

1 Adopted: December 4, 2024  
2 Effective: December 22, 2024

3  
4 SNOHOMISH COUNTY COUNCIL  
5 SNOHOMISH COUNTY, WASHINGTON

6  
7 ORDINANCE NO. 24-027

8  
9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE  
10 MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT  
11 ACT COMPREHENSIVE PLAN AND AMENDING THE OFFICIAL ZONING MAP  
12 TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP  
13 (SW10 – CS REAL ESTATE DEVELOPMENT)

14  
15 WHEREAS, Revised Code of Washington (RCW) 36.70A.130 and .470 direct  
16 counties planning under the Growth Management Act (GMA), chapter 36.70A RCW, to  
17 adopt procedures for interested persons to propose amendments and revisions to the  
18 Snohomish County Growth Management Act Comprehensive Plan (GMACP) or  
19 development regulations; and

20  
21 WHEREAS, the Snohomish County Council (“County Council”) adopted chapter  
22 30.74 of the Snohomish County Code (SCC), “Growth Management Act Public  
23 Participation Program Docketing,” to comply with the requirements of RCW 36.70A.130  
24 and .470; and

25  
26 WHEREAS, the Department of Planning and Development Services (PDS)  
27 compiled a list of non-county initiated amendments and revisions received by the  
28 October 31, 2020, deadline for Docket XXI applications and evaluated these proposed  
29 amendments, including the SW10 – CS Real Estate Development amendments, for  
30 consistency with the initial docket review criteria in SCC 30.74.030(1) and 30.74.040;  
31 and

32  
33 WHEREAS, on March 9, 2022, the County Council approved, by Amended  
34 Motion No. 21-147, a list of proposed non-county initiated comprehensive plan  
35 amendments, including SW10 – CS Real Estate Development, to be included on Final  
36 Docket XXI and authorized the County Executive, through PDS, to further process the  
37 proposed major docket amendments consistent with chapters 30.73 and 30.74 SCC,  
38 including environmental review under the State Environmental Policy Act (SEPA), for  
39 final consideration in 2024; and

40  
41 WHEREAS, the Snohomish County Planning Commission (“Planning  
42 Commission”) was briefed on the SW10 – CS Real Estate Development amendments  
43 on September 12, 2023; and

1 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed a final review and  
2 evaluation of the SW10 – CS Real Estate Development amendments and forwarded a  
3 recommendation to approve SW10 – CS Real Estate Development to the Planning  
4 Commission; and

5  
6 WHEREAS, the Planning Commission held a public hearing on October 24,  
7 2023, to receive public testimony on SW10 – CS Real Estate Development; and

8  
9 WHEREAS, after the conclusion of its public hearing, the Planning Commission  
10 deliberated on November 14 and 15, 2023, and voted to recommend adoption of the  
11 amendments contained in this ordinance, as shown in its recommendation letter dated  
12 January 16, 2024; and

13  
14 WHEREAS, on August 19, 2024; September 11, 2024; October 2, 2024; and December  
15 4, 2024, 2024, the County Council held a public hearing, after proper notice, to receive  
16 public testimony and consider the entire record related to the SW10 – CS Real Estate  
17 Development amendments contained in this ordinance; and

18  
19 WHEREAS, following the public hearing, the County Council deliberated on the  
20 amendments contained in this ordinance;

21  
22 NOW, THEREFORE, BE IT ORDAINED:

23  
24 Section 1. The County Council adopts the following findings to support this  
25 ordinance:

- 26  
27 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
28  
29 B. The SW10 – CS Real Estate Development amendments would amend the Future  
30 Land Use (FLU) Map of the GMACP by redesignating 14 acres in the Southwest  
31 Urban Growth Area (SWUGA) from Urban Industrial (UI) to Urban Center (UC) with  
32 a concurrent rezone from Light Industrial (LI) to Urban Center (UC). The SW10 – CS  
33 Real Estate Development site is located approximately 0.5 miles southeast of the  
34 City of Mill Creek on the west side of Bothell Everett Highway (SR 527), which is a  
35 designated transit emphasis corridor. 183rd St SE is directly north, and 192nd St SE  
36 is to the south.  
37  
38 C. The SW10 amendments are consistent with RCW 36.70A.110(3) requirements for  
39 the location of future urban population and employment growth, as the SW10  
40 amendments would provide opportunities for increasing development densities in a  
41 portion of the SWUGA that is already characterized by urban growth. The SW10 site  
42 can accommodate additional residential and employment capacity, as it is served by

1 public water and sanitary sewer and nearby bus rapid transit (BRT) facilities on SR  
2 527.

