12 dwelling units per acre; maximum densities may be established as part of more detailed planning.

3.C.4 Additional Urban Villages may be designated in the future through amendments to the comprehensive plan.

3.C.5 Urban Villages will be implemented through application of appropriate zoning classifications, provision of necessary services and public facilities (including transit, sewer, water, stormwater, roads and pedestrian improvements, parks, trails and open space) and

protection of critical areas. The county will identify and apply methods to facilitate development within designated Urban Villages, including targeting of public facilities such as transit, parks and road improvements.

**Objective LU 3.D** **Link new and redeveloped neighborhoods and centers with existing neighborhoods, commercial development, and employment areas.**

**LU Policies** 3.D.1 The county shall work to create pedestrian, bicycle and public transportation linkages to be included in new and redeveloped areas to reduce the dependence on the automobile.

3.D.2 The county shall work to link new and existing neighborhoods creating a sense of community and shall include sidewalks and paths, where practicable, for safe passage to schools and other places of activity in the community.

**Objective LU 3.E** **Plan for Manufacturing and Industrial Centers within the unincorporated UGA.**

**LU Policies** 3.E.1 Manufacturing and Industrial Centers shall be one to two square miles in size and allow a mix of nonresidential uses that support the center and its employees.

3.E.2 The Manufacturing and Industrial Centers shall be sized to allow a minimum of 10,000 jobs at an average employment density of 20 employees per employment acre for new growth.

3.E.3 The Manufacturing and Industrial Centers shall be shown on the Future Land Use Map as an overlay.

3.E.4 Within Manufacturing and Industrial Centers large retail or non-related office uses shall be discouraged.

3.E.5 Manufacturing and Industrial Centers shall be supported by adequate public facilities and service, including good access to the regional transportation system.

3.E.6 The county shall designate the Paine Field-Boeing area as a Manufacturing/Industrial Center in coordination with the City of Everett.

3.E.7 Land uses and zoning of Paine Field will continue to be governed by the Snohomish County Airport Paine Field Master Plan and Snohomish County Zoning Code consistent with federal aviation policies and grant obligations.

**Objective LU 3.F** **Support city efforts to preserve enhance or develop urban or small town centers and main streets.**

**LU Policy** 3.F.1 Coordinate land use planning efforts with towns and cities and encourage development within the unincorporated area that enhances the vitality of a city's center or main street.

## Objective LU 3.G Investigate and develop techniques to ensure the long-term success of center development.

**LU Policies** 3.G.1 The county shall recognize the importance of centers in setting high priorities for development and installation of capital improvements within urban centers, and shall encourage similar recognition by other service providers.

3.G.2 The county shall coordinate the design and development of centers in unincorporated areas with developers, transit planning agencies, and service providers to achieve compatibility of land use, transportation, and capital facility objectives within centers. (See Urban Design Section)

3.G.3 The county shall develop and implement techniques within designated centers that allow the phasing of development and ensure the centers' long-term development potential.

3.G.4 The county shall investigate innovative methods that will facilitate center development such as land assembly, master planning, and urban redevelopment.

3.F.5 Centers should be located and designed to be connected to bicycle and pedestrian trails.

3.G.6 The county shall explore incentives used by other jurisdictions for suitability for use within unincorporated UGAs to encourage mixed-use development.

3.G.7 The county shall codify suitable incentives for mixed-use development.

3.G.8 The county shall explore the use of floor area ratio (FAR) to determine density in centers. FAR is the relationship between the total amount of floor space in a multi-story building and the base of that building.

## Objective LU 3.H Encourage compatible and supporting land uses adjacent to centers and transit facilities and along transit corridors.

**LU Policies** 3.H.1 The county shall encourage mixed-use development in commercial and high density residential zones when adjacent to center or transit facilities or along transit corridors.

3.H.2 Properties adjacent to centers, transit facilities or transit corridors shall provide pedestrian and bicycle connections to the center to encourage pedestrian activity and decrease auto trips.

## Urban Design

To enhance the character and quality of development within UGAs, the county intends to develop and implement comprehensive design guidelines. The intent of these guidelines will be to ensure that urban residential, commercial, industrial, and mixed use developments relate to and are compatible with their surroundings, and provide a safe and desirable environment for residents, shoppers, and workers.

The primary direction for establishing urban design guidelines comes from countywide planning policies. In response, the county and the cities prepared the Residential Development Handbook for Snohomish County Communities (Snohomish County Tomorrow, 1992). The focus of the handbook was on enhancing pedestrian accessibility and connectivity and compatibility between uses. Specifically, the urban design strategies and guidelines of the handbook addressed: building location, orientation and setbacks; screening and reduction of visual clutter; architectural variation; orientation of parking areas; enhanced pedestrian, bicycle and transit linkages; and design concepts enhancing the identity of and activity within centers.

In addition to the handbook, the following documents served as a basis for the policies of this chapter and will direct the preparation of urban design guidelines and criteria:

- A Guide to Land Use and Public Transportation for Snohomish County, Washington (Snohomish County Transportation Authority, 1989);
- Snohomish County Opinion Survey and Visual Preference Assessment (Hewitt Isley, 1993);
- Transit Oriented Development Guidelines (Snohomish County, July 1999);
- SW Snohomish County Urban Centers Phase 1 Report (Huckell Weinman Associates, Inc. and Snohomish County, February 2001); and
- Sound Transit Swamp Creek Station Area Plan: 164th Street & Ash Way, Snohomish County, Washington (Huckell Weinman Associates, Inc. & Sound Transit, April 2002).

**GOAL LU 4** **In cooperation with the cities and towns, create urban developments which provide a safe and desirable environment for residents, shoppers and workers.**

**Objective LU 4.A** **Develop and implement comprehensive design guidelines and a design review process that improves the quality of residential, commercial, and industrial development.**

**LU Policies** 4.A.1 The county shall work with architects, builders and others to establish a design review process, innovative and flexible design guidelines and development regulations for site planning and the design of buildings, consistent with the urban design policies of the GPP and utilizing reports such as the reports referenced in the introduction to Goal LU 4.

4.A.2 The county shall explore and consider design guidelines for residential, commercial and industrial development that meet the following criteria:

(a) Residential developments that support family households and children by providing adequate and accessible open space and recreation, and encouraging opportunities for day care, preschool and after school care services within close proximity.
(b) Where increased density housing is proposed, the height, scale, design and architectural character should be compatible with the character of buildings in the surrounding area.
(c) New buildings oriented onto the street, maintain or create streetscape and pedestrian qualities and reduce the visual impact of parking lots, garages and storage areas.
(d) Where high rise buildings are developed, street level uses are limited to commercial activities, entertainment services, public services, and other related public-generating activities.
(e) The appearance of existing areas that is improved by:
    1. encouraging well maintained landscaping on streets and in parking areas;
    2. reducing the visual clutter of utility poles, overhead power-lines, and suspended traffic signals;
    3. encouraging improvements to entrances, facades, and lighting; and
    4. grouping together signs and ensuring they are scaled and designed in a manner appropriate to the street frontage.
(f) Developments that provide adequate setbacks, buffers and visual screens to make them compatible with abutting residential and other land uses.
(g) Urban design that is sensitive to the preservation of existing cultural resources.
(h) Consideration of design guidelines should include consideration of costs and impacts on affordable housing.

## Objective LU 4.B Establish and implement specific design guidelines for mixed use areas - Urban Centers and Urban Villages.

**LU Policies** 4.B.1 The county shall work with architects, builders and others to establish a design review process, innovative and flexible design guidelines, development regulations, and incentives for the development of Urban Centers and Urban Villages, consistent with the urban de-

sign policies of the GPP and utilizing reports referenced in the introduction to Goal LU 4.

4.B.2 The county shall explore and consider design guidelines for urban centers and villages that achieve the following objectives:

(a) Centers that are visible and accessible to pedestrians from the streets and clearly defined through lighting, landscaping, street furniture, landmarks, changes in land use, and/or open space.
(b) The design of new buildings that result in the creation of quality pedestrian spaces and that are compatible with planned architectural scale, massing, building orientation, height, articulation, and materials.
(c) Open spaces that are incorporated into the design of centers and situated in a manner that complements other land uses.
(d) Where increased density housing is proposed, the height, scale, design and architectural character of the proposed units is compatible with the character of buildings in the surrounding area and may require taller buildings to be located in the core of the Village or Center, or at an edge adjacent to non-residential uses, with heights stepping down towards existing lower density housing.
(e) High quality developments and a mix of housing and commercial uses that allows for the use of creative and innovative design and fosters joint development strategies.
(f) Building setbacks that create public spaces with visual interest.
(g) Off-street parking that is within structures or underground, where feasible. Where underground parking or structures are not feasible, off-street surface parking within a center should be located at the sides or the rear of buildings and well landscaped to reduce the visual impact of large parking areas. Surface parking in front of a building (between the building and the street) should be avoided, whenever possible.
(h) Shared parking among various land uses and provision of bicycle parking.
(i) Centers that are connected with nearby residential, parks, schools and employment areas by well-landscaped and barrier-free pedestrian, bicycle, and transit linkages (see also transportation element).

(j) Well designed urban centers and urban villages that are sensitive to natural and cultural resources so as to preserve them.
(k) Emphasis shall be placed on the public realm, which may include parks, plazas, play area and trails, such that they create a sense of place within centers.
(l) Consideration of design guidelines should include consideration of costs and impacts on affordable housing.

## Small Area and Neighborhood Structure

Land Use Policies 1-4 address overall development patterns, location, type and design. Large areas and single development sites are guided by those principles.

However, in the past, smaller areas of the county have needed and future areas may need planning studies and attention, in a way that is not addressed through Policies LU 1-4. These small areas are cohesive because of a variety of factors such as early history, topography, shared facilities such as schools, roads and crossroads, types of land uses, natural features, and human interactions. For example, there are a number of discreet neighborhoods within the larger Southwest unincorporated UGA. Even within a discreet city's UGA, there may be several neighborhoods, such as the Mill Creek East area and the Mill Creek A area.

This section of the Land Use chapter acknowledges and treats earlier smaller area plans done by the county. It also identifies the potential for future small area/neighborhood level plans and provides a way to integrate these plans into the overall GPP.

In the past, the county completed plans for 13 subareas. Some plans date from the early 1980s, pre-GMA and five were adopted from the 1995-2005 period, under the GMA. But some of the more recent plans have established goals and policies that address special structures and needs of the neighborhood and are retained. The pre-GMA plans no longer have any legal effect and are repealed. Some plans are outdated and are repealed. This section of the plan addresses these issues.

Beginning in 1995, the county initiated and adopted more detailed planning with several cities and the unincorporated portions with adjacent UGA's. These plans provide important background information on land uses, infrastructure and policy direction. They include the Gold Bar UGA Plan; Snohomish UGA Plan; Mill Creek "A" UGA Plan; Lake Stevens UGA Plan; and the Mill Creek "East" UGA Plan. The plans also provided a framework for enhancing the neighborhood structure specifically through localized policy direction. Although these UGA plans were repealed in the 2005 update of the GMA comprehensive plan, some important land use policies in these UGA plans have been incorporated within this section, as well as other sections of the GPP, and are intended to provide guidance for the adoption of development regulations that lead to the enhancement of neighborhood structure within the respective UGA.

Policies which enhance specific neighborhood structures and address specific needs are retained in this section of the Land Use Chapter for the Maltby area, the Cathcart area, the area around 35th Avenue SE and 132nd Street SW in the SW UGA, in the Marysville area, and the Tulalip area.

The southeast portion of the Tulalip Reservation, a federally designated reservation of a federally recognized Indian tribe, at the Marine Drive NE and I-5 interchange has traditionally been the main entry onto the reservation to access businesses, residential areas and tribal government offices. This particular area of the reservation contains a small viable commercial community with a pattern of urban development that is served by urban infrastructure including sanitary sewer and is outside of an urban growth area. This unique commercial community is a jurisdictional patchwork of lands held in trust by the federal government for tribal members and the tribe, fee-simple lands under tribal member ownership and not subject to county jurisdiction and fee-simple lands under non-tribal ownership which are subject to county jurisdiction. Land use policies are contained in the Neighborhood Structures section, including the recommendation of a Reservation Commercial des-

ignation that apply only to this unique commercial area of the reservation. Neither a UGA designation nor a designation as a Limited Area of More Intense Rural Development (LAMIRD) is appropriate for this area. A UGA designation implies annexation to a city. The subject lands within the Reservation Commercial designation are integrally associated with Tribal lands and not city areas. Because the area is urban in nature and served by urban services, it is not appropriate for a LAMIRD designation. Applying the Reservation Commercial designation is more appropriate because it fits the character of the existing land uses and is compatible with adjoining parcels that are held in trust by the United States government for the benefit of the Tulalip Tribes.

Finally, this section gives overall policy guidance for potential neighborhood plans, which may be needed in the future. These plans would be integrated into the GPP through inclusion in the Small Area and Neighborhood Structure section and would not be standalone documents.

The county's challenge will be to further define and enhance existing neighborhood areas and create new neighborhoods in the unincorporated UGAs. Specifically, the county's approach to neighborhood development will:

- ensure an adequate distribution and variety of land uses necessary to establish neighborhood identity and functionality including a mix of residential densities, focal points, centers and villages, and nearby employment areas;
- coordinate more detailed land use, transportation, parks, open space, and capital facilities plans to ensure the creation of viable neighborhood areas;
- encourage that natural features, open spaces, environmentally sensitive areas, and landscaped boulevards are integrated into neighborhoods to enhance their identity; and
- encourage new neighborhoods with distinctive geographic, historic or cultural features to be connected to existing neighborhoods with similar distinctive features.

## GOAL LU 5 — Encourage land use patterns that create connected, identifiable neighborhoods and communities in UGAs through a consolidated system of past and future neighborhood plans.

### Objective LU 5.A — Revitalize or create identifiable, pedestrian-oriented neighborhood areas with focal points, mixed-use centers, and employment areas that are linked with each other.

**LU Policies**

5.A.1 Repeal subarea land use plans dated prior to 1995.

5.A.2 Use of former subarea plans dated prior to 1995 should be for reference purposes only.

5.A.3 Consolidate portions of former subarea plans dated 1995-2002 that are applicable countywide into appropriate chapters of the 2025 plan.

5.A.4 Recognize unique land use issues within UGAs as identified in former sub-area plans dated 1995-2002 in the Neighborhood Structure section.

5.A.5 For planning and zoning proposed within Urban Growth Areas, more detailed planning processes may be developed for identified neighborhoods with the following characteristics:

(a) areas encompassing 200 to 500 acres and a population of 4,000 to 8,000 people;
(b) varied densities and character;
(c) a mix of housing types and architecturally compatible styles yielding an average of at least 6 dwelling units per acre; and
(d) focal points such as parks, meeting halls, churches, libraries, fire stations, schools and other uses within one quarter mile of neighborhood residents.

5.A.6 For planning and zoning proposed within Urban Growth Areas-more detailed planning processes may be developed for identified Neighborhood Commercial Centers with the following characteristics:

(a) a variety of small-scale commercial uses, public buildings, and mixed-use development within one-half mile or a fifteen minute walking distance for the majority of neighborhood residents;
(b) approximately 3 acres in size;
(c) served by public transportation; and
(d) compatible with adjacent uses.

5.A.7 For planning and zoning purposes within Urban Growth Areas, more detailed planning processes may be developed for identified Commercial Centers with the following characteristics:

(a) approximately 20 to 25 acres in size;
(b) serving several neighborhoods within a radius of approximately two miles;
(c) providing for public open space;
(d) accommodate mixed-use commercial and multi-family residential; and
(e) served by public transportation, including connections between neighborhoods and major urban centers.

5.A.8 Natural features, open space and critical areas shall be preserved to enhance neighborhood identity.

5.A.9 Infrastructure improvements shall be coordinated and shall be provided, where financially feasible, to support the creation of neighborhoods, focal points, and Neighborhood and Community Commercial Centers.

5.A.10 Large-scale, auto-oriented commercial uses and employment areas shall be located on the periphery of centers or else, where feasible, linked to centers by pedestrian and bicycle paths and public transit.

5.A.11 Cultural and historical resources shall be preserved to enhance neighborhood identity.

## Objective LU 5.B Recognize unique land use issues within specific Urban Growth Areas as identified in previously adopted sub-area plans and/or studies.

**LU Policies**

5.B.1 New development on property within the Snohomish UGA and designated Urban Industrial and zoned General Commercial (GC) shall be approved with site development plan according to the standards and procedures for the Planned Community Business (PCB) zone. The site development plan shall delineate limited access points to properties and demonstrate compatibility with existing adjacent commercial and residential uses through such measures as landscaping, natural buffers, berms, fencing, sign and lighting control.

5.B.2 Industrial development within the Mill Creek UGA that involves construction of new building, expansion of existing buildings, or a change of use that is clearly visible from adjacent residential property shall provide adequate screening and buffering along the common property lines. Adequate screening and buffering shall generally mean any one or combination of dense plantings, decorative walls or solid fences, and landscaped berms that serve to visually screen and acoustically shield the residential property from the industrial uses.

5.B.3 The county should adopt incentive programs to encourage the reservation or dedication of land through either fee or easement for a pedestrian trail corridor with the general alignment depicted on the parks and open space map of the former Mill Creek East UGA Plan. The actual location of the trail shall be determined on a site-by-site basis, and may vary from the general alignment due to site-specific natural features or project design as long as the connectivity of the entire trail is not compromised.

5.B.4 Within the Southwest County UGA, the Urban Commercial designations in the northeast and southeast quadrants of the intersection of 35th Ave. SE and 132nd St. SE shall be zoned to the Planned Community Business zone. Transportation impacts of development within these Urban Commercial designations shall be mitigated consistent with GPP transportation policies, SCC Title 30.66B, and the mitigation measures identified in the Supplemental EIS issued for the Snohomish County 1996 Amendments to the GMA Comprehensive Plan and Development Regulations, as deemed necessary by the Department of Public Works.

5.B.5 Within the Southwest County UGA, the Urban High Density Residential designations in the northwest quadrant of the intersection of 35th Ave. SE and 132nd St. SE shall be rezoned to the Multiple

Residential zone. Those parcels that will be zoned Multiple Residential only partially due to flood prone areas within those parcels may be rezoned by an applicant in their entirety to a Planned Residential Development-Multiple Residential zone. Unit yield for the entire Planned Residential Development zone shall be based on the Multiple Residential zone in the Urban High Density Residential designation and the R-9,600 zone in the Urban Low Density Residential designation with an additional Planned Residential Development bonus as permitted by the zoning code. The unit yield allowed in the Urban Low Density Residential designation shall be transferred to the non-flood prone portions of a rezone site. Transportation impacts of development within these Urban High Density Residential designations shall be mitigated consistent with GPP transportation policies, SCC Title 30.66B, and the mitigation measures identified in the Supplemental EIS issued for the Snohomish County 1996 Amendments to the GMA Comprehensive Plan and Development Regulations, as deemed necessary by the Department of Public Works

5.B.6 The county shall conduct a master planning study of the Cathcart site, which is located north of Cathcart Way and west of the closed county landfill site. The study shall determine the most appropriate future development to best achieve the county's objectives for this site. The study should include a mix of land use designations and a more precise geographic location of the designations. The master plan shall be adopted as an amendment to the GMA comprehensive plan.

5.B.7 Within the Maltby UGA, only industrial uses shall be allowed in areas that are designated on the Future Land Use Map for industrial use and are served or can be served by a railway spur line.

5.B.8 Within the Maltby UGA, the Urban Industrial plan designation shall be implemented through the Light Industrial or Industrial Park zones. Areas zoned Light Industrial are those areas located (1) under the Bonneville power line transmission easement and between Broadway and the eastern boundary of the SR-522 right-of-way, (2) between 206th St. SE, Broadway, 207th St. SE, and 88th Dr. SE or their extensions; (3) north of 212th St. SE in which the Light Industrial zone existed as of December 12, 1996; and (4) south of 212th St. SE and designated Urban Industrial by the Future Land Use Map. The Urban Commercial plan designations within the Maltby UGA shall be implemented through the Planned Community Business zone

5.B.9 Within the Maltby UGA, the parcel located at the terminus of 219th St. SE and west of 85th Avenue SE shall be designated as Urban Industrial and zoned to the Light Industrial zone. Transportation impacts of development within this Urban Industrial designation

and Light Industrial zone, shall be mitigated consistent with GPP transportation policies, SCC Title 30.66B, and the mitigation measures identified in Addendum No. 16 to the County's GMA Comprehensive Plan/General Policy Plan.

5.B.10 Within the Maltby UGA, any future development of urban industrial land which abuts the UGA boundary shall provide the following undeveloped buffer: visual screening comprised of dense plantings, decorative walls, landscaped berming and/or other buffering techniques to make urban development compatible with adjacent rural residential uses.

5.B.11 Within the Marysville UGA, parcels zoned light industrial located between 43rd Ave. NE and the railroad right of way shall be limited to no more than 50% lot coverage for new developments or as defined by environmental analyses. All new developments shall mitigate for all drainage impacts, degradation of water quality and loss of fish and wildlife habitat.

5.B.12 Within the Southwest UGA, parcels designated Urban Industrial (on Point Wells) shall be considered for future redesignation from Urban Industrial to Mixed Use/Urban center designation upon receipt of necessary studies addressing all permitting considerations such as site development, environmental impacts and issues.

## Objective LU 5.C

**Recognize the unique development characteristics of certain commercial lands located on fee-simple lands under County jurisdiction within the Tulalip Reservation.**

**LU Policies**

5.C.1 Develop a Reservation Commercial (RC) designation and apply this designation to certain fee-simple lands under county jurisdiction located on the Tulalip Reservation in an area characterized by a unique patchwork of lands under tribal and county jurisdiction, containing urban commercial land uses, supported by urban infrastructure including sanitary sewer and public water, and bordered on the west and north by Quilceda Creek, on the south by Ebey Slough and on the east by Interstate-5. Due to its unique characteristics, this area is not appropriate for designation as a UGA or LAMIRD. The Reservation Commercial designation shall only apply to lands described in this policy within the Tulalip Reservation.

