

1 Adopted: December 4, 2024
2 Effective: December 22, 2024, except UGA expansions and related zoning effective as provided in Section
3 8 of this ordinance

4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON
6

7 AMENDED ORDINANCE NO. 24-032
8

9 RELATING TO MANDATORY UPDATES OF THE SNOHOMISH COUNTY GROWTH
10 MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP), PURSUANT TO RCW 36.70A.130;
11 AMENDING THE OFFICIAL ZONING MAP AS PART OF THE 2024 GMACP UPDATE
12

13 WHEREAS, Snohomish County (“the county”) adopted the Snohomish County Growth
14 Management Act Comprehensive Plan (GMACP) including the Future Land Use (FLU) Map on
15 June 28, 1995, through passage of Amended Ordinance No. 94-125; and
16

17 WHEREAS, the county has amended the GMACP FLU Map several times since its
18 adoption, most recently by Amended Ordinance No. 22-028 on September 14, 2022; and
19

20 WHEREAS, the Snohomish County Official Zoning Map (“zoning map”) must be
21 consistent with the FLU Map; and

22 WHEREAS, the county must conduct a periodic review of its GMACP pursuant to
23 Revised Code of Washington (RCW) 36.70A.130(3), which directs counties planning under the
24 Growth Management Act (GMA) to take legislative action to review and, if needed, revise their
25 comprehensive plans and development regulations to ensure that population, employment, and
26 housing growth for the succeeding 20-year period can be accommodated; and
27

28 WHEREAS, on November 1, 2021, the county began the State Environmental Policy Act
29 (SEPA) scoping period, and held two virtual public meetings on November 9 and November 15,
30 2021, to kick off the review of the GMACP and zoning map and to seek comments on a scope
31 for an Environmental Impact Statement (EIS); and
32

33 WHEREAS, the county published the SEPA scoping public notice in English, Spanish,
34 and Korean in the Everett Herald, sent it to agencies and interested parties as contained in the
35 Planning and Development Services (PDS) SEPA Distribution List, and posted it to the
36 Snohomish County website; and
37

38 WHEREAS, the county created a project website to disseminate information related to
39 the update of the GMACP and to provide opportunities for public input. The website was
40 continually updated over the planning process and included a calendar of events related to
41 Snohomish County Planning Commission (“Planning Commission”) briefings and hearings and
42 other public engagement opportunities; and
43

44 WHEREAS, the county provided regular briefings on the update of the GMACP to the
45 Snohomish County Tomorrow (SCT) Planning Advisory Committee, SCT Steering Committee,
46 SCT Executive Committee, and SCT Community Advisory Board; and
47

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1 WHEREAS, the county conducted extensive public engagement for the GMACP update
2 with an emphasis on reaching historically and currently marginalized communities that included
3 online surveys, newsletters translated into Spanish, Korean, and Vietnamese, and in-person
4 events across Snohomish County in 2022 and 2023; and

5 WHEREAS, the Planning Commission was provided information on the potential
6 GMACP FLU Map and zoning map amendments, including those included in docket
7 proposals, in a briefing on September 12, 2023; and

8 WHEREAS, the county issued the Draft Environmental Impact Statement (DEIS) on
9 September 6, 2023, and the 45-day public comment period ended on October 23, 2023; and

10 WHEREAS, the county created an online interactive mapping tool for the public to
11 review the zoning maps and FLU Maps studied for each of the three land use alternatives and
12 make site specific comments during the DEIS comment period; and

13 WHEREAS, county staff held in-person public open houses on September 12 and
14 September 23, 2023, to provide the public an opportunity to obtain information and comment on
15 the DEIS and amendments to the GMACP FLU Map and zoning map; and

16 WHEREAS, the Planning Commission held a public hearing on October 24, 2023, to
17 receive public testimony concerning the amendments contained in this ordinance; and

18 WHEREAS, the notice of the public open houses and Planning Commission public
19 hearing was mailed to over 38,554 addresses in Snohomish County (including those potentially
20 affected by proposed changes and those within 500 feet of a proposed change located within an
21 urban growth area and 1,000 feet of a proposed change outside of an urban growth area),
22 published in the Everett Herald, posted to the project website, and posted on-site at final docket
23 properties; and

24 WHEREAS, after the conclusion of its public hearing, the Planning Commission
25 deliberated on November 14 and November 15, 2023, and voted to recommend adoption of the
26 amendments discussed in its recommendation letter dated January 16, 2024; and

27 WHEREAS, the Snohomish County Executive (“Executive”) reviewed staff and public
28 input and the Planning Commission recommendation and made additional FLU Map and zoning
29 map recommendations that differ from the Planning Commission as outlined in the memo dated
30 March 26, 2024, and that are incorporated into this ordinance; and