3  
4 D. The SW10 amendments were analyzed for consistency with RCW 36.70A.130(1)(d),  
5 which requires that comprehensive plan amendments be consistent with the GMA.  
6 The amendments are consistent with the GMA requirements for accommodating  
7 additional residential and employment capacity. The amendments are consistent  
8 with RCW 36.70A.130(2)(a), which requires that comprehensive plan amendments  
9 be considered no more frequently than once every year. The non-county initiated  
10 amendments are scheduled for final consideration by the County Council according  
11 to the requirements in chapter 30.74 SCC and are considered together with county-  
12 initiated comprehensive plan amendments for final action no more frequently than  
13 once per year. The amendments are consistent with RCW 36.70A.070, which  
14 requires internal consistency within a comprehensive plan because the proposed  
15 amendments maintain internal consistency between the GMACP FLU Map and the  
16 official zoning map. The amendments are consistent with RCW 36.70A.100 and  
17 36.70A.210, which require that a comprehensive plan be consistent with the Puget  
18 Sound Regional Council (PSRC) Multicounty Planning Policies (MPPs) and the  
19 Snohomish County Countywide Planning Policies (CPPs). The amendments are  
20 consistent with the MPPs and the CPPs as analyzed and described in the  
21 September 11, 2023, PDS staff report to the Planning Commission and in the  
22 additional findings below.

23  
24 E. The SW10 amendments advance the goals of the GMA in RCW 36.70A.020,  
25 particularly RCW 36.70A.020(1) (Urban Growth), RCW 36.70A.020(2) (Reduce  
26 Sprawl), RCW 36.70A.020(3) (Transportation), RCW 36.70A.020(4) (Housing), RCW  
27 36.70A.020(9) (Open Space and Recreation), RCW 36.70A.020(10) (Environment),  
28 RCW 36.70A.020(12) (Public Services and Facilities), and RCW 36.70A.020(14)  
29 (Climate Change and Resilience), as the proposal would allow for a higher density mix  
30 of residential and non-residential uses within the existing SWUGA, which is already  
31 characterized by urban growth. The proposal site can be served by public water and  
32 sanitary sewer service to accommodate the proposed high density mixed use. The  
33 proposal site is also adequately served by a BRT line which is part of the regional high  
34 capacity transportation system, while providing more efficient use of urban land and  
35 reducing the need to convert open space and wildlife habitat to housing and related  
36 infrastructure.

37  
38 F. The SW10 amendments were analyzed for consistency with the MPPs. The SW10  
39 amendments maintain consistency with the MPPs, including Regional Growth  
40 Strategy Policies RGS-6 and RGS-8, by amending the GMACP FLU Map and the  
41 official zoning map to optimize the urban residential and employment development  
42 potential of the site, which is located in the High Capacity Transit Communities  
43 regional geography and within 0.25 miles of a high-capacity transit station. The

1 amendments will encourage more compact and efficient urban development which  
2 reduces demand for new public facilities and services.

3  
4 G. The SW10 amendments were analyzed for consistency with the CPPs. The SW10  
5 amendments maintain consistency with the CPPs, including CPP Development  
6 Patterns Policy DP-14, by focusing growth within a compact Urban Center in an area  
7 served by high-capacity transit, and consistent with CPP DP-42 by redesignating  
8 Urban Industrial land that is no longer suitable for high-intensity industrial uses  
9 because such uses are incompatible with mixed residential and commercial  
10 development.

11  
12 H. The SW10 amendments were analyzed for consistency with the GMACP policies.  
13 The SW10 amendments maintain consistency with the GMACP Land Use Element  
14 by adopting a reasonable measure to accommodate additional population and  
15 employment growth within the existing UGA in a compact Urban Center within 0.25  
16 miles of a high-capacity transit station.