5.C.2 Vacant or under utilized properties designated Reservation Commercial shall be zoned General Commercial. All new development on any property designated Reservation Commercial shall be approved with an official site plan according to the requirements of Chapter 30.31B SCC

5.C.3 New development on property designated Reservation Commercial and adjacent to Quilceda Creek and associated wetlands is subject to a minimum 150 foot wide buffer of undisturbed native vegetation as measured from the ordinary high water mark or wetland edge.

# Rural Lands

Rural lands are those areas outside of urban growth areas (UGAs), excluding agricultural and forest lands, which are discussed in separate subsections. Mineral resource lands, also discussed in a separate subsection, overlap with a small portion of rural lands. In Snohomish County, rural areas are traditionally used for hobby farms, tree nurseries, greenhousing, agricultural crops, livestock, mineral extraction and processing, timber production, and low-density residential development. The low intensity use of rural land also provides fish and wildlife habitat, open space, and other environmental benefits.

The Growth Management Act requires the county to include a rural element in its comprehensive plan. The county's rural element consists of the rural land use policies in this subsection of the Land Use chapter as well as other rural-related policies addressing utilities, transportation, housing, open space, parks and recreation, economic development, and natural resources, each discussed in separate sections of the county's comprehensive plan.

- The utilities element discourages urban development patterns in the rural area by restricting public sewer systems outside designated UGAs.
- The transportation element establishes rural standards and rural levels of service to support low density/low intensity development in rural areas consistent with the rural land use policies.
- The capital facilities plan lists facilities that are "necessary to support rural development" and corresponding minimum levels of service for each facility.
- The housing section promotes provision of a broad range of housing types in urban and rural areas to ensure all segments of the population have the opportunity to obtain safe, sanitary and affordable housing.
- The open space section in the Land Use chapter provides a policy framework linking open space preservation and development of low intensity recreational and residential opportunities in rural areas.
- Policies in the economic development and natural resource sections in the GPP provide a foundation supporting rural and resource-based economic activities in the rural areas.

The countywide planning policies for Rural Land Use provide the policy framework for preparing the rural element of the county comprehensive plan. While 85% of the county's population growth will be directed into cities and urban growth areas, rural areas must support the remaining 15%. The rural land use policies provide for this limited growth in rural areas, strive to be sensitive to existing land uses and development patterns, preserve rural character and lifestyle, and protect the environment and natural resource lands.

Rural land use policies describe and accommodate a wide array of land uses and a variety of residential densities that are compatible with the character of rural areas; support rural and natural resource-based industries; provide economic opportunities for rural residents; promote low intensity recreational uses consistent with rural surroundings; and preserve the rural lifestyle and traditional rural activities which contribute to the county's overall quality of life.

A major portion of the county's rural planning work was completed as part of the GPP amendments that were adopted and became effective on December 12, 1996, in response to Growth Management Hearings Board decisions. The amendments modified and refined the rural residential plan provisions of the GPP. On December 16, 1998 the county adopted additional plan refinements concerning rural commercial and rural industrial land uses as directed by the GPP, the countywide planning policies, and amendments to the GMA passed by the state legislature in 1997.

The rural policies were reviewed in 2005 as part of the 10-year update cycle. Rural policies and the resulting rural development patterns were evaluated to ensure that patterns of urban development were not occurring in the rural area; that rural character has been preserved; and that the rural element provides a balanced approach for satisfying the goals of the GMA. Based on this evaluation, policies were updated to strengthen the county's commitment to preservation of rural lifestyle and to reflect completed planning efforts and evolution of the rural planning work program.

## GOAL LU 6 — Protect and enhance the character, quality, and identity of rural areas.

### Objective LU 6.A — Reduce the rate of growth that results in sprawl in rural and resource areas.

**LU Policies**

6.A.1 Accommodate the portion of the 20-year growth not assigned to the urban growth areas at appropriate rural densities and using rural development standards.

6.A.2 Establish rural infrastructure standards that are consistent with appropriate rural development patterns and densities.

6.A.3 The Warm Beach Health Care Center/Senior Community may be expanded into an area that includes parcels with the following tax account numbers: 183104-1-002, 2-007, 2-008, 2-009, 2-018, and 2-022. Densities within the expansion area may exceed the density allowed by the GPP Future Land Use Map and/or the zoning classification for these parcels but may not exceed 2 dwelling units per acre, provided that a planned residential development (PRD) consistent with this density allowance is approved for the site prior to the issuance of building permits. The official site plan required by the PRD shall meet applicable requirements of the zoning code. The following additional requirements shall be met:

(a) no new lots are created;

(b) housing shall be limited to rental housing units for senior citizens;

(c) senior housing does not unduly disrupt or alter the visual character of rural uses in the immediate vicinity;

(d) impacts concerning traffic, sewage disposal, water supply, and nearby wells are mitigated consistent with county code and policies; and

(e) the development will not lead to more non-rural development.

**Objective LU 6.B** **Encourage land use activities and development intensities that protect the character of rural areas, avoid interference with resource land uses, minimize impacts upon critical areas, and allow for future expansion of UGAs. (See the resource sections of the land use element for protection of resource lands and the natural environment element for protection of critical areas.)**

**LU Policies** 6.B.1 Use of a clustering subdivision technique should be encouraged by the County in rural residential areas to 1) preserve the rural character of Snohomish County; 2) avoid interference with resource land uses; 3) minimize impacts upon critical areas; 4) allow for future expansion of the UGAs, where appropriate, and 5) support the provision of more affordable housing in rural areas. The primary benefit of clustering is the preservation of open space. Modest density incentives should be provided in a manner which encourages use of the technique and maximum preservation of open space and maintenance of rural character. The open space tracts in rural cluster subdivisions shall be preserved in perpetuity, except for those located now or in the future within the Rural/Urban Transition Area. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that it may be used for future urban development. Rural cluster subdivision regulations implementing this policy shall include performance standards to ensure that:

1. The number, location and configuration of lots will constitute compact rural development rather than urban growth. Performance standards shall include the following:
   - (a) Preservation of a substantial percentage of total site area in open space to be held in single ownership and in a separate tract or tracts;
   - (b) Provision of a density incentive which is tied to the preservation of open space;
   - (c) Connection of open space tracts with open space tracts on adjacent properties;
   - (d) Density at no greater than the underlying zoning density together with a modest density bonus as an incentive for use of the clustering technique;
   - (e) Allowance of open space uses consistent with the character of the rural area;

(f) Division of the development into physically separated clusters with a limitation on the maximum number of lots per cluster;

(g) Physical separation between clusters consisting of a buffer of wind resistant vegetation;

(h) Design that configures residential lots to the greatest extent possible to maintain rural character by:

(i) maximizing visibility of open space tract and minimizing visibility of clusters from adjoining collector roads, arterial roads, or state and federal highways through the placement of lots in the interior of the site and through vegetative buffers; and

(ii) placing buildings and lots in a manner which does not intrude on the visual character of the rural landscape, in particular, avoiding placement of houses or buildings on forested ridgelines or other prominent physical features;

(i) Submittal of a planting and clearing plan to ensure that any planting or clearing proposed will not interfere with the rural character of the site;

(j) Submittal of a site plan to ensure that siting of lots and built areas will not interfere with the rural character of the site and is consistent with the performance standards of the ordinance. The site plan must include:

(i) location of clusters, roads and open space;

(ii) within clusters, location and placement of buildings, useable building areas, driveways, and drainage systems; and

(iii) location of critical areas and all buffers;

2. The development minimizes adverse impacts to large-scale natural resource lands, such as forest lands, agricultural lands and critical areas. Performance standards shall include the following:

(a) Minimization of alterations to topography, critical areas, and drainage systems; and

(b) Adequate separation between rural buildings and clusters and designated natural resource lands;

3. The development does not thwart the long-term flexibility to expand the UGA. In the Rural/Urban Transition area, open space tracts shall be preserved until such time as the subdivision is included within a UGA, so that the tract may be reserved for future urban development. When an open space tract is added to a UGA and adequate services can be

provided, the County may allow redevelopment of the open space tract into additional lots to provide appropriate urban level density.

4. The development has made adequate provision for impacts to transportation systems. Performance standards shall include:
   (a) controls for access to the rural cluster subdivision from public roads;
   (b) requirements to meet rural concurrency standards; and
   (c) requirement that the development be located within a rural fire district.

6.B.2 The retention of small forest, farming, horse farm and other livestock based farm operations and hobby farms shall be encouraged in rural areas.

6.B.3 Resource-based industries that help sustain rural communities, require only rural levels of service, support the conservation of natural resource lands, and complement rural character shall be promoted in rural areas.

6.B.4 Resource-dependent tourism and recreation-oriented uses such as commercial horse stables, guide services, golf courses, and group camps should be allowed on a conditional use basis in rural areas provided they do not adversely impact adjoining rural uses.

6.B.5 Nonresource-dependent tourism-related uses such as motels and restaurants serving rural and resource areas should be located within the commercial zones and designations of nearby towns and unincorporated rural areas.

6.B.6 Development standards in rural areas shall be consistent with the cultural resources policies in the plan so as to preserve them.

6.B.7 Except for athletic facilities located near urban growth areas, campgrounds, parks, recreational facilities, and trails shall consist of low intensity and density uses and be sited and designed to avoid adverse impacts on residents and the environment.

6.B.8 Monitor the rate and pattern of development created by rural cluster subdivisions and report to the county council annually to ensure that a pattern of urban development is not established in rural areas.

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.

## Objective LU 6.C

**Identify and designate as Rural Resource Transition rural lands with natural resource values between designated resource and rural lands.**

**LU Policies**

6.C.1 Designate as Low Density Rural Residential those areas which are currently zoned Forestry requiring 20 acre minimum lot sizes in new subdivisions but are not included in the Forestry designations of the General Policy Plan.

6.C.2 The county shall consider the establishment of a Rural Resource Transition designation which would serve as a transition area between rural residential and natural resource lands.

6.C.3 The Rural Resource Transition designation should initially incorporate the Low Density Rural Residential and Rural Residential-10 (Resource Transition) designations of the General Policy Plan and may include other lands which provide an appropriate transition between rural and resource lands.

6.C.4 The county should work with willing landowners to designate lands as Rural Resource Transition which have productive soils, are surrounded by very low intensity land uses, and have parcel sizes of 10 acres or greater.

6.C.5 Through subsequent implementation measures, rural cluster subdivision of Low Density Rural Residential and Rural Resource Transition lands shall be encouraged on tracts 40 acres or larger.

6.C.6 Designate as Rural Residential-10 (Resource Transition) those areas outside of the Tulalip Reservation which were formerly included in Forestry designations on pre-GMA subarea plans but not zoned Forestry. These areas shall not be subdivided into lots less than 10 acres except through the use of cluster subdivision or housing demonstration program using PRD provisions at a maximum density of 1 dwelling unit per 5 acres.

6.C.7 Designate as Rural Residential-10 (Resource Transition) those fee-simple lands on the Tulalip Reservation which are adjacent or in close proximity to lands designated for forestry or agricultural use by the GPP or the Tulalip Tribes' comprehensive plan and lands adjacent to the estuary of Quilceda Creek. The Rural Residential-10 (Resource Transition) designation will serve as a density transition between 5-acre rural residential uses and natural resource lands on the Reservation. The Rural Residential-10 (Resource Transition) areas on the Tulalip Reservation shall not be subdivided into lots less than 10 acres except through the use of the rural cluster subdivision technique at a maximum density of 1 dwelling unit per 10 acres with the provision of a density bonus.

**Objective LU 6.D** **Designate as Rural Residential-10 those areas outside the Marysville-Arlington Urban Growth Areas east of I-5 to maintain large parcel patterns for small farm and low density rural uses.**

**LU Policies** 6.D.1 Provide that the portion of the Rural Residential-10 area bounded on the south by 108th and on the north by the diagonal railroad line be maintained in rural status and specialty agriculture through cluster provisions and a specialty agriculture priority.

**Objective LU 6.E** **Within rural residential areas, recognize existing businesses that are an integral part of the rural character and provide for small-scale, commercial developments that support the immediate rural population with necessary goods and services.**

**LU Policies** 6.E.1 Within the rural residential designations of the Future Land Use Map, limited commercial uses shall be permitted within a Rural Business zone that provide opportunities for retail sales and services to the surrounding rural population.

6.E.2 The county shall develop Rural Business zoning and development standards that facilitate small-scale retail and service uses at appropriate locations within rural residential areas and minimize impacts to residential areas, resource lands, and critical areas.

6.E.3 In order to maintain the character of surrounding rural residential areas, the Rural Business development standards shall restrict the building size, height, and setback; the size, location, and type of uses; and the areas of impervious surfaces.

6.E.4 Rural Business development shall be limited to development that can be supported by services typically delivered at rural levels of service. These services may include domestic water, septic systems, and transportation facilities.

6.E.5 Existing small-scale commercial uses within rural residential zones may be zoned Rural Business whether or not they meet the locational criteria listed in Policy LU 6.B.7 only if they are uses allowed within the Rural Business zone. If existing uses do not meet the locational criteria, no future expansion of the zone shall be allowed. This policy is not intended to preclude legal nonconforming uses from expanding consistent with Snohomish County Code provisions.

6.E.6 The county shall rezone existing commercial zones within rural areas and outside the Rural Commercial and Rural Freeway Service designations to the new Rural Business zone.

6.E.7 New Rural Business zones may only be approved in Rural Residential plan designations if they meet the following locational criteria:

(a) A minimum of six hundred residential dwelling units should be located within a two and one-half mile radius of the proposed site.

(b) The site is located along a county road or state highway with at least one hundred feet of street frontage or at an intersection of two public roads.

(c) No new areas designated or zoned for commercial uses should be located closer than two and one-half miles in the rural area.

(d) The total area zoned for Rural Business at any given location should not include more than five acres of net usable area. Net usable area should be the total site area less critical areas and their required buffers, roads, detention/retention areas, and biofiltration swales. Parcels within a Rural Business location should have common boundaries unless separated by public rights-of-way.

(e) The size and configuration of the area to be zoned should be capable of accommodating setbacks, buffers, critical area protection, and other site planning and design techniques that permit small-scale, rural commercial development characteristics.

6.E.8 Sites within a Rural Business zone should be developed according to development regulations which incorporate the following criteria:

(a) Existing native vegetation should be retained within required buffers. Screening of parking areas, outdoor storage and mechanical equipment should be provided.

(b) Site disruption such as excessive grading, filling, or clearing of vegetation should be minimized through landscaping and buffer requirements.

(c) Total permitted impervious surfaces of buildings, parking and other support areas such as storage, trash containers, etc., should not exceed fifty percent of the net usable site area.

(d) Storm water detention facilities, such as ponds and grassy swales, should be designed and landscaped to integrate them into the overall site design and the landscaped buffers on the site.

(e) All structures should be set back fifty feet from residentially zoned properties. Structures should be set back one hundred feet from designated agricultural and forest lands.

(f) Sites should retain all existing trees in all required buffers along side and rear property lines. Sites should retain all

existing evergreen trees in all required buffers along property frontage excluding areas for access drives and sign locations, unless tree removal is required to meet Department of Public Works Engineering Design and Development Standards or because of public health and safety concerns.

(g) Billboards should be prohibited within the Rural Business zone. Signage requirements should be similar to the signage provisions of the Neighborhood Business zone.

(h) Adequate water supplies should be demonstrated for commercial use and fire protection including fire flow.

(i) Refuse collection, fuel loading and storage areas, and large truck parking areas should be located at least one hundred feet from residential areas and screened by fence or landscaping.

**Objective LU 6.F** **Provide areas for small-scale, freeway interchange commercial uses that support both local rural populations and the traveling public with necessary goods and services.**

**LU Policies** LU 6.F.1 Within rural lands outside of urban growth areas (UGAs), and located along Interstate 5 at freeway interchanges, permit limited commercial uses that provide opportunities for retail sales and services to rural populations and the needs of the traveling public.

LU 6.F.2 The Rural Freeway Service designation shall apply to areas that are located at the Interstate 5 interchanges north and west of, and outside of, the Arlington/Marysville UGA.

LU 6.F.3 Existing commercial zones currently located at freeway interchanges outside UGAs and within Rural Freeway Service plan designations shall be rezoned to the Rural Freeway Service zone regardless of size.

LU 6.F.4 Rural Freeway Service zoning and development, site, and locational criteria shall be adopted that facilitate small-scale retail and service uses at appropriate locations that minimize impacts to rural residential areas, resource lands, and critical areas.

LU 6.F.5 In order to maintain the rural character of the area, Rural Freeway Service development standards shall restrict the building size, height, and setback, the areas of impervious surfaces, and the size, location, and type of uses.

LU 6.F.6 Rural Freeway Service development shall be limited to development that can be supported by services typically delivered at rural levels of service. These services may include domestic water, septic systems, and transportation facilities.

LU 6.F.7 New Rural Freeway Service designations on the Future Land Use map may be approved only in rural areas and if the area meets the following locational criteria:

(a) Sites should be located near an Interstate 5 interchange and shall abut a frontage or access road.

(b) Total land area designated for Rural Freeway Service at any given interchange shall not include more than ten net usable acres. Net usable area shall be the total site area less critical areas and their required buffers, roads, detention/retention areas, and biofiltration swales.

(c) Site conditions such as topography, soils, existing vegetation, critical areas, vehicular traffic sight lines and capacity for water, fire protection and septic systems shall be adequate to support Rural Freeway Service development without adverse impacts to adjacent sites or the natural environment.

(d) The size and configuration of the area to be designated must be capable of accommodating setbacks, buffers and other site planning and design techniques that permit small-scale, rural commercial development characteristics.

LU 6.F.8 Sites within a Rural Freeway Service designation shall be developed according to development regulations which incorporate the following criteria:

(a) Existing native vegetation should be retained within required buffers. Screening of parking areas, outdoor storage and mechanical equipment shall be provided.

(b) Site disruption such as excessive grading, filling, or clearing of vegetation shall be minimized through landscaping and buffer requirements.

(c) Total permitted impervious surfaces of buildings, parking and other support areas such as storage, trash containers, etc., shall not exceed sixty percent of the net usable site area.

(d) Storm water detention facilities, such as ponds and grassy swales, shall be designed and landscaped to integrate them into the overall site design and the landscaped buffers on the site.

(e) All applicable State Highway regulations related to access shall be met.

(f) All structures shall be set back fifty feet from rural residential zoned properties and from designated farmland. Structures shall be set back one hundred feet from designated forest land.

(g) Type III landscaping (as defined by the county's landscaping code), which may include native vegetation with an average width of twenty-five feet but not less than ten feet,

shall be required along all frontage and access roads abutting the property and between other Rural Freeway Service or Rural Business zoned properties. Type II landscaping (as defined by the county's landscaping code), which may include native vegetation with a width of fifty feet, shall be provided along property lines adjacent to rural residential zoned areas.

(h) Sites shall retain all existing trees of three inch caliper and larger in all required buffers along side and rear property lines. Sites shall retain all existing evergreen trees of three inch caliper and larger in all required buffers along property frontage, excluding areas for access drives and sign locations, unless tree removal is required to meet Department of Public Works Engineering Design and Development Standards or because of public health and safety concerns.

(i) Billboards shall be prohibited within the Rural Freeway Service zone. Signage requirements shall be similar to the signage provisions of the Freeway Service zone.

(j) Adequate water supplies shall be demonstrated for commercial use and fire protection including fire flow.

(k) Refuse collection, fuel loading and storage areas, and large truck parking areas shall be located at least one hundred feet from residential areas and screened by fence or landscaping.

## Objective LU 6.G

**Provide for small-scale industrial uses in the rural areas of the county that are primarily dependent on the natural resources derived from the rural and resource areas.**

**LU Policies** LU 6.G.1 Within rural lands outside of urban growth areas (UGAs), permit limited rural industrial land uses in areas previously designated or zoned for rural industrial uses and permit limited rural industrial uses in areas which have not been previously designated or zoned for rural industrial uses but contain uses or existing structures previously devoted to rural industry. Provide opportunities for small-scale industrial development that relates to other rural uses and natural resource production, processing and distribution of goods.

LU 6.G.2 Recognize the existing rural industrial designations and zones in the county that contribute to the economic diversity of the unincorporated areas of the county and provide employment opportunities to nearby rural populations.

LU 6.G.3 Existing industrial zones outside UGAs shall be rezoned to the Rural Industrial zone regardless of size.

LU 6.G.4 Rural industrial areas should be developed in a manner which supports the rural character of the county and protects sensitive natural

features of the environment. The scale and character of rural industrial development shall be smaller and less intense than urban industrial development.

LU 6.G.5 Rural Industrial development shall be limited to development that can be supported by services typically delivered at rural levels of service. These services may include water, septic systems, and transportation facilities.

LU 6.G.6 Expansions of Rural Industrial designations on the Future Land Use map may be approved only if they meet the following locational criteria:

(a) Site conditions such as topography, soils, existing vegetation, critical areas, and capacity for water, fire protection and septic systems shall be adequate to support intensive resource-based industrial production without significant adverse environmental impacts.

(b) Designation size and configuration shall allow for setbacks, buffers, and other site planning and design techniques that permit small-scale, rural commercial development characteristics.

(c) Total land area designated for Rural Industrial at any given location shall not include more than twenty net usable acres. Net usable area shall be the total site area less critical areas and their required buffers, roads, detention/retention areas, and biofiltration swales.

(d) Rural industrial development shall not require the construction of long access roads or other transportation improvements such as bridges and roads.