31 WHEREAS, in its hearing related to the 2024 GMACP update on August 19, and
32 September 11, 2024, and as continued thereafter, the Snohomish County Council (“County
33 Council”) held a public hearing after proper notice, and considered public comment and the
34 entire record related to the amendments contained in this ordinance; and

35 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff
36 to prepare any amendments that may be required to implement the expansion of the
37 Monroe UGA consistent with the Mon2 docket proposal; and

1 WHEREAS, the County Council continued its hearing from September 11, 2024, to
2 October 2, 2024, for continued public comment, deliberation, and discussion of various
3 GMACP ordinances, including this ordinance; and

5 WHEREAS, the County Council continued its hearing from October 2, 2024, to
6 December 4, 2024, for consideration of public comment and the entire record related to
7 amendments contained in this ordinance; and

9 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to
10 prepare any amendments that may be required to implement the expansion of the Marysville
11 UGA consistent with a modified, smaller version of the MV2 docket proposal; and

13 WHEREAS, the County Council continued its hearing from September 11, 2024, to
14 October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP
15 ordinances, including this ordinance; and

17 WHEREAS, the County Council continued its hearing from October 2, 2024, to
18 December 4, 2024, for consideration of public comment and the entire record related to
19 amendments contained in this ordinance; and

21 WHEREAS, in its hearing on September 11, 2024, the County Council directed staff to
22 prepare any amendments that may be required retain the present zoning on the Wildlife
23 Committee of Washington (WCW) site, also known as the Kenmore gun range or parcels
24 27042500300100 and 27042500300200; and

26 WHEREAS, the County Council continued its hearing from September 11, 2024, to
27 October 2, 2024, for continued public comment, deliberation, and discussion of various GMACP
28 ordinances, including this ordinance; and

30 WHEREAS, the County Council continued its hearing from October 2, 2024, to
31 December 4, 2024, for consideration of public comment and the entire record related to
32 amendments contained in this ordinance; and

34 WHEREAS, following the public hearing, the County Council deliberated on the
35 amendments contained in this ordinance;

37 NOW, THEREFORE, BE IT ORDAINED:

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

- 41 A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth
42 in full herein.
- 44 B. The zoning map amendments are required under RCW 36.70A.130. Most of the zoning map
45 amendments are required to ensure consistency between the zoning map and the FLU Map
46 amendments adopted by the County Council as part of the GMACP update. Therefore, the
47 findings and conclusions contained in the ordinance amending the GMACP FLU Map as a
48 part of the GMACP update are relevant and applicable to the zoning map amendments
49 contained in this ordinance and are incorporated herein by this reference.

1 C. The zoning map amendments will support economic development by eliminating the need
2 for costly and time-intensive quasi-judicial rezones for isolated parcels that are surrounded
3 by more intensive zoning. The proposed rezones will assist in processing permits in a timely
4 and fair manner by eliminating the need for a quasi-judicial rezone.

5
6 D. The amendments are necessary to maintain consistency with the elements of the GMACP
7 as required by RCW 36.70A.040.

8
9 E. Procedural requirements.

10
11 1. SEPA requirements with respect to this non-project action have been satisfied through
12 the completion of a DEIS issued on September 6, 2023, and a Final EIS issued on
13 August 17, 2024.

14
15 2. The amendments are a Type 3 legislative action pursuant to SCC 30.73.010.

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

20
21 4. The public participation process used in the adoption of this ordinance has complied with
22 all applicable requirements of the GMA and the SCC. The general public and various
23 interested agencies and parties were notified of the public hearings by means of legal
24 notices, the county website, and over 38,554 direct mail notices sent to owners and
25 neighbors of affected properties. Notification was provided in accordance with SCC
26 30.73.050 and SCC 30.73.070 and consistent with Title VI of the Civil Rights Act of
27 1964.

28
29 5. The Washington State Attorney General last issued an advisory memorandum, as
30 required by RCW 36.70A.370, in December of 2018 entitled "Advisory Memorandum:
31 Avoiding Unconstitutional Takings of Private Property" to help local governments avoid
32 the unconstitutional taking of private property. The process outlined in the State
33 Attorney General's 2018 advisory memorandum was used by Snohomish County in
34 objectively evaluating the regulatory changes proposed by this ordinance.

35
36 F. This ordinance is consistent with the record.

37
38 1. The amendments to the zoning map are necessary to:
39 a. maintain consistency with the GMACP and FLU Map; and
40 b. rezone properties that are designated Public/Institutional Use on the FLU Map to
41 maintain consistency with adjacent areas that are being rezoned to maintain
42 consistency with the FLU Map; and
43 c. accommodate the projected population, employment, and housing growth over the
44 next twenty years to 2044; and
45 d. adopt two technical amendments to delete the two remaining instances of Rural Use
46 zoning, both of which are within rights-of-way, and rezone those properties to be
47 consistent with the existing FLU Map designations and adjacent zoning.