17  
18 I. Procedural requirements.

19  
20 1. State Environmental Policy Act (SEPA) requirements with respect to this non-  
21 project action have been satisfied through the completion of a Draft EIS  
22 issued on September 6, 2023, and a Final EIS issued on August 27, 2024.

23  
24 2. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

25  
26 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
27 was transmitted to the Washington State Department of Commerce for  
28 distribution to state agencies on April 16, 2024.

29  
30 4. The public participation process used in the adoption of this ordinance  
31 complied with all applicable requirements of the GMA and the SCC.  
32 Notification was provided in accordance with SCC 30.73.050.

33  
34 5. The Washington State Attorney General last issued an advisory  
35 memorandum, as required by RCW 36.70A.370, in September of 2018  
36 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
37 Property" to help local governments avoid the unconstitutional taking of  
38 private property. The process outlined in the State Attorney General's 2018  
39 advisory memorandum was used by Snohomish County in objectively  
40 evaluating the amendments proposed by this ordinance.

41  
42 J. The ordinance is consistent with the record, including the PDS staff report to the  
43 Planning Commission dated September 11, 2023. In its staff report, PDS concluded

1 the proposal met the criteria found in SCC 30.74.060 and, therefore, recommended  
2 the proposal be approved.

3  
4 Section 2. The County Council makes the following conclusions:

- 5  
6 A. The amendments comply with all requirements of Washington State law and county  
7 code.  
8  
9 B. The amendments are consistent with the MPPs.  
10  
11 C. The amendments are consistent with the CPPs.  
12  
13 D. The amendments are consistent with the goals, objectives, and policies of the  
14 GMACP.  
15  
16 E. All SEPA requirements with respect to this non-project action have been satisfied.  
17  
18 F. The amendments do not result in an unconstitutional taking of private property for a  
19 public purpose and do not violate substantive due process guarantees.  
20

21 Section 3. The County Council bases its findings and conclusions on the entire  
22 record of the Planning Commission and the County Council, including all testimony and  
23 exhibits. Any finding which should be deemed a conclusion, and any conclusion which  
24 should be deemed a finding, is hereby adopted as such.  
25

26 Section 4. Map 1 (Future Land Use) of the GMACP Land Use Element, last  
27 amended by Ordinance No. 24-026 on December 4, 2024, is amended as indicated in  
28 Exhibit A to this ordinance, which is attached hereto and incorporated by reference into  
29 this ordinance.  
30

31 Section 5. The official zoning map maintained pursuant to SCC 30.21.030 shall  
32 be revised to reflect the zoning change adopted by the County Council as indicated in  
33 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into  
34 this ordinance.  
35


36 Section 6. The County Council directs the code reviser to update SCC 30.10.060  
37 pursuant to SCC 1.02.020(3).  
38

39 Section 7. Severability and Savings. If any section, sentence, clause, or phrase  
40 of this ordinance shall be held to be invalid by the Growth Management Hearings Board  
41 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or  
42 unconstitutionality shall not affect the validity or constitutionality of any other section,  
43 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,

1 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court  
2 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to  
3 the effective date of this ordinance shall be in full force and effect for that individual  
4 section, sentence, clause, or phrase as if this ordinance had never been adopted.

5  
6 PASSED this 4<sup>th</sup> day of December 2024.

8 SNOHOMISH COUNTY COUNCIL  
9 Snohomish County, Washington

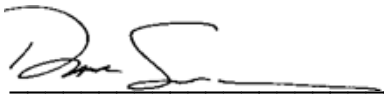
10  
11   
12 \_\_\_\_\_  
13 Council Chair