LU 6.G.7 Sites within a Rural Industrial designation shall be developed according to development regulations which incorporate the following criteria:

(a) Existing native vegetation should be retained within required buffers. Screening of parking areas, outdoor storage and mechanical equipment shall be provided.

(b) Site disruption such as excessive grading, filling, or clearing of vegetation shall be minimized through landscaping and buffer requirements.

(c) Total permitted impervious surfaces of buildings, parking and other support areas such as storage, trash containers, etc., shall not exceed sixty percent of the net usable site area.

(d) Storm water detention facilities such as ponds and grassy swales shall be designed and landscaped to integrate them into the overall site design and the landscape buffers on site.

(e) All structures shall be set back one hundred feet from rural residential zoned properties, designated farmland, and designated forest land.

(f) Type III landscaping (as defined by the county's landscaping code), which may include native vegetation with an average width of twenty-five feet but not less than ten feet shall be required along all frontage and access roads abutting the property and between other Rural Freeway Service or Rural Business zoned properties. Type II landscaping (as defined by the county's landscaping code), which may include native vegetation with a width of one hundred feet shall be required along property lines abutting rural residential areas.

(g) Sites shall retain all existing trees of three inch caliper and larger in all required buffers along side and rear property lines. Sites shall retain all existing evergreen trees of three inch caliper and larger in all required buffers along property frontage excluding areas for access drives and sign locations unless tree removal is required to meet Department of Public Works Engineering Design and Development Standards or because of public health and safety concerns.

(h) Billboards shall be prohibited within the Rural Industrial zone. Signage requirements shall be similar to the signage provisions of the Neighborhood Business zone.

(i) Adequate water supplies shall be demonstrated for commercial use and fire protection including fire flow.

(j) Refuse collection, fuel loading and storage areas, and large truck parking areas shall be located at least one hundred feet from residential areas and screened by fence or landscaping.

(k) Disruption to adjacent rural residential areas by noise, dust, odors, operating hours, vehicular movement and traffic, or adverse visual alteration of the natural landscape by industrial activities shall be minimized.

**Objective LU 6.H** **Within the rural Clearview area and along State Route 9, establish two limited areas of more intense rural development within logical outer boundaries that are based on commercial uses in existence as of July 1, 1990, and which permits limited infill, development or redevelopment within existing areas.**

**LU Policies** LU 6.H.1 Recognize the existing commercial and residential settlement pattern in the area of southeast Snohomish County along State Route 9 between 184th and 172nd Streets SE and at 164th Street SE as limited areas of more intense rural development (LAMIRD) that pro-

vide retail goods and services to the immediate population and a larger surrounding service area and allow limited infill adjacent to existing commercial development.

LU 6.H.2 Areas with an existing commercial designation or zoning within LAMIRD boundaries shall be designated Clearview Rural Commercial (CRC).

LU 6.H.3 Areas designated Rural Residential within LAMIRD boundaries shall retain the existing Rural Residential designation.

LU 6.H.4 Rural residents should have access to a mix of small scale retail sales, personal services and job opportunities within the CRC designation.

LU 6.H.5 Prevent strip development by minimizing and containing infill and redevelopment within the logical outer boundaries of two distinct commercial nodes in the Clearview area.

LU 6.H.6 The boundaries of the Clearview LAMIRDs are shown on the Future Land Use map. The boundaries are based on those found in the Cathcart-Maltby-Clearview area plan, generally follow parcel lines, and include parcels which meet the following criteria:

(a) The area does not contain extensive critical areas, and
(b) The area is developed with a commercial use which was in existence on or before July 1, 1990; or
(c) The area is zoned Neighborhood Business or Community Business and is a cohesive part of the existing commercial settlement pattern; or
(d) The remaining area constitutes infill, as it is located between and adjacent to two larger areas meeting criteria b) or c) above, or is along the boundary edge and its exclusion would create an irregular boundary.

LU 6.H.7 Implement the CRC designation through zoning and development standards which reduce impacts of new infill development or redevelopment to adjacent rural residential areas and rural character:

(a) Require a twenty-five foot wide sight-obscuring landscape buffer adjacent to the LAMIRD boundaries. The buffer should be designated to preserve native vegetation and existing trees of three-inch caliper or larger; and
(b) New uses shall be limited primarily to those uses similar to and compatible with uses that existed on July 1, 1990, and which serve the local rural population.

LU 6.H.8 Development within the CRC designation shall be limited to development that can be supported by services typically delivered at rural levels of service. These services may include water, septic systems, and transportation facilities.

# Agricultural Lands

Geological forces, glacial action and great river systems have created soils of fertility and depth within Snohomish County. These soils, a mild climate and an abundance of water brought early farming pioneers and settlers. Along with forestry and mining, agriculture dominated the earlier history of Snohomish County. From the early 1800's through to the 1980's, Snohomish County farms produced milk, eggs, chickens, hogs, beef, berries, vegetables such as corn, peas, pumpkins and other row crops, hay and nursery stock among other crops.

Since agriculture had a place of prominence in the economy of the county, the county prepared an agriculture plan in 1982. When the Growth Management Act came into effect in the early 1990's, the county was positioned to amalgamate the GMA requirements into its framework of agricultural planning.

The Growth Management Act (GMA) states that cities and counties should "assure conservation of agricultural land of long-term commercial significance."

The Act also requires local government to assure that land uses adjacent to designated resource lands not interfere with the continued resource use. These statements provide a clear directive to conserve agricultural lands for the future of the state.

The GMA required the county to prepare and adopt an interim agricultural conservation plan and development regulations. The interim agricultural conservation planning process began in 1990 and has relied heavily on the farmland-use inventory, documented farmland loss, and issues discussion completed for the 1982 Agricultural Preservation Plan.

The GMA interim plan mapped and characterized farmlands included in the 1982 plan, as well as other identified areas fulfilling state and local criteria for designation as agricultural lands of long-term commercial significance. Three types of agricultural land were classified and designated:

- Riverway Commercial Farmland,
- Upland Commercial Farmland, and
- Local Commercial Farmland.

Protective measures were adopted for each of the three farmland classifications together with supplemental policies for land use and zoning, adjacent land uses, innovative land use techniques, road and utility restrictions, water management, and industry enhancements. Where appropriate, future policy needs were identified along with a strategy to ensure their timely consideration.

Formal public participation for GMA agricultural planning was initiated in August 1991. The Citizen Agriculture Committee consisted of eleven farm-related positions and an equal number of non-farm related positions.

The committee generally met every two weeks from August until it completed a recommendation in early February 1992. During that same period, five public meetings were held in five locations throughout the county. The 1993 Interim Agricultural Conservation Plan provided the basis for the agricultural land designations in the General Policy.

Agriculture in Snohomish County has been undergoing significant changes over the last two decades. It has shifted from dairy farms that have traditionally been a cornerstone of agriculture in Snohomish County to smaller diversified crop farms; agri-tourism and pumpkin patches.

There has been an overall decline in agriculture in the county due to shifts in the global economy, changing markets, increased conversion of agricultural lands to non-agricultural uses and environmental regulations - all played a part in the overall decline of dairying in particular and agriculture in general in the county.

To respond to the challenges facing Snohomish County farmers, the Agricultural Advisory Board, county staff, the county council and the Executive's office together with local farmers began to take steps to increase the economic viability of agriculture in Snohomish County. Some of these early actions were:

- Harvest Celebrations;
- Participation in a regional agriculture product marketing campaign - Puget Sound Fresh;
- Regional agricultural summits;
- Transfer of Development Rights Program;
- Purchase of Development Rights program; and
- Farmers' markets and farm stands as a new outlet for farm products.

In 2004, staff was dedicated solely to agriculture as a liaison to encourage agriculture overall and individual farms. Staff works directly with farmers as well as other agencies and groups within the county, region and state to increase the economic viability of farming. The Focus on Farming website was developed to bring together information pertinent to the agricultural community and to provide a multitude of resources that were previously not available or hard to locate.

The Executive's Citizen Cabinet which met in late 2004, formally recommended in its Citizens Cabinet Final Report that the county should increase support for agriculture. In early 2005, the Agriculture Action Plan, which was generated from the Focus on Farming Conference held in the fall of 2004, was also released. Together, these two documents will work to increase the viability of agriculture, clearly showing the county's emphasis on preserving and conserving both the land and the farming livelihood. Some of the measures and topics outlined are:

- Implement the Transfer of Development Rights and Purchase of Development Rights Programs;
- Improve information access and communications with farmers;
- Provide clear definition and clarity as to what agriculture is;
- Conduct regulation reforms to increase efficiency and clarity on agricultural issues;
- Increase agricultural economic development efforts;
- Strengthen public outreach and education efforts on the importance of agriculture and its contributions;
- Recognize agriculture's cultural heritage and historic importance;
- Acknowledge that growth impacts agriculture and work to define measures for assistance and mitigation;
- Educate the next generation of farmers;
- Create the Agriculture Action Plan Advisory Group; and
- Emphasize the importance of the Agriculture Advisory Board.

Snohomish County agriculture gives life and diversity to our local, regional and international economies, and provides open space as well as fish and wildlife habitat. It also contributes to a level of food security for the region and provides access to affordable and nutritious food and fiber for animal and human use.

Collectively, these measures, programs and other endeavors have helped bring about a new level of cooperation between the agriculture community, county staff, council and

executive. These policies are based on these growing efforts and work to preserve farmland and increase the viability of agriculture, while at the same time striving to protect the farmer, the essential key to sustaining agriculture in Snohomish County for the next generation.

In 2005 the state legislature amended the GMA to authorize the limited redesignation of Commercial Farmland to Recreational Land to permit the continued use of grass playing fields and supporting facilities in existence as of July 1, 2004. The amendment to the GMA specifies the criteria for redesignation and establishes a limited timeframe for the registration of pre-existing playing fields and supporting facilities and redesignation to Recreational Land.

## GOAL LU 7 Conserve agriculture and agricultural land through a variety of planning techniques, regulations, incentive and acquisition methods.

### Objective LU 7.A Classify and designate agricultural land of long-term commercial significance.

**LU Policies**

7.A.1 The county shall classify and designate farmlands in three classes: Riverway Commercial Farmland, Upland Commercial Farmland, and Local Commercial Farmland as shown on the Future Land Use map and shown in greater detail on a set of assessor's maps which will be part of the implementation ordinances.

7.A.2 Landowners may request in writing a review of the farmland designations as part of the county's annual GMA comprehensive plan amendment process.

7.A.3 The county shall designate farmland as required by the GMA, and consider the guidance provided for designating agricultural lands of long term commercial significance adopted by the State. In addition, farmland designations and expansions of such designations on contiguous lands should be made considering all of the following criteria:

(a) The land is prime farmland as defined by the U.S. Soil Conservation Service (SCS) or consists of other Class III soils in the SCS capability classification;

(b) The land is shown to be devoted to agriculture by:
   1. the adopted future land use map;
   2. a current zoning classification of Agriculture-10 acre; and
   3. was identified in the 1982 agriculture land inventory, the 1990 aerial photo interpretation, or the 1991 field identification of land devoted to agriculture;

(c) The land is located outside a UGA;

(d) The land is located outside a sewer service boundary; and

(e) The land consists of a parcel of 10 acres or greater in areas designated as Upland Commercial Farmland or Local Commercial Farmland.

7.A.4 If requested by a landowner, the county shall consider adding farm lands to the commercial farmland designation if they meet the following criteria:

(a) the lands are adjacent to designated farmland and are a minimum of 10 acres; and
(b) if not adjacent to designated farmland, the lands must be a minimum of forty (40) acres.

## Objective LU 7.B Conserve designated farmland and limit the intrusion of non-agricultural uses into designated areas.

**LU Policies**

7.B.1 A rural cluster subdivision on lands designated Local Commercial Farmland may be approved at a basic lot yield of 1 lot per 200,000 square feet, provided no new lots of less than one acre are created.

7.B.2 Conversion of Riverway Commercial and Upland Commercial Farmland to ultra-light fields, churches, or new government facilities shall not be allowed.

7.B.3 The county development regulations shall require residential dwellings, with the exceptions of existing dwellings and when rebuilding on the previous dwelling site, be set back from the property line abutting designated farmland as follows:

(a) dwellings within or adjacent to designated farmland shall be setback 50 feet
(b) if the size, shape, and/or physical site constraints of an existing legal lot do not allow for the required setback, the new dwelling shall maintain the maximum setback possible within the physical constraints of the lot as determined by the department; or
(c) the owner of the land proposed for residential development and the owner of the adjacent designated farmland each legally record and file signed covenants running with the land and a document establishing an alternative setback for one or both of the properties which meets the intent of this policy.

7.B.4 The county should work to find alternatives to the planning or construction of public or private infrastructure improvements such as electrical substations, sewer lines and treatment facilities and services on designated farmland. If located on or adjacent to designated farmland the county shall ensure that impacts on commercial agriculture are minimized.

7.B.5 Recreational uses that do not preclude future agriculture use shall be allowed consistent with the Growth Management Act, as now exists or hereafter amended, through implementing development regulations, which incorporate conditions ensuring compatibility with surrounding agricultural uses and limiting loss of prime agricultural soils.

7.B.6 In cases where a sewer line has been installed through farmland, residences shall be prohibited from connecting to the sewer line, unless a public health emergency is declared.

## Objective LU 7.C Enhance and encourage the agricultural industry through development and adoption of supporting programs and code amendments.

**LU Policies**

7.C.1 The Agricultural Advisory Board shall provide advice on and recommendations for goals, policies, programs, incentives and regulations related to agriculture and agricultural conservation.

7.C.2 The county shall work with the cities to develop interlocal agreements that apply standards that include Right to Farm noticing and setback requirements to developments which occur in cities and are adjacent to designated farmlands.

7.C.3 The county shall promote the expansion of agricultural enterprises, such as agri-tourism, specialty and niche agriculture, and especially greenhouses and hydroponic farming on Local and Upland Commercial Farmland and Rural Residential areas.

7.C.4 The county shall ensure that permitted uses in designated agricultural lands adjacent to airports are compatible with airport operations and requirements of the Federal Aviation Administration.

7.C.5 The county shall continue to educate the public on the importance of, and many benefits associated with, the long-term commercial viability of Snohomish County's local agricultural economy.

7.C.6 The county shall support the use of innovative agricultural technologies, procedures and practices that protect existing land, soil and water resources.

7.C.7 The county shall support programs and partnerships that recognize and promote public awareness of the economic, historic and cultural importance of local agriculture.

7.C.8 The county shall expand opportunities for the agriculture community to participate in economic development, code development and public policy initiatives related to agriculture and agricultural practices.

7.C.9 The county shall consider grade separations, frontage roads, or other methods to safely move vehicles and livestock when new or improved roads are proposed in designated farmland or on roads that receive substantial farm vehicle traffic.

7.C.10 The county shall support and participate in programs that promote and market locally grown and processed products.

7.C.11 The county shall participate in the development of a farm product processing facility (USDA certified) to be located within the county.

## Objective LU 7.D Initiate and continue studies which may result in improved conservation of agricultural lands.

**LU Policies**

7.D.1 The county should study methods such as the Transfer of Development Rights or Purchase of Development Rights Programs for mitigating the de-designation of farmlands.

7.D.2 Incentives for agricultural industry enhancement such as improved permit processing for designated farmlands and value assessment of farm residences in designated farmland areas at farm rates shall be investigated.

7.D.3 The impacts of siting public facilities such as schools, fire stations, and community centers adjacent to designated farmland should be studied and, if necessary, plan and code amendments should be initiated.

7.D.4 The county shall investigate improvements to development regulations that will reduce the stormwater run-off and water quality impacts of upstream developments on designated farmland .

7.D.5 The county shall investigate ways to simplify the permit process for routine maintenance and repair of dikes/levees and drainage systems on designated farmland.

7.D.6 The county shall investigate funding mechanisms such as grants to help fund the maintenance and repair of agricultural drainage systems.

7.D.7 The county shall conduct a traffic study to identify and assess where traffic interferes with farming.

7.D.8 The county shall study methods to decrease and mitigate the negative effects of residential development adjacent to or on designated agricultural land.

7.D.9 The county shall investigate programs that have the potential to convert farmland for habitat restoration, mitigation or flood storage and their resulting long term effects on agriculture. This investigation shall provide the basis for a subsequent analysis of the effects of such programs on farmland and shall be followed with appropriate policies and regulations to protect designated commercial farmlands.

7.D.10 The county may scope and conduct an analysis of designated farmlands and lands that could be utilized for agriculture. This analysis shall provide the basis for subsequent analysis of the land's future use, and designation.

## Objective LU 7.E

## Designate as Recreational Land playing fields and supporting facilities historically located on commercial farm land.

**LU Policies**

LU 7.E.1 Pursuant to state legislation (Laws of Washington 2005, chapter 423), the county shall consider proposals for the Recreational Land designation consistent with the GMA, chapter 36.70A RCW, using the following criteria:

a. The property is designated as Commercial Farmland on the Future Land Use Map at the time the county considers redesignation.
b. Grass playing fields and supporting facilities for sports played on grass playing fields were in existence on the property proposed for redesignation prior to July 1, 2004.
c. The property proposed for designation is not currently in use for commercial production of food or other agricultural products.
d. The proposed property is not included in a UGA.

LU 7.E.2 The opportunity to redesignate Commercial Farmland to Recreational Land shall expire June 30, 2006.

LU 7.E.3 Designated Recreational Land may be used only for playing fields and supporting facilities for sports played on grass playing fields or for agricultural uses.

LU 7.E.4 Continued operation of playing fields and supporting facilities on lands designated Recreational Land shall not affect other natural resource lands designated under RCW 36.70A.170 (1) (b), and shall not preclude reversion to agricultural uses.

LU 7.E.5 Lands designated Recreational Land are agricultural lands appropriate only for playing fields or agricultural use and not for future transition into UGAs, and subsequent land use actions must be consistent with the Commercial Agriculture of Long Term Significance designation.

LU 7.E.6 Reconsideration of the Recreational Land designation and possible redesignation to Commercial Farmland can occur through a subsequent comprehensive plan amendment when:

a. Use of playing fields and supporting facilities on designated Recreational Land ceases as the result of a voluntary action by the property owner for two consecutive years; or
b. Use of playing fields on Recreational Land interferes with surrounding Commercial Farmland or agricultural uses or activities.

# Forest Lands

The county recognizes the economic, ecological and historical value of forest lands in the county. Forest lands make up over 18% of the county's total area. Productive forest lands in Snohomish County are expected to contribute an estimated $1.9 billion to the economy between 2005 and 2026 (given current timber values for the first half of 2005). A goal of the GMA is to conserve productive forest land and discourage incompatible uses. For Snohomish County, this goal helps to protect a valuable resource.

To comply with specific provisions in the GMA to designate and conserve forest lands for long term commercial production of timber, the county prepared an inventory of productive forest land considering the guidelines issued by the state (WAC 365-190). In 1992 the county adopted the Interim Forest Land Conservation Plan which designated two classifications of productive forest land: Interim Commercial Forest and Interim Forest Reserve land. The interim plan was intended to conserve designated forest land through policies and regulations until the county adopted its first GMA comprehensive plan. In 1993, the county adopted the Rural Cluster Subdivision and the Right to Practice Forestry ordinances which implemented key provisions of the interim plan.

The interim plan was revised and designation criteria were refined with adoption of the GPP in 1995. The interim designations were replaced by Commercial Forest and Local Forest designations.

The Forest Advisory Committee (FAC) was appointed by the county in 1991 to advise planning staff and make recommendations to the planning commission. The FAC assisted in developing the criteria for classifying Commercial Forest lands, identifying Commercial Forest lands on the County's GMA Comprehensive Plan Future Land Use map, and formulating the forest land policies in this General Policy Plan.

Lands designated Local Forest on the Tulalip Indian Reservation were reviewed as a result of a cooperative planning effort by the county and the Tulalip Tribes in 1999. Local Forest lands that met the refined criteria, pursuant to the cooperative plan, for long-term commercial timber production have been retained in that designation. Designated Local Forest lands are fee-simple non-tribally owned lands falling under county jurisdiction. However, they are adjacent to tribally owned forest lands and together enhance resource protection and management for both jurisdictions. These lands are an integral part of the Tulalip Tribes' designated forest lands devoted to protection and sustainability of natural resources within the interior of the Tulalip Reservation.

**GOAL LU 8** **Identify and designate, conserve and promote sustainable use of valuable forest resource land in the county.**

**Objective LU 8.A** **Classify and designate Commercial Forest and Local Forest lands that are primarily devoted to growing trees and that can be economically and practically managed for long term commercial timber production.**

**LU Policies**

8.A.1 Commercial Forest and Local Forest lands shall be classified and designated as shown on the Future Land Use map attached to this plan and in greater detail on a set of county assessor's maps which are incorporated into this plan by reference.

8.A.2 Commercial Forest and Local Forest lands were evaluated considering the factors listed in RCW 36.70.A.030(8) and are designated pursuant to the Growth Management Act (RCW 36.70A.040) because they meet all of the following applicable criteria:

(a) Parcel Size (Commercial Forest and Local Forest): (a) A minimum of 40 acres or 1/16th of a section; or (b) parcels less than 40 acres which are zoned Forestry when at least 40 acres are contiguously owned and the land is in a deferred forest or exempt tax status.

(b) Peninsula Width (Commercial Forest only): Peninsulas shall be more than one quarter mile wide.

(c) Island Size (Commercial Forest only): Islands shall be a minimum of 2,000 acres.

(d) Tax Classification (Commercial Forest only): Parcels shall currently be in a deferred forest tax status pursuant to RCW 84.33 or RCW 84.34.

(e) Primary Use (Commercial Forest and Local Forest): Land shall be primarily devoted to growing trees for long-term commercial timber production; any FPA permit issued within seven years prior to the date of review of these criteria on a site shall have been issued for commercial forest.

(f) History of Development Permits (Commercial Forest and Local Forest): The land shall not be subject to any vested development applications containing residential lots or densities higher than one unit per 40 acres for Commercial Forest lands and one unit per 20 acres for Local Forest Lands.

(g) Forest Land Cover (Commercial Forest and Local Forest): The land should consist of large forested areas, unless logged within seven years under an FPA permit that did not indicate change of use, and may not contain densely built residential or agricultural areas.

(h) Forest Land Grades (Commercial Forest and Local Forest): The land should consist primarily of Forest Land Grades one through three as mapped by the Department of Natural Resources.

(i) Exceptions: The only exceptions to these criteria are isolated and uncommon inholdings (parcels surrounded by commercial forest land on all sides).

8.A.3 Private and state owned lands within the Mt. Baker-Snoqualmie National Forest that meet the criteria defined in Policy 8.A.2 shall be designated as Commercial Forest.

8.A.4 Landowner requests for changes to the Commercial Forest land designation of their property shall be reviewed for their suitability as Commercial Forest land in accordance with the criteria contained in GPP policy 8.A.2 as part of the county's annual GMA comprehensive plan amendment process.

## Objective LU 8.B Conserve designated Commercial Forest lands through the adoption of development regulations.

**LU Policies**

8.B.1 The county shall not approve subdivision of land designated Commercial Forest beyond the 1/du/80 acres, except for subdivision to allow installation of communication and utility facilities provided all of the following requirements are met:

(a) the facility cannot suitably be located on undesignated land;
(b) the installation cannot be accomplished without subdivision;
(c) the facility is located on the lowest feasible grade of commercial forest land; and
(d) the facility removes as little land as possible from timber production.

8.B.2 New structures proposed to be located on parcels adjacent to designated Commercial Forest lands shall establish and maintain a minimum 100 foot setback, which shall be a resource protection area, from the property boundaries of adjacent Commercial Forest lands except as follows:

(a) if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 100 feet, the new structure shall maintain the maximum setback possible; or
(b) if the owner of the land on which the new structure is proposed and the owner of the adjacent designated Commercial Forest land each legally record and file signed covenants running with the land, and a document establishing an alternative setback for one or both of the properties.

8.B.3 The builders of new dwellings proposed to be located on designated Commercial Forest lands or on parcels adjacent to designated Commercial Forest lands shall provide adequate access for fire vehicles.

8.B.4 The builders of new dwellings proposed to be located on designated Commercial Forest lands or on parcels adjacent to designated Commercial Forest lands, if located within 200 feet of the property boundary of adjacent designated Commercial Forest land, shall be required to survey the property boundaries that abut designated Commercial Forest lands, locate the property boundaries on the ground, and submit a record of survey with a building permit application.

8.B.5 Subdivisions, short subdivisions, and rural cluster subdivisions of parcels adjacent to designated Commercial Forest land shall establish a resource protection area of a minimum 100 foot width along designated Commercial Forest land boundaries.

8.B.6 Tax incentives should be provided to encourage designated Commercial Forest landowners and owners of land adjacent to designated Commercial Forest land to establish a permanent resource protection area or buffer 200 to 500 feet in width between timber management uses on designated Commercial Forest land and residential uses on adjacent land.

8.B.7 New structures proposed to be located on designated Commercial Forest lands shall establish and maintain a minimum 500 foot setback, which shall be a resource protection area, from the property boundaries of adjacent Commercial Forest lands.

**Objective LU 8.C** **Establish regulations and incentives that encourage multiple use of forest lands for a variety of natural resource and land use activities that are especially suited to commercial forest land because of physical and topographical characteristics, remoteness from populated areas, availability of water supplies, and the quality of the forest environment.**

**LU Policies**

8.C.1 Commercial forestry, tree farms, non-commercial mineral extraction, low intensity recreation, compatible ancillary uses, and other activities relying on forest land should be the primary uses of designated Commercial Forest land.

8.C.2 Residential development should be strongly discouraged within designated Commercial Forest lands. However, nothing in this policy shall be construed to prevent the owner of designated Commercial Forest land from living on his/her land, provided that applicable building requirements are met.

8.C.3 Commercial mineral extraction including sand, gravel, and quarry rock shall be allowed on designated Commercial Forest lands through the conditional use permit process where the commercial forest and mineral lands designations coincide.

8.C.4 Incentives should be established to encourage landowners to continue commercial forest management of designated Commercial Forest lands.

8.C.5 The establishment or expansion of special purpose districts and local improvement districts resulting in the imposition of assessments, rates, or charges on designated commercial forest land should be discouraged when the services do not benefit forest management activities.

8.C.6 The maintenance of forest lands in timber and current use property tax classifications consistent with RCW 84.28, RCW 84.33, and RCW 84.34 should be encouraged.

## Objective LU 8.D Ensure that adjacent land uses do not interfere with commercial forest management activities.

**LU Policies**

8.D.1 Rural cluster subdivisions shall be utilized for the division of rural land adjacent to designated Commercial Forest lands, except that rural cluster subdivisions shall not be utilized on lands designated Rural Residential-RD and located outside a Rural/Urban Transition Area. Home sites within the rural cluster subdivision shall be sited away from adjacent designated Commercial Forest land property boundaries.

8.D.2 Designated Commercial Forest land and land adjacent to designated Commercial Forest land that was previously subdivided but not yet developed for residential use should be considered for replat as a rural cluster subdivision.

8.D.3 New dwellings on all designated commercial forest lands and lands adjacent to designated Commercial Forest lands shall meet fire protection standards.

8.D.4 Land uses on or adjacent to designated Commercial Forest land shall be sited and designed to minimize trespassing, dumping of garbage, forest fire hazards, and complaints against forest management activities.

## Objective LU 8.E Establish a Forest Transition Area (FTA) that creates a protected long-term Commercial Forest land boundary that will not be impacted by adjacent land use conflicts.

**LU Policies**

8.E.1 An FTA one quarter mile in width shall be designated on Commercial Forest lands adjacent to non-resource lands. The FTA consists of Commercial Forest lands and is shown as an overlay to Commercial Forest lands on the County's GMA Comprehensive Plan Future Land Use map.

8.E.2 The FTA may be partially developed if adjacent land use conflicts restrict normal forest practices as indicated by at least one of the following:

(a) If any of the following uses are located within 500 feet of the commercial forest land boundary:
  - i) residences, campgrounds or other structures valued at more than $1,000;
  - ii) other areas or activities with frequent public use; or
  - iii) conflicting uses or improvements which are either susceptible to damage from, or are incompatible with, forest practices typical of the area (including, but not limited to, ornamental or fruit trees, berry

bushes, beehives, livestock or poultry enclosures, etc.).

(b) If legal action or action by a public agency or court restricts normal forest practices due to potential conflicts along the boundary.

(c) Proof of existence of an active surface water intake which is currently used as source for potable water within one quarter mile downstream.

8.E.3 If adjacent land use conflicts restrict normal forest practices, as defined in the GPP, the Commercial Forest landowner shall have the option of developing one sixteenth section of the FTA or a one quarter mile wide segment of the FTA that borders the adjacent land use conflict, whichever is greater. That portion of the FTA eligible for development may be developed at a density of one dwelling per 20 acres through a standard plat or 1 dwelling per 10 acres using a cluster subdivision process.

8.E.4 When FTA lands are platted, a deed restriction shall be required that prevents all proposed and future development and other conflicting non-forestry uses in the FTA from being located closer than 500 feet to adjacent non-transition Commercial Forest lands and 200 feet from adjacent undeveloped FTA lands. This 500-foot or 200-foot restricted zone shall be managed and maintained as Commercial Forest land. The deed restriction shall apply only as long as the FTA borders other Commercial Forest lands.

8.E.5 The Right to Practice Forestry notice shall apply to properties within the FTA.

8.E.6 When FTA lands are divided using a cluster subdivision process, the lands not proposed for use as residential lots, roads, utilities, open space or other uses associated with the residential development, and not within the 500-foot or 200-foot restricted zone, which must be managed as Commercial Forest land as defined by Policy 8.E.4 above, shall be identified as a Resource Management Area which may be managed for timber production in accordance with the Washington Forest Practices Rules and Regulations.

# Mineral Lands

Snohomish County has a wealth of mineral resources including sand, gravel and bedrock with additional deposits of precious metals located primarily in the mountainous region within the national forest lands. It is the intent of the county to preserve these resource areas for future access to the minerals. However, it is also the intent of the county to identify adjacent incompatible uses and to balance the resource land needs with those of the surrounding land owners and the environment.

The mineral resource lands subelement is intended to:

- identify and designate mineral resource lands;
- ensure that these lands continue to be available for mining;
- minimize the impacts of mining on the environment, communities, and other land uses; and
- ensure that mining sites are left in a condition compatible with subsequent uses.

The foundation of the mineral resource lands subelement is the goals and requirements of the GMA (RCW 36.70A), the minimum guidelines for classifying resource lands (WAC 365-190) and the direction provided in the 1995 General Policy Plan for detailed mineral lands planning.

The Growth Management Act requires counties to identify and conserve natural resource lands (RCW 36.70A.060). This includes designating mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals (RCW 36.70A.170). Conservation in this context is intended to maintain such lands for potential mineral extraction. Counties must also protect these lands by ensuring that the use of adjacent lands does not interfere with mineral extraction. (RCW 36.70A.060(1)).

Policies in the 1995 Snohomish County General Policy Plan directed the county to identify and designate an adequate supply of mineral resource deposits to meet the 20-year projected demand in Snohomish County. In 1997, Snohomish County initiated the mineral resource lands planning project to fulfill this directive. A Mineral Lands Task Force was established in 1998 to provide input to the county during the planning process.

A geologic inventory was completed in 1999 and identification and classification of mineral resource lands was completed in 2000 after analysis of alternative designation approaches. Associated policy and regulatory measures were then developed and evaluated in a Draft Supplemental Environmental Impact Statement issued November 21, 2001, an Addendum issued July 5, 2002, and a Final Supplemental Environmental Impact Statement issued August 6, 2003. Five public workshops were conducted between January and July, 2002.

Public hearings were held by the planning commission in November 2002 and the county council in July and August 2003. Public input prompted further review and analysis to address land use compatibility, traffic impacts and groundwater concerns. In 2004, representatives from the mineral resource industry participated in analysis of the supply and demand for minerals expected through 2025 and forecasts of the resulting heavy truck traffic.

Mineral resource land designation and the associated policies in this subelement are based on:

- a geologic inventory supplemented by parcel specific resource data;
- a hierarchical classification of resources based on resource quality and quantity;

- designation criteria consistent with WAC 365-190-170 addressing resource value, land use compatibility and environmental concerns; and
- policies to minimize potential land use, environmental and transportation conflicts while recognizing the economic necessity of the mineral resource industry.

The mineral resource land designation represents a reduction in area from the overall resource inventory, which identified 177,000 acres of potentially viable mineral resource deposits. Areas were excluded from consideration based on jurisdictional and legal issues, environmental constraints and land use compatibility. Of the 177,000 acres identified in the inventory, 131,000 acres are designated as an overlay (Mineral Resource Overlay or MRO) on the Future Land Use Map (FLUM). This represents all of the mineral resource deposits in the county which meet the criteria for volume, quality and extractability; are under county jurisdiction and are not slated for more intensive urban development; and are located in predominantly undeveloped, low density rural (10-20 acre lot size) or forest areas where land use incompatibility issues have been addressed at a countywide level. Mineral resources are also designated in limited 5-acre rural areas at the request of landowners where it was determined that the individual sites met all of the designation criteria established in the policies.

The volume of mineral resources designated on the FLU map will meet demand well beyond the 20-year planning horizon. The designation and the associated policies balance the goals of the GMA to protect the resource lands, provide for a variety of rural land uses and support economic opportunities in rural areas. Designation of mineral resources in predominantly undeveloped rural areas allows rural land owners the opportunity to extract minerals from their property, provides policy direction for development patterns which can be compatible with mineral resource uses and reduces transportation costs by designating some resource supply closer to urban market areas.

Mineral resource land designation is an overlay with forest resource or rural designations underneath. Where mineral resources are designated in forest areas, mineral resource uses are allowed with appropriate permits. Where mineral resources are designated in rural areas, mineral resource uses will be preferred and other uses which would preclude future mineral extraction will be limited or required to utilize innovative site design techniques to preserve the resource deposits for future use.

Designation means that mineral resources are present, planning level environmental review has been completed and designated sites are eligible to apply for the permits needed for extraction and/or processing of minerals. Designation does *not* mean that all designated lands will become active mines or quarries. Every proposal for extraction or processing must complete additional environmental review at the project level and obtain the required permits.

## GOAL LU 9

**Conserve mineral resource lands for mineral extraction, minimize the detrimental effects of mineral extraction on the environment and other land uses, and plan for the eventual post-extractive use of mine sites.**

## Objective LU 9.A

**Identify and designate mineral resource lands that are not already characterized by urban growth and that have long term significance for the extraction of minerals.**

**LU Policies** 9.A.1 The county shall use the "Prospect Identification and Preliminary Classification" inventory report and maps completed December 1998, and as subsequently revised and updated based on further site-specific geologic data, to identify sand, gravel and bedrock resources potentially eligible for designation as mineral resource land. Determination of eligibility for designation considers the following criteria:

- physical properties of the resource including quality and type;
- depth of the resource;
- depth of the overburden; and
- life of the resource.

9.A.2 The county shall exclude selected mineral resources identified on the inventory from potential designation because of legal, environmental or policy conflicts. Lands which shall be excluded are those:

- located within incorporated city, Urban Growth Area, or National Forest boundaries;
- identified as Tulalip Tribal Trust Lands;
- developed at densities greater than or equal to 0.15 lot per acre (average lot size of 6.67 acres) in neighborhoods with 5 or more homes;
- containing hard-to-replace public facilities (cemeteries, schools/colleges, hospitals, libraries, parks and trails);
- designated Riverway Commercial Farmland, Upland Commercial Farmland, or Local Commercial Farmland by the Snohomish County comprehensive plan;
- designated as a Natural or Conservancy environment by the Snohomish County Shoreline Management Master Program;
- located within a 300-foot Chinook Salmon/Bull Trout corridor;
- located within a 100-year floodplain;
- isolated islands less than 10 acres, except as provided in 9.A.3; and/or
- land with 5-acre or smaller underlying land use designation and/or zoning, except in cases in which the landowner requests mineral resource designation and the site otherwise meets the criteria in 9.A.1 and 9.A.2.

9.A.3 The county shall consider proposals for mineral resource designations or extraction on islands less than 10 acres under the following conditions:

- the resource is needed for emergency purposes;
- the resource is of an exceptional quality needed to satisfy requirements of a specific project;
- the resource, including precious metals, is part of an official mining claim within the boundaries of the National Forest; or
- the landowner requests mineral resource designation and the site otherwise meets all criteria in 9.A.1 and 9.A.2.

9.A.4 Mineral resource lands are classified and designated in the comprehensive plan as shown on the Mineral Resource Lands Map (Map 2) and in greater detail in the county's Geographic Information System (GIS) coverage. The mineral resource land designation is an "overlay," referred to as the Mineral Resource Overlay (MRO), to the Future Land Use Map designation of the comprehensive plan.

9.A.5 When interpreting the Mineral Resource Lands Map at the project level, any parcel shown on the map to contain any amount of designated mineral resource shall be considered to be designated for the purpose of eligibility to submit permit applications.

9.A.6 Designation as mineral resource land signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The environmental documents associated with the mineral lands subelement may be used, as permitted by the SEPA rules, when making threshold determinations and/or preparing environmental documents.

9.A.7 Designation as mineral resource land indicates eligibility for permitting by the county as a mineral excavation site and that, at the comprehensive plan level, such land is potentially appropriate for mineral excavation.

9.A.8 Designation as mineral resource land does not substitute for any permit or approval required for mineral extraction and should not create a presumption of approval for any required permits.

9.A.9 Certain undesignated lands are eligible for permitting by the county under the following conditions:

- expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated or zoned Mineral Conservation; or

- private actions within National Forest boundaries for extraction of mineral resources, including precious metals, where the proponent's rights to the minerals has been acknowledged by the Bureau of Land Management.

9.A.10 Presence or absence of a mineral resource land designation does not change the current conditional use or legal non-conforming use status of existing mining sites.

9.A.11 Retention of conditional use or non-conforming use status for existing mine sites shall not exclude county monitoring, review or certification under updated policies and rules developed after the effective date of the Growth Management Act.

9.A.12 Landowner requests for changes in the mineral resource land designations shall be subject to the county's GMA comprehensive plan amendment process. Such requests should be reviewed for consistency with LU Policies 9.A.1, 9.A.2 and 9.A.3.

9.A.13 The county shall remove, by amendment of the comprehensive plan, the mineral resource land designation of any mineral site certified as restored by the Washington Department of Natural Resources. If the mineral site lies within one mile of a tribal reservation or Urban Growth Area boundary, the county shall consult with the affected tribe or city regarding the comprehensive plan amendment.

9.A.14 The county may consider removing the mineral resource designation, by amendment to the comprehensive plan, from sites where substantial evidence of unique circumstances determines that mineral excavation is not an appropriate use for the site.

9.A.15 The county shall study the consideration of landowners' requests for mineral resource designation on their property in river shorelines of the state through the county's GMA comprehensive plan amendment process. The following designation criteria in LU Policy 9.A.2 will be considered during the study:

- Designated as a Natural or Conservancy environment by the Snohomish County Shoreline Management Master Program;
- Located within a 300-foot Chinook Salmon/Bull Trout corridor;
- Located within a 100-year floodplain; and/or
- Designated as Riverway Commercial Farmland by the Snohomish County comprehensive plan.

9.A.16 The county shall investigate the economic viability requirements of the mineral industry and review and amend, as appropriate, the mineral lands designation criteria in Policy LU 9.A.2.

## Objective LU 9.B

**Protect designated mineral resource lands from development that would prevent future excavation on those lands.**

**LU Policies**

9.B.1 The county shall establish and retain a rural residential or commercial forest comprehensive plan designation and implementing zoning for mineral resource land.

9.B.2 The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation. Where the MRO covers only a portion of a rural 5-acre designated parcel, that portion of the parcel *not* covered by the MRO may be subdivided provided that:

a. minimum lot size requirements can be met according to underlying zoning;
b. rural cluster subdivision is used; and
c. the mineral resource deposit is protected for future resource use by adequate buffers, setbacks and open space provisions.

9.B.3 Any subdivision of mineral resource land outside of 5-acre rural designations (e.g. 1 du/10 acres, 1 du/20 acres, or local forest) shall utilize site planning and design opportunities, including rural cluster subdivisions, to retain the maximum amount of land for potential mineral resource use. Open space provisions will preserve the option for future mineral resource extraction.

9.B.4 The county will maintain mineral resource maps and/or GIS data and provide this resource information to landowners who wish to investigate resource potential on their lands.

## Objective LU 9.C

**Ensure that the use of lands adjacent to designated mineral resource lands does not interfere with the use of these lands for the extraction of minerals.**

**LU Policies**

9.C.1 A mineral lands notice ordinance shall require that all plats, short plats, development permits, and building permits issued for development activities on or within two thousand feet of lands designated as mineral resource contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

9.C.2 The county shall maintain five-acre or larger minimum lot size comprehensive plan designations of rural lands adjacent to designated mineral resource lands.

9.C.3 The county shall require the use of rural cluster subdivision for subdivision of rural residential lands (e.g. 1 du/5 acres, 1 du/10 acres, or 1 du/20 acres) adjacent to designated mineral resource lands. Residential lots within the development shall be located as far as possible from designated resource lands.

9.C.4 The county shall consider open space, forestry, rural industry, agriculture or recreational uses as preferred land uses on parcels adjacent to designated mineral resource lands in future amendments to the comprehensive plan.

## Objective LU 9.D Ensure that the impacts of mineral extraction, processing and transporting are adequately addressed and mitigated in the permit review process.

**LU Policies** 9.D.1 The county shall adequately address and mitigate on-site and off-site impacts of mineral operations and transporting in the permit review process. Impact assessment shall include, at a minimum:

- Evaluation of impacts to the natural environment and critical areas both on- and off–site with particular attention to geologic hazards, impacts to groundwater used for potable supply, and fish habitat;
- Evaluation of impacts to adjacent properties including use compatibility, health, safety and welfare; and
- Evaluation of traffic impacts including safety, congestion, road characteristics and conditions, and non-vehicular users along roads impacted by large trucks generated by mineral operations taking into consideration the size, weight and performance characteristics of the large trucks.

9.D.2 As part of the permit review process for mineral extraction and processing uses, the county shall consider the impact analysis completed for this plan's environmental documents, which identifies areas with moderate to high land use, watershed and/or transportation impacts, when requesting information for permit applications, making threshold determinations or preparing site-specific environmental documents.

9.D.3 The county will evaluate transportation and hauling impacts as part of an individual site specific permit application.

9.D.4 The county shall coordinate with the mineral industry and stakeholder groups to develop a mineral lands strategy addressing education and outreach; data collection and tracking; and economic development.

9.D.5 Protection of groundwater resources is of primary importance thus the county shall require hydrogeologic site evaluations, mitigation plans and/or groundwater monitoring programs when conditions

merit. The county shall also require contingency plans for alternate potable water supply in the event of groundwater contamination or aquifer breach directly resulting from mineral operations.

9.D.6 Application of the criteria in policy 9.A.2 results in elimination of Shorelines of the State from mineral resource designation. Therefore, proposals including mineral operations within Shorelines of the State shall not be eligible for permits from the county.

## Objective LU 9.E

**Ensure that jurisdictions potentially affected by mineral extraction activities are consulted when mineral permit applications are submitted to the county.**

**LU Policies** 9.E.1 Request-for-review comments on mining proposals shall be solicited from all nearby and affected cities, Indian Tribes and state and federal landowners.