14 ATTEST:

15  
16   
17 \_\_\_\_\_

- 18  
19 ( X ) APPROVED  
20 ( ) EMERGENCY  
21 ( ) VETOED

22 DATE: December 12, 2024

23  
24   
25 \_\_\_\_\_  
26 County Executive

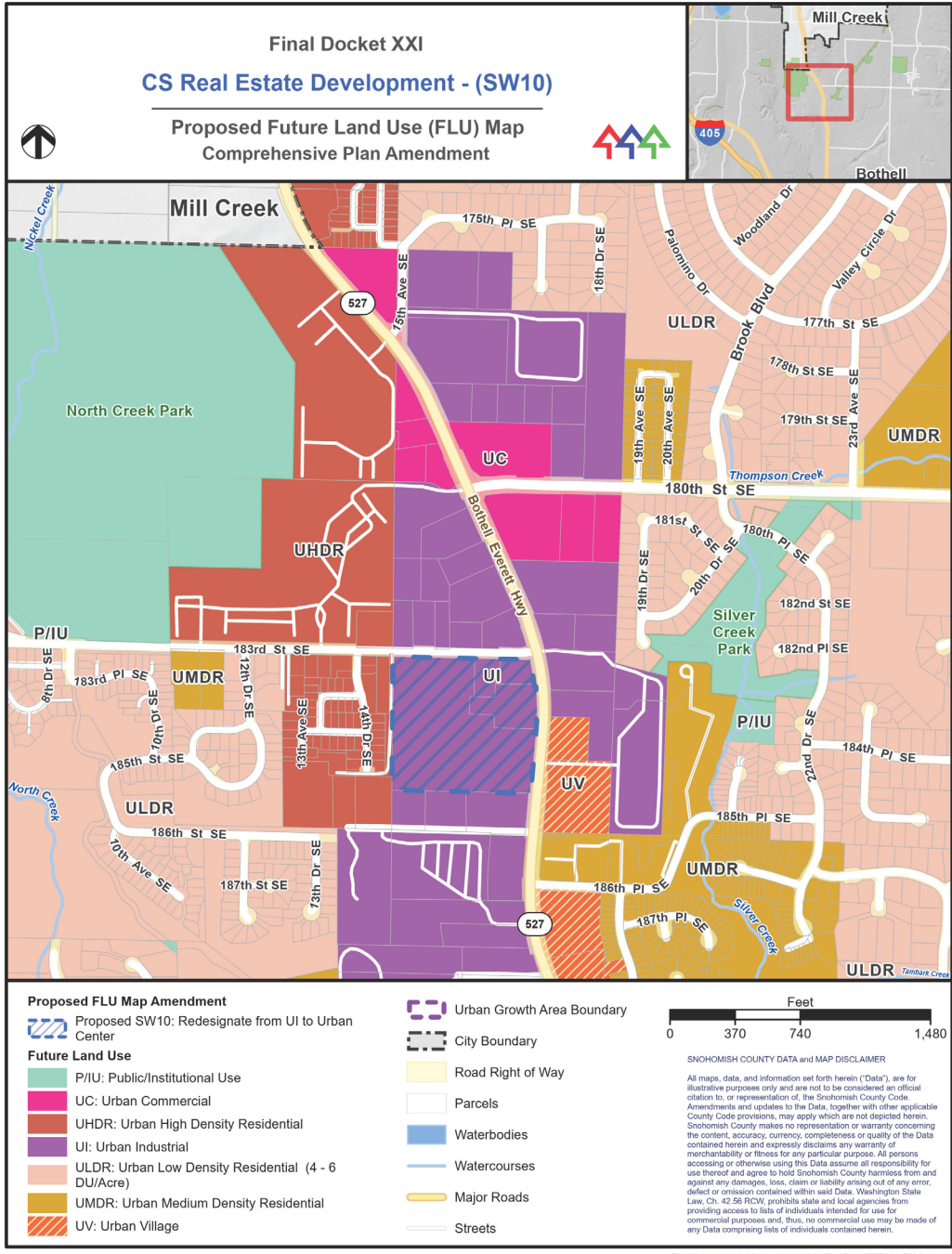
27 ATTEST:

28   
29 \_\_\_\_\_

30 Approved as to form only:

31  
32   
33 \_\_\_\_\_ 3/18/24  
34 Deputy Prosecuting Attorney

**Exhibit A  
Ordinance No. 24-027  
Final Docket XXI  
SW10 – CS Real Estate Development  
Amendments to the FLU Map of the GMACP**