9.E.2 The county shall consider interlocal agreements with jurisdictions already impacted by established mines, including, but not limited to: Gold Bar, Sultan, Monroe and Granite Falls.

9.E.3 The county shall coordinate with affected jurisdictions when reviewing new applications for mineral operations.

## Objective LU 9.F

**Ensure that mining site approval does not preclude or inhibit the planned post-extractive use of the mine site or the planned future use of adjacent lands.**

**LU Policies** 9.F.1 Post-extractive uses should be identified, at the time of permitting, for mineral resource lands that are consistent with adjacent and nearby comprehensive plan designations. Where adjacent or nearby lands are designated mineral resource land, the post-extractive use of the permitted site should be compatible with future mineral extraction activities on the adjacent or nearby lands.

9.F.2 The county shall utilize available opportunities to ensure that mine site excavation and reclamation are consistent with county, city and tribal land use plans and the state Surface Mine Reclamation Act (RCW 78.44).

9.F.3 The county shall pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses (park land, open space, forest land, community lakes, etc.). Such reclamation plans will be considered as favorable mitigations of the mining activity during the county's SEPA review process.

# Open Space, Shoreline and Scenic Resources

Open space is defined as any parcel or area of land that remains essentially unimproved and which may be devoted to or used for public or private use or enjoyment, or the protection of environmentally sensitive areas. Open space includes a wide variety of lands with many types of uses that can support an open space function as a partial or supplemental use. Examples include publicly owned lands and parks useful for either active or passive recreation, schools, water bodies, utility corridors, fish and wildlife conservation areas and other types of critical areas, trails, resource lands, cemeteries, and scenic or open space easements on private land.

The GMA establishes the following planning goal (9) concerning open space and resource lands: Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The GMA also requires the county to identify open space corridors within and between urban growth areas. The open space corridors are to include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. In urban areas, open space provides relief from intense urban land uses. Open space needs must be balanced with other land uses in urban planning.

The Open Space Corridor/Greenbelt Map (Map 4 in the map portfolio and described in the Open Space Corridor/Greenbelt Areas map section of this plan) depicts a countywide open space network.

Multi-county policies have been adopted by the Puget Sound Regional Council which place emphasis on funding countywide networks of permanent urban and rural open space. Other multi-county policies require planning for open space areas and corridors of regional significance.

The multi-county policies also call for regulatory and acquisition programs to protect scenic resources of unique or outstanding value.

In 2001, the county completed the Southwest UGA GreenSpace Project. This report, developed with the assistance of representatives from throughout the Southwest UGA, identified funding strategies for preserving open space. This document is advisory and can provide a resource for policy decisions on incentives to encourage the preservation of open spaces in the Southwest UGA.

Other documents which may also provide guidance in determining open space corridors are WRIA plans, Critical Areas maps, and the Parks and Recreation Plan. The latter document provides implementation measures to meet GMA goal 9.

It is important to note that not all open space areas are mapped – i.e., small forest lots, cemeteries, archeological sites, small critical areas or land preserved as buffer in a development agreement.

## GOAL LU 10 — Identify and protect open space, natural and scenic resources and shoreline areas.

### Objective LU 10.A — Identify and preserve an integrated open space network.

**LU Policies** 10.A.1 The county shall consider the following features for inclusion in an open space system:

(a) natural or scenic resource areas;

(b) water supply protection areas (public watersheds) and natural drainage easements;

(c) urban and rural landscaped areas, such as public or private golf courses, public or private school yards, cemeteries, active parks and arboretums;

(d) public and private low intensity park and recreation sites such as wildlife preserves, nature reservations, sanctuaries, or hiking, equestrian and biking trails;

(e) land reserved as open space or buffer as part of development;

(f) cultural, archaeological, geologic, and historic sites;

(g) major multi-functional river corridors (Snoqualmie, Snohomish, Skykomish and Stillaguamish valleys) and other water bodies including Puget Sound, major lakes, and major tributaries;

(h) linear open space such as utility and trail corridors;

(i) land designated open space under the Open Space General Criteria established according to SCC 4.28.040 for tax assessment purposes;

(j) lands that link existing open space and recreation areas; and

(k) lands that form open space corridors within and between urban growth areas.

## Objective LU 10.B Develop plans and techniques to preserve open space and scenic resources.

**LU Policies** 10.B.1 The county shall use a variety of land development techniques to preserve and maintain open space corridors that define urban growth boundaries and provide separation between communities, and between urban and rural areas where feasible.

10.B.2 The county shall consider various land acquisition techniques in the development of cooperative management plans and implementation strategies for open space areas of inter-jurisdictional significance.

10.B.3 The county shall pursue joint ventures with cities, school districts, and private land developers to exploit joint use opportunities for open space and recreation.

10.B.4 The county shall work with cities to create an integrated system of passive and active parks, open spaces, and trails in areas which are accessible to all residents of the county and cities, and provide for a

variety of recreational activities, and contribute to neighborhood or community identity.

10.B.5 The county shall work cooperatively with public and private groups to identify, protect, and enhance open space areas and corridors of regional significance, such as the Stevens Pass Greenway.

10.B.6 The county shall integrate open space planning and the protection of scenic resources with innovative programs, such as purchase or transfer of development rights, cluster development, open space tax assessment, and acquisition of easements.

10.B.7 The county shall consider development of code and site design standards that encourage the preservation of natural and scenic resources.

## Objective LU 10.C

**Preserve and enhance public access and recreational opportunities through the Shoreline Master Program. See Shoreline Master Program for Goals and Policies related to areas of Snohomish County subject to the Shoreline Management Act.**

# Cultural Resources

Snohomish County is blessed with rich historical, archeological and arts resources. These valuable resources mark the collective culture of the people in the county. Located within the county are several historic districts, hundreds of historic and archeological sites, outstanding privately and publicly owned works of art, and an active arts community consisting of several symphonies, choral and dance groups, theatres, art schools and arts councils. Numerous cultural festivals occur throughout the county during the year. In addition, Snohomish County has cultural landscapes, landmarks and areas of special locational character, which are worthy of study and preservation. In order to address all these resources, Snohomish County has grouped historical, archeological and arts resources under the collective label of "cultural resources."

A number of benefits result from cultural resource preservation and enhancement:

- Cultural resources contribute materially to the aesthetics of a community, fostering a sense of place and identity for all ages.
- They are important components of the civic pride found in stable, successful communities.
- Economic dividends come from cultural tourism and downtown revitalization done under historic preservation and artistic guidelines. The economic development element of this plan refers to the benefits, which can come from these programs.
- Strong cultural resources programs meet the legal obligation of the federal laws such as the Native American Graves Protection and Repatriation Act and the state procedures for protection of archaeological resources.

The county values all these resources, and considers them worthy of preservation, enhancement and encouragement.

One of the thirteen goals of the GMA which states: "identify and encourage preservation of lands, sites and structures, that have historical and archeological significance," provides the framework for implementing the county's values for historic and archeological resources. Pursuant to that goal, and goals and policies on this same topic in the 1995 General Policy Plan (GPP), Snohomish County adopted Title 33 of the Snohomish County Code on April 3, 2002. Title 33 outlines the procedures by which the county will identify, evaluate and protect archaeological and historic resources. Specifically, through the ordinance the county created the Historic Preservation Commission and outlined its powers and duties. The county also adopted rules to ensure the protection of archeological resources.

In September 2003, Snohomish County received Certified Local Government status. This certification recognizes the county's professionally staffed historic preservation program. The certification also makes the state's tax incentive program available for properties that meet certain criteria for rehabilitation and are on the Local Register of Historic Places. The first property was placed upon the register in October 2003.

This program also works in conjunction with the federal, state and county regulations, which require the county to cooperate with the tribal governments in the county to protect their archeological and cultural sites from disturbance.

In addition, the county has elected to identify and preserve works of art and to encourage the work of arts councils and performing arts, dance and theater groups, including their festivals and special events. While this effort is not addressed specifically in the Growth Management Act, it is consistent with the overall goals of the act of preserving neighborhoods and the quality of life in the county. On July 24, 2004, the Snohomish County Council adopted Ordinance No. 04-063, which creates the Snohomish County Arts Commission, and the accompanying code chapter outlines their duties and powers. The Commission was recreated to build upon the precedent set by the first Arts Commission in the county in the early 1990s.

This section of the GPP reinforces the value of cultural resources, adds new policies to the 1995 plan and updates others, based on the progress made since 1995. The cultural resources are addressed through the goals, objectives and policies below.

## GOAL LU 11 Identify and encourage the preservation and enhancement of cultural resources in Snohomish County, including archaeological, historic and arts resources.

### Objective LU 11.A Identify and document archaeological and historic resources throughout Snohomish County.

**LU Policies**

11.A.1 The Snohomish County historic resource inventory shall be used in conjunction with the State's list of registered archaeological sites as the county's vehicles for identifying and documenting historic and archaeological resources.

11.A.2 The county's historic resource inventory and its copies of the State's list of registered archaeological sites shall be updated on a continuing basis to ensure the inventories' usefulness as historic preservation and land use tools.

11.A.3 The county's resource inventories shall be coordinated with similar programs maintained by municipalities and indigenous people within the county to ensure the comprehensiveness of the inventories.

11.A.4 Consistent with its resources and based on the standards of the resources inventories, the county shall provide technical assistance to local groups whose work can be incorporated into the county's inventories.

11.A.5 The county shall encourage the protection and use of cultural resources which have the potential to further economic development initiatives.

11.A.6 Since lands designated Reservation Commercial are located in a culturally significant area, development applications on any property in this designation shall include an archeological assessment in order to avoid impacting any archeological resource.

## Objective LU 11.B — Preserve and enhance archaeological and historic resources.

**LU Policies**

11.B.1 The county shall maintain its certified local government status under the 1966 National Historic Preservation Act by carrying out the requirements of its historic preservation ordinance.

11.B.2 The county shall meet its historic and archaeological resource management obligations under federal, state, and local regulations in an efficient and effective manner.

11.B.3 Commensurate with its resources, the county shall provide technical assistance on historic and archaeological resource matters.

11.B.4 The county shall promote preservation of identified archaeological and historic resources.

11.B.5 On projects under its authority, the county shall consistently seek to mitigate unavoidable negative impacts to historic and archaeological resources and to discourage demolition of culturally significant structures and sites.

11.B.6 The county shall develop incentives to promote preservation and adaptive reuse of historic resources.

11.B.7 The county shall continue coordinated long-range planning to identify the best strategies for preserving and enhancing historic and archaeological resources.

11.B.8 The county shall participate in an ongoing community cultural planning process with representatives of arts, heritage, and tourism organizations.

## Objective LU 11.C — Ensure that Snohomish County's policies encourage the social, economic and quality of life benefits of the arts.

**LU Policies**

11. C.1 The county shall encourage the identification, documentation, protection and enhancement of arts resources which have the potential to further economic development initiatives.

11.C.2 The county should seek to integrate the arts and aesthetic values with government action through the guidance of the General Policy Plan and other appropriate documents.

11.C.3 The county shall cooperate with arts and tourism organizations to promote inclusion of the arts in community planning and development as well as cultural tourism efforts.

11.C.4 The county shall cooperate with the Snohomish County Arts Commission in their discussions and research regarding the potential for cultural tourism, economic development, and acquisition of public art through the commission's arts program.

11.C.5 Commensurate with its resources, the county shall provide technical assistance on arts resource matters.

11.C.6 On projects under its authority, the county shall consistently seek to mitigate unavoidable negative impacts to arts resources and to discourage demolition of works of art.

11.C.7 The county shall undertake, through its arts commission, coordinated long-range planning to identify the best strategies for preserving and enhancing arts resources.

11.C.8 The county shall participate in an ongoing community cultural planning process with representatives of arts, heritage, and tourism organizations.

## Objective LU 11.D

**Recognize the value of promoting cultural tourism as an economic development tool and as a stimulus to cultural resource preservation and enhancement.**

**LU Policies**

11.D.1 The county shall ensure that cultural tourism projects remain eligible for funding assistance through its hotel/motel tax fund program.

11.D.2 The county shall continue to cooperate with cultural groups and the organized representatives of the tourism industry to promote cultural tourism.

11.D.3 Commensurate with its resources, and in addition to the official Local Register of Historic Places program, the county shall provide honorary recognition programs, such as Centennial Farms and Landmark designations, in order to stimulate efforts to preserve cultural resources.

# Airport Compatibility

Aviation is important to the economic health of Snohomish County and the quality of life of its citizens, businesses and visitors. One of the major challenges is to balance aviation needs with the needs of local communities. The Growth Management Act requires that every county discourage within its jurisdiction the siting of incompatible land uses adjacent to public use airports. The GMA also identifies airports as essential public facilities and requires jurisdictions to adopt a process for siting such facilities. Public use airports such as Arlington Municipal Airport and Harvey Field are transportation facilities key to the County's economic vitality. Paine Field is one of the most important public facilities in the region, state and nation, providing crucial support to the local aerospace industry. Both Paine Field and Harvey Field are FAA designated reliever airfields for SEATAC International Airport.

Public Use Airports in Snohomish County are:

- The Snohomish County Airport - Paine Field, southwest of Everett
- The City of Arlington Municipal Airport
- Harvey Field, just south of the City of Snohomish
- The Darrington Municipal Airport
- Firstair Field, Monroe

Protection of these facilities is of importance to both the economic viability and the quality of life in Snohomish County. With the population and development increases experienced in Snohomish County, airports are coming under increasing pressure from encroaching development. State law requires every city and county having a general aviation airport in its jurisdiction to discourage the siting of land uses that are incompatible with the airport.

Public use airports in Snohomish County vary in size, runway capacity, complexity of airspace, and sophistication of airport improvements. One example is Paine Field, the only airport in the County with a permanent air traffic control tower. Aircraft approach slopes vary by airport. Additionally, Snohomish County's public use airports vary in location from urban to rural. The scope and extent of what amounts to an incompatible land use adjacent to an airport varies from airport to airport depending upon the size and scope of airport activities. Both the FAA and the Washington State Department of Transportation, Aviation Division, have identified criteria for evaluating land use compatibility adjacent to public use airports. In the course of planning and conducting operations, public use airports have evaluated specific land use compatibility issues for areas adjacent to the respective airports. One area is called the Airport Influence Area (AIA), which is defined as the property within the environs of the airport where land uses are either influenced by, or will influence, the operation of the airport in a positive or negative manner. An additional area adjacent to an airport to be addressed is that where height restrictions on new construction should be required to prevent potential conflicts with air operations. To ensure compatibility with airport operations, proof of an airspace analysis should be required for any structure to be constructed adjacent to a general use airport in accordance with 14 CFR Part 77. The configuration and extent of these areas differ depending on the size and configuration of the airport and its airfields.

Paine Field is owned and operated by Snohomish County, and additional policies regarding this facility are set forth in the Capital Facilities Chapter of the GPP.

The following goals and policies are intended to guide the development of regulations that will protect each of the County's public use airports and the adjacent properties from conflicts that can arise between incompatible uses. Also included are policies that encourage actions that support the economic health of airports.

## GOAL LU 12 — Protect public use airports in the county from nearby incompatible land uses and developments.

### Objective LU 12.A — Discourage incompatible uses in the vicinity of public use airports.

**LU Policies** 12.A.1 The county shall work with the owners and managers of public use airports to identify and designate criteria identifying incompatible land uses in the vicinity of public use airports and how they should be discouraged through the adoption of zoning and development regulations.

12.A.2 The county shall work with the owners and managers of public use airports to identify and designate areas on the Future Land Use Map where incompatible uses should be discouraged.

12.A.3 When adopting amendments to the comprehensive plan the county shall consider the compatibility of the amendments with public airport uses.

### Objective LU 12.B — Notify surrounding properties of proximity to public use airports.

**LU Policy** 12.B.1 The county shall develop a process to notify property owners within Airport Influence Areas that their property is located adjacent to a public use airport and may experience impacts from airport operations.

### Objective LU 12.C — Discourage development in areas adjacent to public use airports that may negatively impact airport operations.

**LU Policies** 12.C.1 The county shall discourage the siting of uses that attract birds, create visual hazards, discharge any particulate matter in the air that could alter atmospheric conditions, emit transmissions that would interfere with aviation communications and/or instrument landing systems, or otherwise obstruct or conflict with aircraft patterns within airport influence areas.

12.C.2 The county shall consult with stakeholders to develop regulations that require proof of an airspace analysis pursuant to Federal Aviation Administration regulations before issuing permits for projects that are developed adjacent to public use airports.

## GOAL LU 13 Recognize and support county public use airports as essential public facilities and significant economic resources.

### Objective LU 13.A Support actions that make public use airports economically viable.

**LU Policies**

13.A.1 The county shall encourage economic development opportunities and aviation-related uses adjacent to airports in urban growth areas.

13.A.2 The county shall promote the efficient, region-wide mobility of goods and services consistent with the economic development element of the Snohomish County GMA Comprehensive Plan and the regional transportation strategy developed by the Puget Sound Regional Council.

# Transfer and Purchase of Development Rights

The GMA states that cities and counties should assure the conservation of agricultural and forestry lands of long-term commercial significance. The Act further specifies that, in assuring conservation, these jurisdictions should provide for innovative land use management techniques, such as the transfer of development rights. Both the Countywide Planning Policies and General Policy Plan encourage the use of innovative land use techniques for the protection of important resource lands and sensitive areas.

Snohomish County has established complementary Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs which provide resource landowners the opportunity to realize the development value of their lands, while retaining the right to use the land in ways that won't impair its natural resource functions. The central objective of both programs is the conservation of important natural resource lands, while keeping such lands in private ownership and in resource production.

TDR and PDR programs have much in common: 1) permanent protection of important natural resource lands through the use of conservation easements, 2) voluntary participation by landowners, 3) separation and sale of the right to develop land from other property rights, 4) continued land ownership by the resource manager, 5) continued use of the land for resource production, and 6) the ability to fulfill other community goals, such as economic development and open space retention.

The programs differ in how they provide funding for the compensation of landowners. PDR programs are quite straightforward - public monies are used to purchase and extinguish development rights. TDR programs, on the other hand, use market forces to fund the conservation effort by allowing landowners within designated "sending areas" to sell the development rights from their land, which requires recording a protective conservation easement that restricts non-agricultural development. Developers who purchase those rights from sending area landowners can use them to obtain development incentives within designated "receiving areas," where development is encouraged. Thus, TDR programs have the ability to lessen public expenditure while achieving the same resource conservation benefits as PDR.

The establishment of complementary TDR and PDR programs in Snohomish County provides greater flexibility in resource conservation efforts. A "toolbox" of regulatory, incentive and promotional techniques can best address unique locational, landowner, market and funding considerations.

Phased or incremental development of the TDR and PDR programs allows an initial focused conservation effort in Snohomish County. Farmlands are under the most immediate threat of conversion to non-resource uses. Therefore, the initial phases of TDR and PDR will be limited to such lands, although additional land use designations could be added in the future if the initial TDR and PDR efforts prove effective. Completing periodic program evaluations, making adjustments as necessary, and working with cities are keys to ensuring the county's TDR and PDR programs are successful. In the TDR context, for example, program development requires careful monitoring of market conditions, including the relationship between the supply of development rights within sending areas and the demand for those rights within receiving areas.

TDR and PDR programs in Snohomish County, while complementary, each have

unique historical and operational characteristics, which are more fully described below.

## Transfer of Development Rights

### *History of TDR in Snohomish County*

Snohomish County has long considered the need for a TDR program to help protect important natural resource lands. The January 1981 *Agricultural Preservation Plan* contained an analysis of TDR and advocated its use to protect important agricultural lands. The May 1993 *Evaluation of the Feasibility of a TDR Program* assessed, from both a regulatory and market perspective, if a TDR program could protect farm and forest resources in Snohomish County. Further analysis was included in the November 1997 *Feasibility Assessment of TDR and/or PDR Programs to Conserve Resource Lands in Snohomish County, Washington.*

A focused effort to develop a TDR pilot program followed the passage of Resolution 02-007, adopted by the county council in March 2002. Funds were reserved for the pilot program and two feasibility studies were completed later in 2002: *TDR Pilot Program Feasibility Study, Preliminary Conclusions* and *TDR Pilot Program Feasibility Study.*

In November 2002 the county council passed Motion No. 02-473 authorizing the county executive to establish a TDR pilot program. A policy framework for the TDR program, including general parameters and a pilot "sending area" (see definition in Appendix E) designation, was then established in September 2003 with adoption of Ordinance No. 03-100.

The adoption of Amended Ordinance No. 04-123 in December 2004 completed the initial phase of TDR by: 1) creating a new TDR code (Chapter 30.35A SCC); 2) delineating a pilot program sending area land on the zoning map; 3) establishing the methodology for determining the number of rights that can be transferred from a sending site; 4) providing for the certification of development rights and issuance of TDR certificates; 5) requiring a conservation easement; 6) authorizing the conveyance of certified development rights; 7) authorizing the county to purchase, hold and sell certified development rights; and 8) creating a TDR advisory committee to advise the county on the purchase of development rights. Additionally, a TDR population reserve was established in Appendix D of the General Policy Plan to support the expansion of urban growth areas in connection with the creation of future TDR receiving areas.

The 2005 amendments to the GMA Comprehensive Plan: General Policy Plan and its implementing regulations extend beyond the first phase of the TDR program by: 1) creating an initial, pilot TDR receiving area using a comprehensive plan land use designation and an implementing overlay zone within portions of the expanded urban growth area (UGA) for the City of Arlington; and 2) establishing a policy framework and regulatory requirements for use of TDR certificates as a condition to development approval within TDR receiving areas.

Additional receiving areas, as well as further regulatory amendments, may be adopted in the future based on experience gained in the Arlington pilot TDR receiving area. Similarly, based on the experience of landowners within the TDR sending area, the county may consider designating more natural resource lands as sending areas and/or expanding the sending area designation to include critical areas.

### *Summary of the County's TDR System*

In a nutshell, the County's TDR program conserves vital natural resource lands by conditioning development within urban receiving areas on the use of "TDR certificates" acquired from sending area landowners or, in limited circumstances, directly from the County.

The TDR sending area designation is a legislative planning overlay that is applied to important agricultural or forest lands designated as "natural resource land" pursuant to the GMA. Landowners within designated sending areas can obtain TDR certificates, which are freely transferable, in exchange for recording a conservation easement that provides greater protection of the sending site's natural resource functions than the underlying zoning.

The TDR receiving area designation is a legislative planning overlay designated on the GPP future land use map. The designation is applied in connection with UGA expansions conditioned on the adoption of TDR regulations by the adjacent city and the execution of an interlocal agreement between the county and the city. GPP policies establish minimum requirements for the required TDR regulations and interlocal agreement that must be satisfied in order for the UGA expansion to become effective. These requirements ensure that TDR certificates will be required for development approvals within the receiving area following annexation, while providing cities the flexibility to adopt TDR regulations that fit their local circumstances.

Consistent with market-based principles inherent to TDR programs, it is envisioned that most transactions will occur directly between sending and receiving area landowners. However, chapter 30.35A SCC authorizes the county to purchase, hold and resell development rights from designated sending areas under limited circumstances. Based on a review of other jurisdictions' TDR programs, this option can be expected to: 1) help jumpstart private sector transfers by demonstrating successful transfers; and 2) respond in a timely manner to development pressures within the sending area. Limited funds have been identified to help with this effort.

**Purchase of Development Rights**

As with TDR, Snohomish County has long considered the need for a PDR program to help protect important natural resource lands, particularly farmlands. The TDR studies mentioned above often included a comparative analysis of PDR. PDR was typically found to be less complex and with more certain results. However, PDR was also found to require substantial public funding to address county-level conservation needs.

In December 2004 the county council passed Motion No. 04-461 relating to the establishment of a PDR program. The motion authorized the County Executive to implement a PDR program for designated agricultural lands outside of TDR sending areas. A limited amount of county and Federal grant funds were reserved for initial acquisitions.

The 2005 amendments to the GMA Comprehensive Plan: General Policy Plan establish a policy basis for a PDR program in Snohomish County.

## GOAL LU 14

**Conserve important natural resource lands through the use of complementary Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs.**

### Objective LU 14.A

**Develop and implement a TDR program based on free market principles for the purpose of permanently conserving specified natural resource lands.**

## Policies for TDR Sending Areas

**LU Policies**

14.A.1 Natural resource lands targeted for conservation through the TDR program shall be referred to as "sending areas" and shall be: (a) designated as Transfer of Development Rights Sending Area Overlay on the Future Land Use Map, which shall also retain the underlying natural resource designation; and (b) depicted on the official zoning maps with an "SA" suffix.

14.A.2 Agricultural and forest lands as defined in RCW 36.70A.170 shall be eligible for designation as TDR sending areas, subject to the overlay established pursuant to LU Policy 14.A.1, based on consideration of the following factors: (a) the extent to which the area has historically been used for commercial agricultural or forest production; (b) the extent to which future residential or commercial development is likely to occur in or near the area, as evidenced by overall market trends; and (c) the extent to which conservation of the area would further the natural resource goals of the General Policy Plan.

14.A.3 TDR implementing regulations shall allow the transfer of development rights only from sites that are located within TDR sending areas and comply with additional substantive requirements, to be established by regulation, which help to further the natural resource goals of the General Policy Plan.

14.A.4 TDR implementing regulations shall establish a clear, orderly process for landowners within designated TDR sending areas to obtain TDR certificates in exchange for recording a conservation easement restricting non-agricultural development on the sending site. The number of TDR certificates issued shall be based on the approximate development potential of the sending site, multiplied by a "transfer ratio" established by the county in order to facilitate the creation of a market for TDR certificates. TDR certificates shall be valid for transfer purposes only and shall not entitle the sending area landowner to development approvals.

14.A.5 Requirements for TDR conservation easements shall be established by regulation and shall specify the substantive terms and conditions applicable to the sending site, including: (a) the prohibition of new residential development on all portions of the sending site for which TDR certificates are issued; (b) the prohibition of all development within the sending site that would impair or diminish the natural resource values of the land; and (c) provisions for the administration, enforcement, recording, and acceptance of TDR conservation easements.

## Policies for TDR Receiving Areas

14.A.6 Lands where development rights from TDR sending areas may be used shall be referred to as TDR receiving areas and shall be (a) designated as Transfer of Development Rights Receiving Area Overlay on the Future Land Use Map; and (b) depicted on the official zoning maps with an "RA" suffix applied to the underlying zoning classification.

14.A.7 In identifying potential TDR receiving areas, the county council shall give priority to areas where: (a) market pressures favor increased development; (b) existing or planned urban services will be available to accommodate new growth and development; (c) the adjacent city and surrounding community support the proposed TDR receiving; and (d) a designated TDR sending area is located in the same area or region as the proposed TDR receiving area.

14.A.8 The TDR Receiving Area Overlay may only be applied to areas bcated within the Rural Urban Transition Area concurrent with the addition of such areas to an adjacent urban growth area (UGA). Expansions of a UGA to include a TDR receiving area must be conditioned by the county council on compliance with the requirements set forth in LU Policy 14.A.9 and will become effective only if those conditions are satisfied within a time period specified by ordinance. In the event that those conditions are not satisfied within the required time period, the population allocated to support the UGA expansion pursuant to PE Policy 1.A.6 shall revert back to the TDR population reserve set forth in Appendix D.

14.A.9 UGA expansions to include a TDR receiving area shall be conditioned by the county council on execution of an interlocal agreement between the county and a city adjacent to the UGA expansion area. The agreement, which may be included as an addendum to an existing interlocal agreement, shall be approved by ordinance and executed by the county only if the following provisions are included:

1. An agreement by the city to annex the TDR receiving area in a timely manner following expansion of the UGA.
2. An agreement by the city to adopt TDR regulations prior to annexation and to apply those regulations to the TDR receiving area following annexation. These regulations, as provided for in the agreement, must include:
   a. A requirement that applicants for residential development in connection with a subdivision, short subdivision, binding site plan, planned residential development, or other official site plan provide the city with TDR certificates issued pursuant to chapter 30.35A SCC as a condition to development

approval. For the pilot TDR receiving area designated outside the city of Arlington, the number of TDR certificates required must equal or exceed 25% of the number of single family residential units and 50% of the number of multi-family residential units resulting from the proposed development. The minimum TDR percentage required under interlocal agreements for future incorporated TDR receiving areas may vary, based on local circumstances and market conditions.

b. A requirement that applicants for commercial developments provide the city with TDR certificates issued pursuant to chapter 30.35A SCC and a provision establishing the number of TDR certificates to be required for approval of commercial development applications.

c. Other provisions, if any, that are deemed appropriate by the city, such as requirements for the presentation and extinguishment of TDR certificates.

3. An agreement by the county to retain existing zoning for the receiving area in order to prevent urban development from occurring prior to annexation and thus ensure that urban development within the receiving area will be compatible with the city's development standards and served by adequate facilities.

4. Other provisions, if any, that are deemed appropriate by the city and the county, such as requirements for zoning, master planning, and permit review within the TDR receiving area.

## Purchase and Sale of TDR Certificates by Snohomish County

14.A.10 The county intends for TDR transactions to occur predominantly in the private sector, directly between sending area and receiving area landowners. However, to promote and encourage use of the TDR program, the county shall be authorized to buy, hold, and resell TDR certificates issued for sending sites within the TDR pilot program sending area located in the Stillaguamish River Valley. The purchase and sale of TDR certificates shall be subject to a competitive process, pursuant to chapter 30.35A SCC, which ensures that the county receives fair market value for the sale of TDR certificates and that decisions concerning potential purchases are based on the goals of this chapter.

## Policies for Promoting, Monitoring and Expanding the TDR Program

14.A.11 The effectiveness of the TDR program should be evaluated and adjustments made to the program as determined appropriate:

1. Performance indicators or measures of program success should be developed;
2. The level of development rights transfers between sending and receiving areas should be monitored; and
3. Based on an assessment of the measures of program success, changes to the sending or receiving area designations, transfer ratios, and other policy and code provisions should be considered and implemented, when appropriate.

14.A.12 Opportunities to create "non-residential" receiving areas and transfer options should be evaluated and, where appropriate, be established through amendment of the comprehensive plan and/or implementing code. Examples of such options include increases to commercial floor area, impervious surfaces, parking stalls, or building heights through the use of transferred development rights.

14.A.13 Opportunities to designate additional natural resource lands as sending areas should be evaluated and, where appropriate, be established through amendment of the comprehensive plan and implementing code. When 50% or more of the projected number of transferable development rights have been utilized in the designated sending areas, the addition of sending area lands should be considered by the county.

14.A.14 A public outreach and education process, focusing on sending and receiving area landowners, should be implemented to inform potential program participants and to encourage participation in the TDR program.

14.A.15 The county should consider actions to promote the transfer of development rights including:

1. Helping facilitate the transfer of development rights from sending area to receiving area landowners;
2. Selective purchase and sale of private development rights to stimulate private sector transfers; and
3. Funding of public amenities in receiving areas to enhance the livability of the neighborhoods where higher densities are encouraged.

## Objective LU 14.B

**Develop and implement a Purchase of Development Rights (PDR) program utilizing available funding sources for the purpose of permanently preserving natural resource lands.**

**LU Policies** 14.B.1 A PDR program may, at the option of the county, be used for the purpose of permanently preserving natural resource lands.

14.B.2 The PDR program shall be coordinated with, and be designed to complement, the TDR program.

14.B.3 Agricultural and forest lands as defined in RCW 36.70A.170 shall be eligible for conservation through the PDR program. Other lands having high natural resource, environmental, or open space values may also be determined eligible for conservation.

14.B.4 An application process, application forms and review criteria shall be developed and utilized to consider landowner proposals to sell developments rights.

14.B.5 A public outreach and education process, focusing on sending area landowners, shall be implemented to inform potential program participants and to encourage participation in the PDR program.

14.B.6 Sources of funding for any PDR program shall be identified. The use of county Conservation Futures fund monies, grant, and local bond revenues should be considered. Where appropriate, applications for grant monies should be prepared and submitted.

14.B.7 The effectiveness of the PDR program shall be evaluated and adjustments made to the program as determined appropriate:

1. Indicators or measures of program success shall be developed;
2. The level of development rights sales shall be monitored; and
3. Based on an assessment of the measures of program success, changes to the PDR program shall be considered and implemented, when appropriate.

# Future Land Use Map

### Interpreting the Future Land Use Map

The future land use map provides generalized urban and rural residential, commercial, and industrial land use designations.

The map includes urban growth area (UGA) boundaries between urban and rural land uses. The locations of several centers, consistent with plan policies, are also identified.

### Implementing Zoning

The appropriate implementing zoning classifications for the GPP land use designations are identified in the following subsections.

The county completed areawide rezones in rural areas to make the zoning map consistent with the rural plan designations and their density and lot size requirements. Within urban residential plan designations, the county will continue to adopt zoning to ensure consistency with future land use map designations. Property owners may individually request rezones to higher urban residential densities consistent with the GPP policies and the GPP Future Land Use Map. Within urban commercial and industrial designations, property owners may individually request rezones to higher urban residential densities consistent with the GPP policies and the GPP Future Land Use Map. The exception is the Maltby UGA, where additional planning was conducted in response to a GMHB remand order and final zoning is in place. Within UGAs, implementing zoning may be further limited in the designations described below.

Forestry and Recreation (F&R) is not identified as an implementing zone within the applicable General Policy Plan designation. Property owners may request this zoning classification, and their requests will be considered as provided for under existing policies and regulations.

Mineral Conservation (MC) zone is not identified as an implementing zone within the applicable General Policy Plan designation. Properties already zoned MC may develop as provided for under existing policies and regulations.

### URBAN PLAN DESIGNATIONS

### Urban Residential Designations

These designations encompass residential lands within the unincorporated UGA and are intended to provide for urban housing opportunities. The density ranges are defined by zoning classifications that implement the Future Land Use Map. The allowable density for a development will be determined by the provisions of the GMA zoning code rather than the density values associated with the plan designations, except that the minimum density in UGAs may not be less than 4 dwelling units per net acre except as specified in Policy LU 2.B.1.

There are no other minimum density requirements imposed by these plan designations. Rezones to any of the zoning categories listed below for urban residential designations may be approved consistent with general zoning criteria and GPP policies, except as described below.

Densities may be exceeded by the bonus density provided by the zoning code such as in planned residential development zones and Transfer of Development Rights (TDR) receiving areas. The urban residential designations include some areas where land use, and public facilities and services to serve urban development have not yet been planned. These areas may be identified on the Future Land Use Map by a growth phasing overlay. In those areas, preliminary subdivisions, PRDs, short plats, and binding site plans may be discouraged or disallowed unless criteria

specified in the GPP's land use policies are met.

**Urban Low Density Residential (ULDR: 3 dwelling units per acre).** This designation allows detached housing developments on larger lot sizes. This designation is applied only in the Darrington and Gold Bar Urban Growth Areas due to the absence of sanitary sewers. Implementing zones: R-20,000 and R-12,500.

**Urban Low Density Residential (ULDR).** This designation allows mostly detached housing developments on larger lot sizes. Implementing zones: R-7,200, PRD-7,200, R-8,400, PRD-8,400, R-9,600, PRD-9,600 and WFB. Except within the Lake Stevens UGA, areas containing critical areas that are large in scope, with a high rank order value, and are complex in structure and function, the implementing zoning shall be R-9,600.

**Urban Medium Density Residential (UMDR).** This designation allows a combination of detached homes on small lots, townhouses, and apartments in medium density, multi-family residential developments. Implementing zones: LDMR, PRD-LDMR, Townhouse, R-7,200, PRD-7,200 and WFB.

**Urban High Density Residential (UHDR).** This designation allows high density residential land uses such as townhouses and apartments generally near other high intensity land uses. Implementing zones: MR, PRD-MR, LDMR, and PRD-LDMR.

**Supplemental Designations of ULDR Areas (Map 6)**

Map 6 provides additional detail regarding allowed residential densities within the Urban Low Density Residential plan designation for the Mill Creek, Marysville and Lake Stevens UGAs. Within these UGAs, implementing zoning shall be limited in the designations described below.

**Marysville Urban Low Density Residential – Limited (ULDR-L (4-5)): 4 to 5 dwelling units per acre.** Like the ULDR designation, the ULDR-L (4-5) designation allows mostly detached housing development on larger lot sizes. This designation is applied in a portion of the Sunnyside area that is confined to the lowest density urban zone because of environmental constraints and difficulties in service provision. Implementing zones: include R-9,600 and R-8,400 and PRD-9,600.

**Marysville Urban Low Density Residential – Limited (ULDR-L (5-6)): 5 to 6 dwelling units per acre.** The ULDR-L (5-6) designation allows mostly detached housing development on larger lot sizes. It is applied to portions of Sunnyside area in the Marysville UGA. Land in this category may be developed at a density of five to six dwelling units per acre. Implementing zones: include R-8,400 and R-7,200 and PRD-7,200.

**Lake Stevens Urban Low Density Residential - Limited (ULDR-L (4)): 4 dwelling units per acre.** Like the ULDR designation, the ULDR-L (4) designation allows mostly detached housing development on larger lot sizes in the Lake Stevens UGA. This designation is applied in a portion of the Sunnyside area, around Lake Stevens and southeast of the City that are confined to the lowest density urban zone because of environmental constraints and difficulties in service provision. Implementing zones: include R-9,600 and R-20,000.

**Lake Stevens Urban Low Density Residential - Limited (ULDR-L (6)): 6 dwelling units per acre.** The ULDR-L (6) designation allows mostly detached housing development on larger lot sizes. It is applied to most of the non-constrained ULDR land in the Lake Stevens UGA. Land in this category may be developed at a density of six dwelling units per acre. Implementing zones: include R-7,200 and PRD-7,200.

**Mill Creek East Urban Low Density Residential - Limited (ULDR-L (6)): 6 dwelling units per acre.** The area designated ULDR (6) is located south of Seattle Hill Road, east of 35th Avenue SE, north of the Seattle City Light utility corridor and west of the Village Center/Urban Center designation. This area is relatively free of existing development, with the exception of scattered single-family residences, one single-family plat and a mobile home park. It is located adjacent to an existing transit route on 35th Avenue SE, and generally consists of large parcels. Although the Tambark Creek riparian corridor divides this area, the area east of the corridor is directly adjacent to higher densities within the Urban Village designation, where single-family development at slightly higher densities will complement the urban village. The area west of the riparian corridor is directly adjacent to the transit route on 35th Avenue SE, and has enough contiguous undeveloped area to ensure that future development will have consistent densities. The existing manufactured home park would provide a well-established, compatible alternative to single family housing in this area. Implementing zone: R-7,200.

### Commercial and Industrial Designations

The Urban Commercial (UC) and Urban Industrial (UI) designations of the GPP provide for a wide range of implementing zones and, in some cases, provide specific locational criteria or recommendations as to how the zones should be applied within the designation.

**Urban Commercial (UC).** This designation identifies commercial designations within the UGA which allow a wide range of commercial as well as residential uses. Implementing zones: Neighborhood Business, Planned Community Business, Community Business, General Commercial, Freeway Service and Business Park. In the Lake Stevens UGA, the implementing zoning shall be limited to Neighborhood Business, Community Business and Planned Community Business. In the Southwest County UGA, no rezones to General Commercial shall be approved outside of the State Route 99 corridor.

**Reservation Commercial (RC).** This designation identifies a unique commercial designation that is limited only to fee-simple lands under county jurisdiction that are located on the Tulalip Reservation in an area bordered on the west and north by Quilceda Creek, on the south by Ebey Slough and on the east by Interstate-5. This area of the reservation is served by urban infrastructure including public sewer and water and contains existing urban development under county and Tulalip Tribes jurisdiction. The implementing zone for new development on vacant or under-utilized property designated Reservation Commercial is General Commercial, subject to approval of an official site plan according to the requirements of Chapter 30.31B SCC.

**Urban Industrial (UI).** This designation identifies industrial designations within the UGA and was based on the various light industrial, heavy industrial, industrial park and business park designations of pre-GMA subarea plans. Implementing zones: Business Park, Light Industrial, Heavy Industrial and Industrial Park. In the Lake Stevens UGA, the implementing zoning is limited to Business Park and Heavy Industrial and in the Snohomish UGA, the implementing zoning is limited to Business Park and Industrial Park.

## CENTER DESIGNATIONS

The Future Land Use Map identifies the specific locations for Urban Centers, Transit/Pedestrian Villages, Urban Villages and Manufacturing and Industrial Centers.

Additional Centers may be designated in the future through amendments to the comprehensive plan. A rezone to Planned Community Business or Neighborhood Business is required to utilize the Urban Centers Demonstration Program (SCC 30.34A).

**Urban Center.** This designation identifies a higher density area that contains a mix of residential and non-residential uses, and whose location and development are coordinated with the regional high capacity transportation system. The implementing zone is Planned Community Business. Urban Centers Demonstration Program (SCC 30.34A) is an optional regulatory tool.

**Transit/Pedestrian Village.** This designation identifies a compact, walkable area that could serve as the focal point for Center redevelopment. The county shall prepare and adopt a conceptual or master plan showing how the area could accommodate a mix of commercial, office, residential, transit, circulation and public land uses. The implementing zone is Planned Community Business-TPV (PCB-TPV). Use of the Urban Centers Demonstration Program is mandatory for parcels zoned PCB-TPV.

**Urban Village.** This designation identifies a mixed-use area with higher density residential development located within neighborhoods and communities. Urban Villages are smaller than Urban Centers. The implementing zone is Neighborhood Business. The Urban Centers Demonstration Program (SCC 30.34A) is an optional regulatory tool.

**Manufacturing/Industrial Center.** This overlay identifies major regional employment areas of intensive, concentrated manufacturing and industrial land uses which are not easily mixed with other uses. These centers serve as high density employment areas. Notwithstanding the Vision 2020 guidelines for MIC designations, land uses and zoning of Paine Field continue to be governed by the Snohomish County Airport Paine Field Master Plan and Snohomish County Zoning Code consistent with federal aviation policies and grant obligations.

## OTHER URBAN DESIGNATIONS

**Development Phasing Overlay.** Where parts of an Urban Growth Area lack revenues from public and/or private sources to provide adequate public facilities necessary to support development, the county may apply a Development Phasing Overlay suffix to implementing zoning. This suffix may be applied along with any urban zone based on direction from a more detailed plan process. Once in place, the development phasing overlay regulation will require that urban development of the overlay area be delayed until a commitment is in place to fund and construct public facilities necessary to support development.

**Public/Institutional Use (P/IU).** The Public/Institutional Use designation can be applied to existing or planned public and privately owned and/or operated properties including churches, schools, parks, government buildings, utility plants and other government operations or properties within UGAs or adjacent to UGAs. The P/IU designation can be applied to existing areas within a UGA, as well as areas being added to a UGA concurrent with a re-designation to P/IU. When applying the P/IU designation, the following requirements apply:

(1) Use of P/IU designation for existing areas within a UGA.

The P/IU designation is appropriate for existing or planned government owned and/or operated properties, including schools, parks, government buildings, utility plants, and other government operations or properties as requested. There are no specific implementing zones for this designation since zoning will vary from site to site. However, only zones that allow schools, parks, government buildings, utility plants or other government operations either outright or conditionally may implement this

designation. Implementing zoning should be consistent with surrounding zones.