**ORDINANCE NO. 24-027**  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP (SW10 – CS REAL ESTATE DEVELOPMENT)



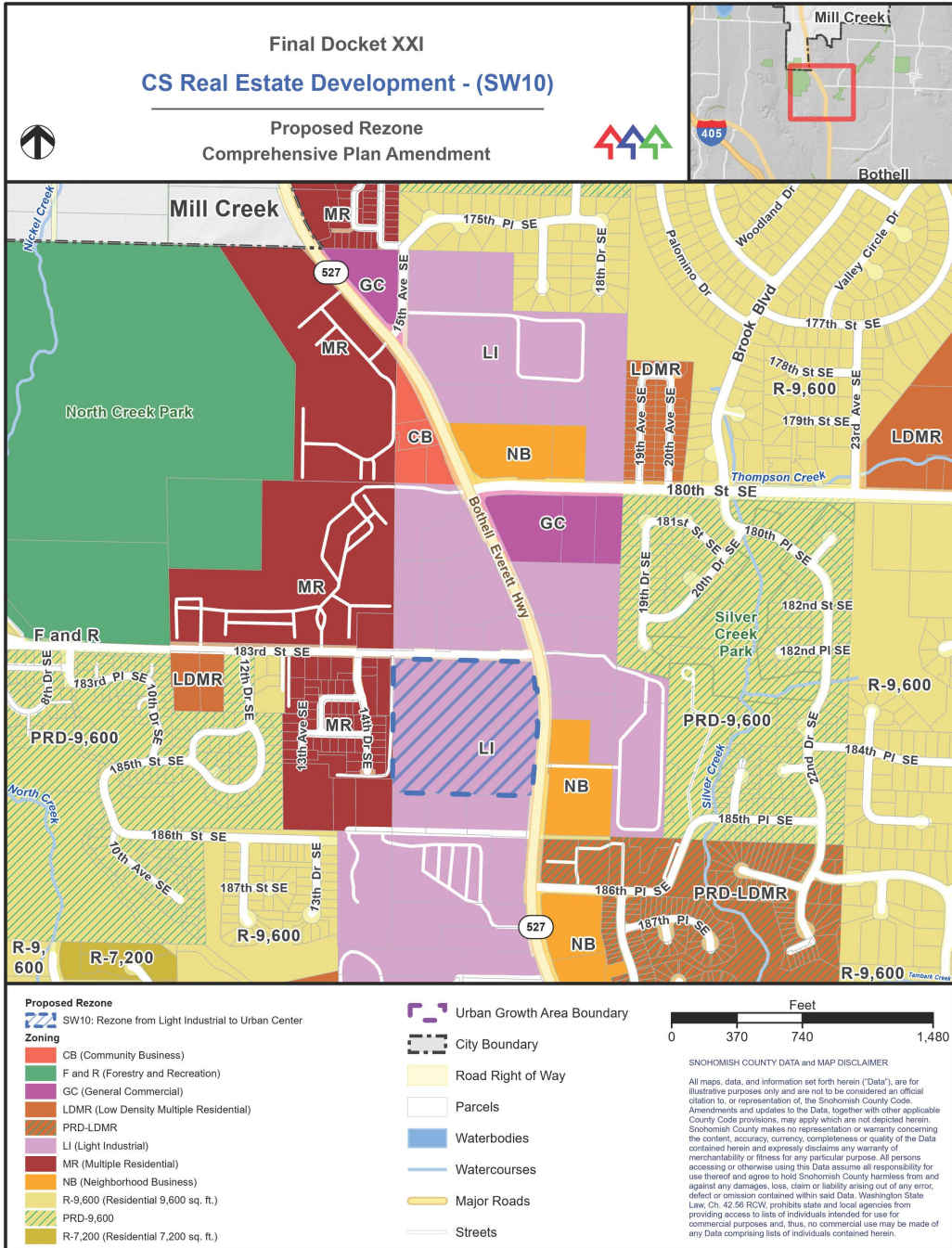
# Exhibit B

## Ordinance No. 24-027

### Final Docket XXI

#### SW10 – CS Real Estate Development

#### Amendments to the Official Zoning Map



ORDINANCE NO. 24-027  
 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
 FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
 COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND  
 AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO  
 THE FUTURE LAND USE MAP (SW10 – CS REAL ESTATE DEVELOPMENT)