(2) Use of P/IU designation in conjunction with a UGA expansion.

All residential, commercial, or industrial UGA expansions are subject to the requirements of LU 1.A.9. Institutional UGA expansions are not subject to the requirements of LU 1.A.9, provided that the land added to a UGA is designated P/IU concurrent with or prior to the UGA expansion. Subsequent re-designations of land added to a UGA under the P/IU designation are subject to the applicable requirements of LU 1.A.9 for residential, commercial, or industrial UGA expansions. Where land added to a UGA is designated P/IU, the implementing zone will be R-7,200, R-8,400, or R-9,600. When applied to land designated P/IU concurrent with or prior to a UGA expansion, these implementing zones shall allow only churches and school instructional facilities unless the land is re-designated to urban commercial, residential, or industrial in compliance with the UGA expansion requirements of LU 1.A.9.

**Urban Horticulture (UH).** This designation is intended for low density, low impact, non-residential land uses adjacent to agricultural areas that do not require extensive structures or development. Examples of UH uses include agricultural operations, sales of farm products, and sales of landscape materials. Implementing zoning for areas designated UH is Agriculture-10 acre.

**Other Land Uses.** This designation includes areas within UGAs that will be studied for their potential as future residential or employment land. Subdivisions or rezones within the Other Land Uses designation will be delayed until the development potential of these areas is determined through a more detailed planning process–with appropriate urban land use designations.

## RURAL PLAN DESIGNATIONS

### Rural Residential Designations

These designations encompass residential land outside of UGAs and are intended to provide rural housing opportunities while preserving the rural character of these lands. Land in the six rural residential designations may be served by public water supplies but development may not be connected to sanitary sewers except for necessary public facilities or when public health emergencies exist.

**Low Density Rural Residential (LDRR: 1 dwelling unit per 20 acres).** This designation includes lands that have been zoned Forestry but are not designated as Commercial Forest Land in the GPP. This designation is intended to be a partial basis for a future Rural Resource Transition designation which could provide for transition areas between rural residential lands and natural resource lands of long-term commercial significance. Future GPP amendments will determine the feasibility of such a designation as well as its extent and future minimum lot size requirements. The existing Forestry zone will continue to remain in place until any GPP amendments and implementing regulations for this designation are adopted.

**Rural Residential-10 (Resource Transition) (RR-10-RT: 1 dwelling unit per 10 or more acres).** This designation includes lands which were included in Forestry designations on pre-GMA subarea plans but not zoned Forestry and includes: (1) lands on the Tulalip Reservation adjacent to or in close proximity to lands designated for forestry or agriculture use by the GPP and the Tulalip Tribes' Comprehensive Plan, and (2) lands adjacent to the estuary of Quilceda Creek. The implementing zone is the RRT-10 zone.

Existing zones within this designation, except where located on the Tulalip Reservation, may remain, but zoning regulations shall limit the minimum lot size in new subdivisions within this designation to 10 acres with an option for using the rural cluster subdivision technique with a lot yield that is determined by utilizing a minimum lot area of 200,000 square feet. On the Tulalip Reservation only, lands designated RR-10-RT are zoned RRT-10. The RRT-10 zone requires a minimum lot size of 10 acres for each house in a new subdivision. The rural cluster subdivision technique may be used in the RRT-10 zone with a basic lot yield calculated by utilizing a minimum lot size of 10 acres.

**Rural Residential-10 (RR-10: 1 dwelling unit per 10 or more acres**). This designation includes lands which have been previously designated agriculture in pre-GMA subarea comprehensive plans or zoned Agriculture-10 Acre. The existing Agricultural-10 Acre zone will continue to remain in place until the GPP is amended in the future and implementing regulations for this designation are adopted.

This category provides for an alternative rural lot size and possible set of uses which can accommodate a wider variety of rural uses and lots, be used where hazardous and critical areas require lower density and be applied as a transition category between resource lands/critical areas and rural residential/urban areas.

**Rural Residential-5 (RR-5: 1 dwelling unit per 5 or more acres).** This designation includes lands that were designated Rural on pre-GMA subarea comprehensive plans and zoned Rural 5. As the result of a joint planning effort between the county and the Tulalip Tribes, the RR-5 designation also applies to certain lands on the Tulalip Reservation that were previously designated Rural Residential. The implementing zone in this designation will continue to be the R-5 zone.

**Rural Residential (RR: Base density of 1 dwelling unit per 5 or more acres).** This designation includes lands which were designated as Rural or Residential Estates on pre-GMA subarea comprehensive plans. The implementing zones within this designation are the Rural-5 Acre zone and other zones with a minimum lot size requirement larger than 5 acres. The base density of 1 dwelling unit per 5 acres may be increased consistent with Policy LU 6.B.9.

**Rural Residential RD (RR- RD: 1 dwelling unit per 5 or more acres).** This designation applies only to the rural residential areas that were designated as Rural Diversification in the pre-GMA 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.

## RURAL COMMERCIAL AND INDUSTRIAL DESIGNATIONS

**Clearview Rural Commercial (CRC).** This designation generally allows for neighborhood, community, and rural commercial uses including, but not limited to, small grocery stores, restaurants, service stations, hardware stores, art galleries, antique stores, and nurseries to serve the needs of the rural population. The implementing zone within the Clearview Rural Commercial designation consistent with LU 6.H.6 and LU 6.H.7 is the Clearview Rural Commercial zone.

**Rural Freeway Service (RFS):** This designation includes land that has previously been designated or zoned as Rural Commercial land at the rural Interstate 5 interchanges in north Snohomish County. The designation and implementing zones require rural development standards that make rural freeway service development compatible with adjacent rural residential uses.

**Rural Industrial (RI).** This designation includes existing industrial zones and industrial plan designations on subarea comprehensive plan maps in rural areas. These designations allow rural industries which need locations close to the natural resources in rural areas. They are located in areas where urban services, particularly sanitary sewers, will not be provided. The designation is implemented through GPP policies and code provisions that ensure industrial development is compatible with surrounding rural residential land uses.

## RESOURCE PLAN DESIGNATIONS

### Agricultural Designations

The designations listed below include land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, fruit, or animal products. These designations were based on the Interim Agricultural Conservation Plan.

**Local Commercial Farmland (LCF).** This designation includes farmland areas outside of the floodplain or shoreline areas which are generally characterized by a mixture of prime farmland and other soils as defined by the Soils Conservation Service.

**Upland Commercial Farmland (UCF).** This designation includes farmland areas on the Tulalip Reservation and outside of the floodplain or shoreline area and is generally characterized by having nearly continuous prime farmland soils and more than fifty percent of the land area in parcels of ten acres or larger. New subdivisions in this designation may not create lots smaller than ten acres. The UCF designation also provides protection for the drainage basin of the West Fork of Quilceda Creek within the Tulalip Reservation. The Agricultural-10 Acre (A-10) zone is the implementing zone for the UCF designation.

**Riverway Commercial Farmland (RCF).** This designation includes farmland areas generally characterized by being in a river valley, floodplain or shoreline area, having continuous prime farmland soils, and having approximately fifty percent or more of the land area in parcels of forty acres and larger. The Agricultural-10 Acre zone is the implementing zone.

**Recreational Land (RL).** This designation applies only to lands previously designated Commercial Farmland, not in use for the commercial production of food or other agricultural products, occupied by playing fields and supporting facilities prior to July 1, 2004 and designated Recreational Land in accordance with RCW 36.70A.170(1). The designation is implemented through GPP policies and code provisions and ensures the recreational use does not affect surrounding agricultural lands of long term commercial significance designated under 36.70A.170(1). The implementing zone is the Agricultural-10 Acre (A-10) zone.

### Forest Land Designations

The designations listed below include state and private forest lands. These designations are based on the Interim Forest Land Conservation Plan and the Forest Advisory Committee Findings and Conclusions on the Designation of Commercial Forest Lands, January 5, 1995. The text of these documents is incorporated into this document by reference. Designated Commercial Forest lands within the Mt. Baker-Snoqualmie National Forest and other selected forest lands will be further evaluated for their ability to meet the criteria described in Policy 8.A.2 and the County's GMA Comprehensive Plan Future Land Use map will be amended as necessary.

**Commercial Forest (CF).** This designation includes primarily large forest land tracts that may not be subdivided for residential development. These lands may be segregated only into tracts of eighty acres or larger. The Forestry zone is the implementing zone for this designation.

**Local Forest (LF).** (Tulalip Reservation Only) This designation includes productive forest lands which are an integral part of the Tulalip Tribes' designated forest lands and are intended to contribute to the preservation of a large contiguous area of land within the interior of the Tulalip Reservation for management of sustainable natural resources. Local Forest lands and adjacent tribal forest lands collectively provide timber production, surface and ground water resources, fisheries and wildlife habitat, and recreation opportunities. The Local Forest designation provides landowners a means of residing on their property while providing protection from rural residential activities that could conflict with forest practice operations. The implementing zone for the Local Forest designation is the Forestry (F) zone (1 dwelling unit per 20 or more acres). The rural cluster subdivision technique may be used in the Forestry zone and the basic lot yield is calculated using a minimum lot size of 20 acres.

**Forest Transition Area (CF-FTA).** This designation is an overlay to the Commercial Forest (CF) designation. The FTA consists of a one quarter mile wide band of Commercial Forest land on the edge of the Commercial Forest Land designation bordering non-resource lands. The use of FTA lands is the same as Commercial Forest lands, unless adjacent land uses prevent normal forest practices, in which case limited low density development options also apply.

### Mineral Resource Overlay (M) (Map 2)

This designation is an overlay to the Future Land Use Map. Designated Mineral Resource Lands include those lands identified through a comprehensive inventory and assessment process as not being characterized by urban growth and as having long-term significance for the extraction of minerals. The designation includes bedrock, sand/ gravel and precious metals mineral resources. The implementing zone in this designation is dependent on the underlying zone.

## OTHER GMA COMPREHENSIVE PLAN MAPS OR OVERLAYS

### Municipal Urban Growth Areas (Map 3)

This map identifies municipal urban growth areas (MUGAs) within the Southwest UGA. A MUGA contains all the land within a city's current incorporated limits, plus adjacent, unincorporated territory which the city and county have identified as potentially appropriate for annexation at some time in the future. The map is also reflected in the countywide planning policies (CPP) Appendix B which is adopted through Snohomish County Tomorrow. The MUGA will be used by Snohomish County in planning for future population and employment growth.

### Open Space Corridors/Greenbelt Areas Map (Map 4)

The countywide Open Space Corridors/ Greenbelt Areas map geographically depicts various types of largely "open" land in Snohomish County that, taken in the aggregate, can serve as greenbelts to help structure land development patterns. This map is incorporated herein by this reference. Many of the land categories listed under Policy LU 10.A.1 have been included in this map.

The purpose of the map is to provide a geographical framework to guide present and future implementation strategies for preserving open space and developing greenbelt corridors within and between urban growth areas.

The map is a long-range planning tool that does not, by itself, create any regulatory impact. Certain underlying designations, such as forestry and agricultural land designations, may have regulatory implications. This map, however, is not intended to be used in the review of development applications, nor does it imply or anticipate public ownership of, or public access to, these lands.

The several categories of lands depicted on the map include both public and privately owned parcels. In some cases (i.e., utility corridors) the lands may not be held in fee simple ownership by the primary user. Not all lands appearing on this map - either public or private - will become a part of a permanent open space system. Similarly, lands not presently shown on this map may later become permanent open space as the result of future public action or acquisition.

Except for clearly defined trail corridors already identified for county acquisition, parcel-specific public land acquisitions planned by Snohomish County (or other public agencies) are not identified on the map. This approach avoids the possibility of jeopardizing such acquisitions by calling them out in advance, thereby potentially inflating their asking price and narrowing options.

Although certain types of parks and other categories of open space lands within city limits have been depicted on the map, the plans of the respective cities should be considered the primary source of open space information within their municipal boundaries.

The scope and scale of this countywide map necessitate a size threshold for excluding categories and parcels that might otherwise be shown. Consequently, small scale neighborhood parks, subdivision detention or recreation sites, and the like have not been included on this map.

Finally, the accuracy and completeness of this map is dependent on data from many sources, some of which may be dated and/or incomplete. It is the intent of Snohomish County to regularly review and refine this data to reflect changes in ownership and underlying use, and to produce continual improvement in the accuracy and completeness of this map. This regular review shall occur at least once every ten years or as needed pursuant to other requirements of the Growth Management Act.

**Lands Useful for Public Purpose (Map 5)**

A countywide map depicting "lands useful for public purpose" is included (Map 5 in the map portfolio) to show various types of public land that presently accommodate public facilities. This map is incorporated herein by this reference. It is a long-range planning tool that will be regularly updated as future land acquisitions occur.

The purpose of the "Lands Useful for Public Purpose" map is the identification of site locations for existing and potential future public facilities. The primary focus is on the identification of public lands in the unincorporated areas - which consist primarily of county and state properties, but also include some city and federal properties.

Public roads, however, are not highlighted on this map, but are identified on the maps included with the Transportation Element. Similarly, public land used for resource management, wildlife refuge, or other open space uses are not included on this map, but are shown on the Open Space Map.

Except for clearly defined trail corridors already identified for county acquisition, parcel-specific public land acquisitions planned by Snohomish County (or other public agencies) are not identified on the map. The reason for this is to avoid the possibility of jeopardizing such acquisitions by calling them out in advance, thereby inflating their asking price and narrowing siting options. As new sites for public facilities are added through conventional acquisition or by use of the common siting process, they will be added to this map.

Although certain types of parks and other public lands within city limits have been depicted on the map, the plans of the respective cities should be considered the primary

source of information within their municipal boundaries.

The scope and scale of this countywide map necessitate a size threshold for excluding categories and parcels that might otherwise be shown. Consequently, small neighborhood parks, subdivision scale stormwater detention or recreation sites, and the like have not been included on this map. It is the intent of Snohomish County to regularly review and refine the source data to produce continual improvement in the accuracy of this map. This regular review shall occur at least once every ten years or as needed pursuant to other requirements of the Growth Management Act.

**Rural/Urban Transition Area (RUTA).** This designation is intended to reserve a potential supply of land for future addition into the UGA. Developments utilizing rural cluster subdivision will have the option of redeveloping required open space tracts upon inclusion within an urban growth area.

## TRANSFER OF DEVELOPMENT RIGHTS DESIGNATIONS

These two designations encompass areas which serve as either sending or receiving areas for the county's Transfer of Development Rights (TDR) program. The designations "overlay" other Future Land Use Map designations in order to provide clarity on applicable land use policies and regulations beyond the TDR program. Specific sending and receiving area provisions are established by GPP policies and implementing regulations.

**Transfer of Development Rights Sending Area Overlay.**

This overlay designation includes lands that allow the voluntary sale and transfer of development rights to designated receiving areas pursuant to Policies 14.A.1 through 14.A.5, as implemented by chapter 30.35A SCC. The sending area designation does not limit or otherwise affect development rights or zoning.

**Transfer of Development Rights Receiving Area Overlay.**

This overlay designation includes lands that may receive development rights transferred from a designated sending area pursuant to GPP Policies 14.A.6 through 14.A.9, as implemented by chapter 30.35A SCC.

# Snohomish County Comprehensive Plan:
# Utilities

# Utilities

The GMA requires local comprehensive plans to include a utilities element. Capital facilities planning under GMA involves a significant measure of fiscal and financial planning, analogous to but more rigorous than past capital improvement programming efforts. The utilities element, in contrast, does not require that these important financial issues be addressed directly.

The utilities element was primarily intended to assure proper coordination of public land use planning and infrastructure planning by the non-public system providers such as the natural gas distributors and the telephone companies. However, for planning units such as counties and many smaller cities, the critical facility systems of water and sewer may also be appropriately placed in the utilities element. Sewer and water are provided by other agencies (special districts or cities) for these jurisdictions. These agencies have their own independent utility planning and management operations and policy-making boards.

This element does include general policy direction concerning the public water supply and wastewater systems which are critical support infrastructure for urban development. However, the capital facilities plan, which addresses all public facilities necessary "to support development," includes sections devoted to the existing inventory and forecast of future needs for these infrastructure systems. The county has compiled an inventory of these systems with the cooperation of the provider agencies (see the reference to these technical reports in the introduction to this plan).

This utilities element draws heavily from a variety of sources including the countywide planning policies, past subarea planning efforts, and the policy recommendations from the provider agencies and various advisory groups formed over the years. These sources supply both guidance and a consistency check for evaluating this element against the other elements of this plan. The set of assumptions and forecasts concerning population and employment growth over the next twenty years have provided the primary indicator of future demand for the systems addressed in this element.

Most of the distribution components of the utility systems are located within road and street rights-of-way, creating a direct link with the transportation element and an indirect link with the land use element. Some of the transmission facilities, as well as the central processing facilities such as power plants and treatment plants require their own corridors or sites which should be accounted for in the UGA plans and Phase 2 rural/resource land planning. Regional utility corridors to accommodate major links in the power grid or the primary fossil fuel pipelines should also be identified on the "Lands Useful for Public Purpose" and "Open Space" maps within the document. A major objective of this element is to stimulate advance planning of future corridor needs by utility system planners in order to give adequate notice to local jurisdictions.

## Utility Systems - General

The utility systems of water supply, wastewater collection and treatment, and electric power are widely considered as essential infrastructure to support urban development, and will be treated accordingly in this plan. There are some general goals, objectives, policies, and implementation measures that apply to all three utility systems, and these are presented in this and the next section.

Utility-specific issues and corresponding goals, objectives, and policies are discussed in sections to follow.

Snohomish County is not a provider of public water, wastewater or electric power infrastructure, but it is well suited to play a leadership role in overall coordination of the provider agencies. The county is also ultimately responsible for water service (water supply) if a water district fails or becomes financially insolvent. The GMA calls upon counties to be regional service providers and interjurisdictional infrastructure planning coordination is one such service. The county has assumed this role by managing the preparation of the Coordinated Water System Plan which involved over 25 water system operators in north and east Snohomish County-and through its compilation of the countywide sewer and water system inventory.

The county has statutory authority to review and approve sewer and water district comprehensive system plans which providers are required to prepare before undertaking capital projects. Snohomish County will exercise this authority to assure consistency with its own comprehensive plan. County review authority does not extend to municipal systems, but Snohomish County does participate in utility system planning conducted by cities that may impact development in unincorporated areas.

Concurrency review is not currently utilized for non-county facilities, however, an adequacy test for utility infrastructure is utilized by Snohomish County in reviewing development applications. This generally involves a review of development proposals to ascertain their impact upon existing or planned utility systems. The county should require that a solution be worked out between the developer and the appropriate facility provider such as temporary or permanent facility construction by the developer, longer project phasing or build-out periods, or other appropriate measures where additional capacity or other system improvements are needed to support a development proposal.

## GOAL UT 1 — Enhance the efficiency and quality of service from utility providers through the review of utility, land use, transportation and natural environment planning documents.

### Objective UT 1.A — Pursue a more coordinated facility planning process among the various utility providers serving Snohomish County.

**UT Policy** 1.A.1 The county shall provide coordinated and timely review of utility comprehensive plans and amendments proposed by the utility providers.

1.A.2 The county shall maintain the "Countywide Utility Inventory Report," which summarizes key information from the utility system plans prepared by provider agencies.

### Objective UT 1.B — Achieve and maintain consistency between utility system expansion plans and planned land use patterns.

**UT Policies**

1.B.1 The county shall map future utility facility and corridor locations on the maps for UGA plans and rural/resource lands where feasible.

1.B.2 The county shall maintain consistency between utility plans and the county's comprehensive plan.

1.B.3 The county shall ensure that public facilities are located in compliance with the Shoreline Management Master Program.

## Public Water Supply

The relative ease with which small public water systems have been established has resulted in numerous public and private water purveyors operating around the county. They range in size from the City of Everett, which operates a regional water supply system that wholesales water to many other systems, to two-household associations which are essentially shared wells. There are also numerous municipal, district, and private systems which may operate supply sources, treatment facilities, storage facilities, or simply the distribution network serving its customers.

Thirteen of the twenty municipalities within Snohomish County operate public water systems for their citizens. The only exceptions are Mukilteo, Lake Stevens, Mill Creek, Edmonds, Mountlake Terrace, Woodway, and Brier, where public water is provided by separate water districts authorized to operate by the city governments. The City of Everett operates a regional water supply system which serves as a principal source for several other cities and water districts. The Everett system provides a major resource for most of urbanized Snohomish County. It is also large enough to serve industrial users.

There are ten districts within Snohomish County providing public water to customers within their respective service areas and contracting to provide water service outside of their district's boundaries. The Tulalip Tribes operate a public water system within the Tulalip Reservation. Several associations and private companies also operate water supply systems in the county. Some larger private systems are included in this element because of their size, potential for future expansion, and possible conversion to public district status.

The primary source of supply for much of the county is the Sultan River/Spada Lake/Lake Chaplain water works complex operated by the City of Everett. The North Snohomish County Coordinated Water System Plan (CWSP) provides the framework for system planning and resource management for most of the urbanizing areas of the county not served by the Everett system. This major planning effort emerged from state legislation adopted in 1977 which attempts to slow the proliferation of small systems and encourage consolidation of existing systems to improve the overall management of the state's potable water resources and the health of its citizens.

It resulted in dialogue between large and small providers to rural and small town residents on such topics as uniform construction standards, level of service in rural areas, and other issues.

The evolution of the water supply network through the state and Snohomish County demonstrates that public water supply systems are not exclusively urban services. This idea is further reinforced by recent concerns over increasing levels of natural contaminants in groundwater supplies. The CWSP established the concept of a rural level of service for public water supply systems that is tied to domestic use rather than fire protection. This leads to smaller pipes, greatly re-

duced storage requirements, and generally less costly systems that can be economically supported in low-density rural areas.

**GOAL UT 2** **Work with provider agencies of Snohomish County and assist them in ensuring the availability of a reliable, high quality water supply for all households within the county in a manner that is consistent with the comprehensive plan and protection of the natural environment.**

**Objective UT 2.A** **All new residential developments should be able to demonstrate the availability of a potable water supply meeting state water quality standards and of sufficient capacity to serve domestic requirements.**

**UT Policy** 2.A.1 The county shall review new residential projects requiring land use or construction permit approval for the availability of an adequate water supply.

**Objective UT 2.B** **Work with provider agencies to assist them in modifying their system plans as required to support the land use element of the comprehensive plan.**

**UT Policies** 2.B.1 The county shall notify provider agencies of potential inconsistencies between their system plans and the comprehensive plan, and shall work with them to find acceptable solutions.

2.B.2 The county should continue to work with rural water system operators to achieve level of service and construction standards for rural systems that are consistent with rural densities and service expectations.

**Wastewater Collection and Treatment**

State laws and environmental regulations play a major role in the design and construction of wastewater treatment facilities which create high system costs and special economies of scale. The resulting number of public wastewater collection and treatment systems in Snohomish County is considerably smaller than the number of public water supply systems. Residential densities of at least three dwelling units per acre are generally needed to financially support the construction costs for wastewater collection systems. Similarly, average flows of at least 0.5 million gallons per day are needed to support the construction and operation of secondary treatment facilities.

Conversely, lower flows and rural densities can usually be served, given satisfactory soil and slope conditions, by decentralized disposal systems such as individual septic systems and small package plants. The thresholds noted above support the position that sanitary sewers constitute an urban service that is necessary and appropriate within urban growth areas, but is usually inappropriate

outside of them. Sanitary sewers are generally treated as urban facilities.

There are twenty-six providers of wastewater collection and/or treatment service in operation in Snohomish County. The 1990 U.S. Census indicated that approximately 69 percent of the housing units in Snohomish County were served by one of these systems.

The remaining housing units, most of which are in rural areas, are served by individual septic systems. The public systems are all owned and operated by a municipality, a sewer or water district, or King County (METRO).

Sixteen of these systems operate their own treatment facilities, several of which serve portions of other jurisdictions. This results from the importance of topography rather than political boundaries to these systems and a regionalization trend encouraged by the federal government during the 1970s and 1980s through its clean water grants for treatment plant construction and upgrading projects. More centralized approaches frequently makes good financial sense because of the high costs of treatment plant construction and operation.

Only the small rural towns of Index, Gold Bar, and Darrington are not served by municipal sewer systems. The City of Mill Creek is served by the Alderwood Water and Sewer District and the Silver Lake Water and Sewer District. The remaining 16 cities maintain their own collection systems serving all or part of their corporate limits, with 11 also operating their own treatment facilities. Some of these city systems also extend service to unincorporated residents living within reach of their collection systems and within the established urban growth areas. There are, additionally, currently six sewer and/or water districts within Snohomish County providing wastewater collection to both city and county residents and businesses, four of which also operate treatment plants. The Tulalip Tribe also operates its own relatively new wastewater treatment plant.

Another important service provider is King County METRO which provides wastewater treatment for sections of south Snohomish County within drainage basins served by its West Point Treatment Plant. This is a major regional facility which serves large areas of northwest King County and north Seattle in addition to the relatively small but growing sections of south Snohomish County. King County METRO has upgraded its two large treatment plants in the last 10 years and is in the process of developing a third plant (Brightwater). The likely location for this plant is near the King/Snohomish County line. There are 15 other wastewater treatment plants serving the urban areas within Snohomish County. The Everett and Edmonds plants both serve as regional facilities serving areas and jurisdictions outside of their municipal boundaries. Treatment plants operated by the Alderwood Water and Sewer District, Lake Stevens Sewer District, and the Olympus Terrace Sewer District also serve areas within two or more municipal jurisdictions. The remaining treatment plants are city-operated plants serving their individual jurisdictions. The time, expense, and permitting difficulties involved in siting and constructing new wastewater treatment plants will limit the number of new plants built in Snohomish County during the next twenty years. Future increases in demand for wastewater treatment caused by growth and by conversion of existing development from individual systems to public sewers may likely be accommodated by expansion of existing plants or new wastewater treatment technologies.

## GOAL UT 3

**Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element, UGA area plans, and city plans.**

### Objective UT 3.A

**Utilize wastewater system plans as a basis for orderly development or expansion within UGAs in accordance with the countywide planning policies.**

**UT Policies** 3.A.1 The county shall review new residential projects within urban growth areas requiring land use or construction permit approval for the availability of an adequate public wastewater collection and treatment system. Package wastewater treatment plants and sanitary sewer systems shall be approved by the State Department of Health.

3.A.2 The county shall only permit new individual wastewater treatment systems (such as septic systems) within UGAs to serve single-family homes on legal lots in existence at the effective date of this plan except as may be provided under development regulations which are consistent with LU Policy 2.B.1 related to the phased implementation of minimum urban densities within the un-sewered portion of UGAs, under limited conditions.

### Objective UT 3.B

**Discourage inappropriate development patterns and densities in rural areas by restricting public sewer systems outside of designated urban growth areas.**

**UT Policy** 3.B.1 The county shall prohibit new municipal sanitary sewer systems within the rural and resource lands unless sewers are necessitated by serious public health considerations or by necessary public facilities, or there are compelling reasons for such locations related to engineering design requirements or significant limitations on site availability, and when they are intended and designed solely to serve urban development within the UGA, with the exception that churches or schools located within the rural lands may hook up to sewer lines located on or directly adjacent to the church or school property.

3.B.2 Snohomish County should encourage the development and use of innovative technologies for the treatment of wastewater that support the comprehensive plan and enhance the environment.

## Electric Power

All electric power in Snohomish County is provided by Snohomish County Public Utility District #1 (PUD), a special purpose public agency which is governed by an elected Board of Commissioners in accordance with state enabling legislation. The PUD is mandated by state law (as are all other utility districts in Washington) to provide service to everyone in its service area-which is the entire county.

The PUD has joined with other electric power providers in the Puget Sound area to produce a report entitled Regional GMA Utility Report (November 1992). A Model Utilities Element was also developed by Puget Power for consideration by the GMA planning jurisdictions of the region.

These documents were utilized in compiling the original section of the utilities element. Other electric power providers including Puget Power and Seattle City Light, own and maintain major transmission facilities in Snohomish County which serve customers outside the county. Puget Power has prepared a planning document entitled Draft GMA Electrical Facilities Plan (October 1993) which has been particularly useful in preparing this section. The plans of these providers for facilities in Snohomish County must be coordinated with the county's comprehensive plan.

Electric load forecasting and facility planning is conducted by the PUD as part of its regular planning and management operations. The peak load typically experienced on cold winter days is a primary design consideration in planning new generation, transmission, and the larger distribution facilities. Population and employment forecasts from the PSRC and the state OFM, which provide the foundation for GMA comprehensive planning, are also utilized by PUD and other providers for electric load forecasting. The peak load for the Snohomish County PUD is forecasted to reach 1,517 megawatts by the year 2006 which is about a 13 percent increase over 2004 levels.

The Snohomish County PUD has a goal of meeting a portion of its projected increase in demand through aggressive conservation programs. These energy conservation investments will also create economic diversification opportunities and keep the money spent on conservation within the community. The PUD initiated development of an Integrated Resource Plan (IRP) in 2004 to evaluate a range of alternatives for its electric resource portfolio. The results will be used to update the PUD long-term strategy for providing reliable, low-cost electric service. The review and evaluation process has not been completed. Specific initiatives will be evaluated by the PUD, within the overall context of the county's comprehensive plan and its implementing regulations.

Transmission line corridors of Puget Power and Seattle City Light occupy substantial lands within Snohomish County. The Puget Power facilities plan includes several upgrades to existing transmission lines and a new substation referred to as the Horse Ranch Transmission Switching Station to be constructed along the north/south corridor at a location southwest of Lake Stevens. Other future projects outlined by Puget Power to increase capacity and reliability of the regional power grid elements in Snohomish County utilize existing corridors and rights-of-way.

Electromagnetic fields (EMF) are associated with electrical appliances and facilities in general, and high voltage transmission lines, in particular, and have been the subject of considerable, but as yet inconclusive, research by the EPA and various health organizations. This EMF issue is being closely watched by the industry and by national health and environmental agencies. Snohomish County will also monitor this research for new findings that could impact the comprehensive plan.

## GOAL UT 4

**Assist electric utility providers in fulfilling their public service obligations through planning for adequate system capacity to accommodate forecasted growth in a manner that is consistent with the comprehensive plan and protection of the natural environment.**

### Objective UT 4.A

**Update the utilities element at least every five years to reflect changing regulatory conditions, electric load forecasts, and technology in cooperation with the provider agencies.**

**UT Policy** 4.A.1 The county shall indicate the general location of existing and proposed major components of the electric system on the maps for UGA plans and rural/resource lands.

### Objective UT 4.B

**Site transmission and major distribution corridors and substations to minimize potential adverse societal, environmental, and economic impacts on the community.**

**UT Policies** 4.B.1 The county shall encourage the joint use of utility corridors consistent with limitations of applicable law and prudent utility practice.

4.B.2 The county shall coordinate in the long term its roadway projects and other capital facility projects with planned electrical system expansions and extensions where shared sites or rights-of-way may be appropriate.

**Private (franchise) Utility Systems – General**

Changes in state and federal regulations as well as advances in technology can produce significant modifications in utility system design which can, in turn, impact land use patterns and alter compatibility issues. The state is in the best position to monitor the regulatory and technological environment and provide early warning to local governments of these potential impacts. However, the counties may also be able to contribute to this effort and Snohomish County is prepared to participate in this endeavor.

The county, like most public agencies, has planning, design, construction management, and development review functions dispersed among several departments and divisions. In order to reduce the opportunities for inconsistencies that this division of functions and responsibilities invites, the county will explore administrative and management mechanisms that can cut across traditional departmental lines to produce more comprehensive and internally consistent project reviews for both public facility projects and private development proposals with public utility components.

## Natural Gas

Natural gas is an energy resource whose historic role in the Pacific Northwest has been relatively small because of the abundance and low cost of hydroelectric power. That situation has changed with the region's growing awareness of hydroelectric power's limitations. Natural gas could have an expanding role in the Puget Sound region as a domestic space and water heating medium.

Natural gas is delivered to customers by means of pipelines usually located with other public infrastructure within street rights-of-way. Natural gas is produced and delivered by private companies subject to federal and state regulation. Natural gas companies are not required by statute to make their product available to all potential customers like electric utilities. This results in a market driven utility which must have a firm customer base before it will extend service into an area. Older neighborhoods that were developed without natural gas infrastructure must organize and demonstrate to the gas company that sufficient demand exists for the service to justify the expense of extending new lines.

Commitments from developers and builders to provide gas connections to new homes, apartments, and businesses are generally easier to arrange, particularly as the cost of electric energy continues to rise. Most developments in southwest Snohomish County near a supply pipeline are connected to the natural gas distribution network.

The principal distributor of natural gas in Snohomish County is Puget Sound Energy (PSE). The area in which it may provide service (Certified Boundary Area) includes all of the southwest UGA and extends north to Marysville, northeast to Granite Falls, and southeast along SR-2 to Gold Bar. PSE purchases natural gas from the Williams Northwest Pipeline Company whose principal line runs north and south through Snohomish County, east of Lake Stevens, and connects major gas fields in British Columbia with major demand centers to the south. PSE takes its supply from gate stations located along the Northwest pipeline where pressures are reduced and from which the gas is transmitted to PSE's major demand centers via intermediate pressure lines. Pressures are further reduced at several town border stations before the gas is distributed to customer service lines.

## Telecommunications

Telecommunications networks are privately owned, publicly regulated utilities that are driven by market forces more than statutory requirements. The principal system providers in Snohomish County are Verizon (telephone) and Comcast (cable TV). Major system components include switching gear and satellite receiving stations for signal processing. These may be characterized by small to medium sized buildings and receiving towers which may have some limited environmental effects on neighboring properties.

Potentially significant issues for telecommunications planning concern emerging technologies and their impact on facility net works, and the importance of the information highway in federal infrastructure planning and investment decisions. It is too early to tell exactly how these changing circumstances may affect local comprehensive planning. Advances in cellular technology and deregulation of the telephone industry are already starting to have significant affects on system configuration and further changes seem inevitable. Telecommuting may become a viable alternative to traditional commuting for a significant number of workers. These changes could have a major impact on the next generation of land use and transportation plans.

## GOAL UT 5

**Enhance the efficiency and quality of utility service by coordinating facility planning among the various private utility purveyors serving Snohomish County.**

### Objective UT 5.A

**Utilize existing transportation and utility corridors to accommodate necessary transmission system expansions.**

**UT Policy** 5.A.1 The county shall promote, where feasible, the co-location of public and private utility distribution facilities in shared trenches, and coordinate construction timing to minimize disruptions and costs.

### Objective UT 5.B

**Facilitate utility system design practices that maximize user options and minimize the frequency and duration of service disruptions.**

**UT Policy** 5.B.1 The county shall establish standards and regulations which permit the development of alternative energy and communications infrastructure.

### Objective UT 5.C

**Accommodate regional utility corridors and facilities through the siting process for essential public facilities.**

### Objective UT 5.D

**Achieve and maintain consistency between private utility system expansion plans and planned land use patterns.**

**UT Policies** 5.D.1 Where feasible, the county shall identify future private utility facility and corridor locations on the maps for UGA plans and rural/resource lands.

5.D.2 The county shall maintain consistency between private utility system plans and the county's comprehensive plan.

5.D.3 The county shall ensure that private utilities are located in compliance with the Shoreline Management Master Program.

# Snohomish County Comprehensive Plan: Interjurisdictional Coordination

# Interjurisdictional Coordination

Intergovernmental or interjurisdictional coordination has been described as "a meaningful effort to bring all parties together to identify concerns, discuss issues, examine solutions, resolve problems, and employ joint approaches, where appropriate, to manage the uncoordinated and unplanned growth posing a threat to the environment, economic development and high quality of life in the state." (Working Together - A Guide to Intergovernmental Coordination Under the Growth Management Act, State of Washington DCD, July 1992). Such cooperative efforts between jurisdictions can lead to increased efficiency in the preparation of plans, provision of public services, annexations and incorporations, and many other activities by minimizing conflicts and duplications.

There are many planning and regional growth management issues such as transportation and water quality management that transcend jurisdictional boundaries. The lack of a range of housing opportunities near employment centers, public facility sizing, and scheduling of transportation improvements concurrent with development are all issues that could be better managed through a coordinated approach.

The development of unincorporated land adjacent to cities has created a number of complex issues. When cities seek to extend their corporate boundaries through annexation without coordination with the county, they may find it difficult to provide public services to this new land at appropriate urban service levels because of: incompatible lot sizes; road alignments; utility line sizes; and differing design standards typical of these more rural areas. If unincorporated, urbanizing areas remain under the county's jurisdiction, there often is pressure for the county to provide additional urban services that may be cost prohibitive. Once areas are annexed, the county faces a loss of tax revenues that may exceed the former costs of servicing the area, may have been dedicated to amortizing capital facilities in the area, and may reduce the county's ability to provide regional services.

Annexations and incorporations may affect county programs such as stormwater management or financing of transportation improvements if the land removed by annexation no longer contributes financially to the program. Special purpose districts are also affected by annexations and transition measures need to be considered as service providers change.

Snohomish County and its cities, towns, and the Tulalip Tribes recognize the benefits of coordinated planning. The cities, county and Tribes continue to participate in Snohomish County Tomorrow (SCT), a joint planning process through which goals have been formulated to guide the development and revision of local comprehensive plans. These goals form the basis for the countywide planning policies which were also developed through SCT. SCT has been instrumental in developing annexation policies which are used by the county and the cities.

The county and the cities realize that coordinated planning is beneficial in updating comprehensive plans for the unincorporated areas around cities. The county and cities are exploring urban transition options that would result in improved regulatory consistency between jurisdictions over standards for land use development in the UGAs.

The county's Southwest Urban Growth Area (SWUGA) includes nine cities and unincorporated county land. Urban-level services within

UGAs should ultimately be provided by cities. Dividing the SWUGA into separate Municipal Urban Growth Areas (MUGAs) will facilitate coordinated planning between the cities and Snohomish County. The delineation and adoption of initial MUGA boundaries by the county council allows the county to plan for the development of these urban areas in coordination with the city they are most likely to join in the future. MUGAs which have been established within the SWUGA will continue to help ensure predictability for residents and businesses in the unincorporated areas as to the municipality that will eventually become their urban services provider.

The following goals, objectives and policies provide general policy direction for continued and improved interjurisdictional coordination.

## GOAL IC — Promote the coordination of planning, financing, and implementation programs between the county and local jurisdictions including tribal governments.

### Objective IC 1.A — Continue participation in joint planning processes.

**IC Policies**

1.A.1 The county shall continue participation in Snohomish County Tomorrow to reconcile, monitor and, if necessary, adjust population and employment growth targets; to resolve possible inconsistency between the local jurisdictions' plans; and to provide for common siting of essential public facilities.

1.A.2 The county shall work with cities and private citizens to develop more detailed plans where local conditions and interests demand it.

### Objective IC 1.B — Work with cities and towns to provide for the orderly transition of unincorporated to incorporated areas within UGAs.

**IC Policies**

1.B.1 The county shall work with cities in planning for orderly transfer of service responsibilities in anticipation of potential or planned annexations or incorporations within UGAs.

1.B.2 In newly annexed areas within UGAs, the county shall continue to provide regional services while the cities provide urban services.

1.B.3 The county shall seek interlocal agreements with the cities to establish a process for transferring authority over pending projects, permits, and records and establishes reciprocal impact mitigation for transportation, parks, and schools prior to potential or planned annexations or incorporations.

1.B.4 The county shall not support any proposed annexation of unincorporated lands in Snohomish County by a city or special district situated predominately outside of Snohomish County unless and until an annexa-

tion agreement has been signed by the county and said district or city. Such agreement shall address and substantially resolve issues of land use, applicable development regulations, permit processing, public services delivery, facilities financing, transportation planning, concurrency management, and any other similar jurisdictional issues identified by the county. Such agreement should be approved prior to city acceptance of an annexation petition.

1.B.5 The county and affected cities should collaborate on the development of appropriate urban design measures, such as: pedestrian, bicycle and transit orientation; compatibility and access among adjacent developments; appropriate open spaces and gathering places; adequate landscaping; and streetscapes and parking arrangements.

1.B.6 The county should consider interlocal agreements with cities to coordinate county and municipal planning under GMA within UGAs. These planning processes should emphasize public participation and the role of elected officials in local decision-making. Such interlocal agreements may address the following interjurisdictional issues:

(a) Transition processes for planning and development projects and capital facilities projects;

(b) Provision of clear, adequate public participation processes;

(c) Provision for fiscal equity between the county and the cities and identification of funding sources, fees, and revenue sharing;

(d) Coordination between and delineation of tasks and schedules for staff, planning commissions and councils in the review, adoption and appeal process;

(e) Development of application procedures and determination of applicable regulations and standards to be used; and

(f) Other issues such as SEPA review, appeals, transportation concurrency, surface water, solid waste and public safety.

## Objective IC 1.C — Ensure that county and city development regulations are consistent within UGAs.

**IC Policies**

1.C.1 The county shall seek interlocal agreements with the cities which identify development standards for each UGA.

1.C.2 The county should work with cities to determine the city's role in the review of applications for development within the unincorporated portions of UGAs.

## Objective IC 1.D — Promote interjurisdictional planning and implementation of capital facilities.

**IC Policy** 1.D.1 The county shall seek the participation of cities when planning and financing capital facilities within UGAs.

## Objective IC 1.E Re-evaluate and, as required, modify MUGA boundaries to facilitate county planning for the development of these urban areas.

**IC Policies** 1.E.1 The MUGA boundaries shall be as adopted by the county and shown in Map 3. The county and the cities within the SWUGA shall, when necessary, modify MUGA boundaries for the purposes of allocating population (Appendix D) as required by GMA and delineating future annexation areas for each of the nine cities in the SWUGA.

1.E.2 Inconsistencies which result in overlapping MUGAs between cities or gap areas which are not included in any city's MUGA should be reconciled between the affected cities within Snohomish County and the county as soon as is practical. "Affected cities" may also include cities located outside of Snohomish County only at such time interlocal agreements between the cities and Snohomish County have been adopted.

1.E.3 MUGA boundaries shall be reevaluated on a periodic basis and adjustments made as needed through the county's Comprehensive Plan amendment process.

1.E.4 MUGA boundaries congruent with the SWUGA boundary may be amended by agreement and action by the county and geographically affected cities following consultation with the cities, consistent with 1.E.3.

1.E.5 MUGA boundaries that are not congruent with the SWUGA boundary may be amended by agreement and action by the affected cities and the county, consistent with 1.E.3.

1.E.6 Interlocal agreements executed by the county and a city shall define terms of the transfer of responsibilities for planning and/or development within a city's established MUGA boundary.

1.E.7 The county shall seek interlocal agreements with the cities to establish a process for all project and permit transfers, record transfers and reciprocal impact mitigation for transportation, parks, and schools within the city's MUGA prior to potential or planned annexations or incorporations.

## Objective IC 1.F Cooperate with local jurisdictions to access and distribute regional financial resources.

**IC Policies**

1.F.1 The county shall coordinate with cities to investigate the potential for sharing of tax revenue to assist in the provision of equitable levels of public services within the county.

1.F.2 The county shall join with local jurisdictions in consortia for the purpose of attracting and distributing regional financial resources such as community development block grants, emergency shelter grants, and HOME investment partnerships program grants.