1 2. The rationale for the amendments to the official zoning map is described in more detail
2 in sections I and II, III.B.6, and IV through IX of the staff report dated September 11,
3 2023, and the report dated October 10, 2023, as they relate to Alternative 2 rezones that
4 are not part of the docket or Council-initiated UGA expansions, both of which were
5 presented to the Planning Commission and the County Council, as well as in the
6 Planning Commission recommendation letter dated January 16, 2024, and the Executive
7 recommendation memo dated March 26, 2024.

8
9 G. Zoning map revisions to implement the Mon2 docket proposal are described and
10 explained in this finding and in the findings I.3 through I.10 in the FLUM ordinance,
11 Ordinance No. 24-031, which are incorporated herein by this reference. The Mon2
12 docket changes the official zoning map for the Monroe UGA expansion of 22 acres near
13 Chain Lake Road by rezoning the expansion area to R-9,600 from R-5. The expansion
14 area and revised zoning are set forth in Exhibit B to this ordinance.

15
16 H. Zoning map revisions to implement the MV2 docket proposal, as revised, are
17 described and explained in this finding and in the findings I.11 through I.17 in the
18 FLUM ordinance, Ordinance No. 24-031, which are incorporated herein by this
19 reference. The MV2 docket, as revised, changes the official zoning map for the
20 Marysville UGA expansion of 39 acres to include parcels 31052700100400,
21 31052700100500, and 31052700400200 plus rail right-of-way to the west and road
22 right-of-way for 67th Ave NE to the east. Zoning for this expansion area shall change
23 from A-10 to Light Industrial. The expansion area and revised zoning are set forth in
24 Exhibit C to this ordinance.

25
26 Section 2. The County Council makes the following conclusions:

27
28 A. The amendments to the zoning map maintain consistency between the zoning map and the
29 FLUM and other elements of the GMACP.

30
31 B. The amendments are consistent with the CPPs and the MPPs.

32
33 C. The amendments are consistent with and comply with the procedural and substantive
34 requirements of the GMA.

35
36 D. The County has complied with all SEPA requirements with respect to this non-project action.

37
38 E. The amendments do not result in an unconstitutional taking of private property for a public
39 purpose.

40
41 F. This ordinance is consistent with RCW 36.70A.067, which requires that the initial effective
42 date of an action that expands an urban growth area designated under RCW 36.70A.110 is
43 after the latest of the following dates: (1) 60 days after the date of publication of notice of
44 adoption of the comprehensive plan, development regulation, or amendment to the plan or
45 regulation, implementing the action, as provided in RCW 36.70A.290(2); or (2) If a petition
46 for review to the growth management hearings board is timely filed, upon issuance of the
47 board's final order

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

Section 4. The official zoning map maintained pursuant to SCC 30.21.030 shall be revised to reflect the zoning map amendments adopted by the County Council as indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by reference into this ordinance.

Section 5. The official zoning map maintained pursuant to SCC 30.21.030 shall be revised to reflect the zoning change adopted by the County Council as indicated in Exhibit B to this ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect the expansion of the Monroe UGA and related zoning.

Section 6. The official zoning map maintained pursuant to SCC 30.21.030 shall be revised to reflect the zoning change adopted by the County Council as indicated in Exhibit C to this ordinance, which is attached hereto and incorporated by reference into this ordinance, to reflect the expansion of the Marysville UGA and related zoning.

Section 7. Severability and Savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

Section 8. Consistent with RCW 36.70A.067, the effective date of this ordinance is after the latest of the following dates: (1) 60 days after the date of publication of notice of adoption of this ordinance, as provided in RCW 36.70A.290(2); or (2) if a petition for review to the Growth Management Hearings Board is timely filed, upon issuance of the Board's final order affirming the ordinance or a decision by a court of law concluding the ordinance complies with the GMA.

PASSED this 4th day of December 2024.

SNOHOMISH COUNTY COUNCIL Snohomish, Washington

ATTEST:

Lisa Hickey
Asst. Clerk of the Council

1
2
3 (X) APPROVED
4 () EMERGENCY
5 () VETOED

6
7
8
9 DATE: December 12, 2024

10 ATTEST:
11 *Melissa Geraghty*
12
13
14 Approved as to form only:
15
16
17
18 Deputy Prosecuting Attorney
19
20

County Executive

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2
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EXHIBIT A
[INSERT ZONING MAP HERE]

SNOHOMISH COUNTY 2024 GMA COMPREHENSIVE PLAN ZONING

Amended Ordinance No. 24-032



Snohomish County Data and Map Disclaimer

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Exhibit B: Official Zoning Map Changes

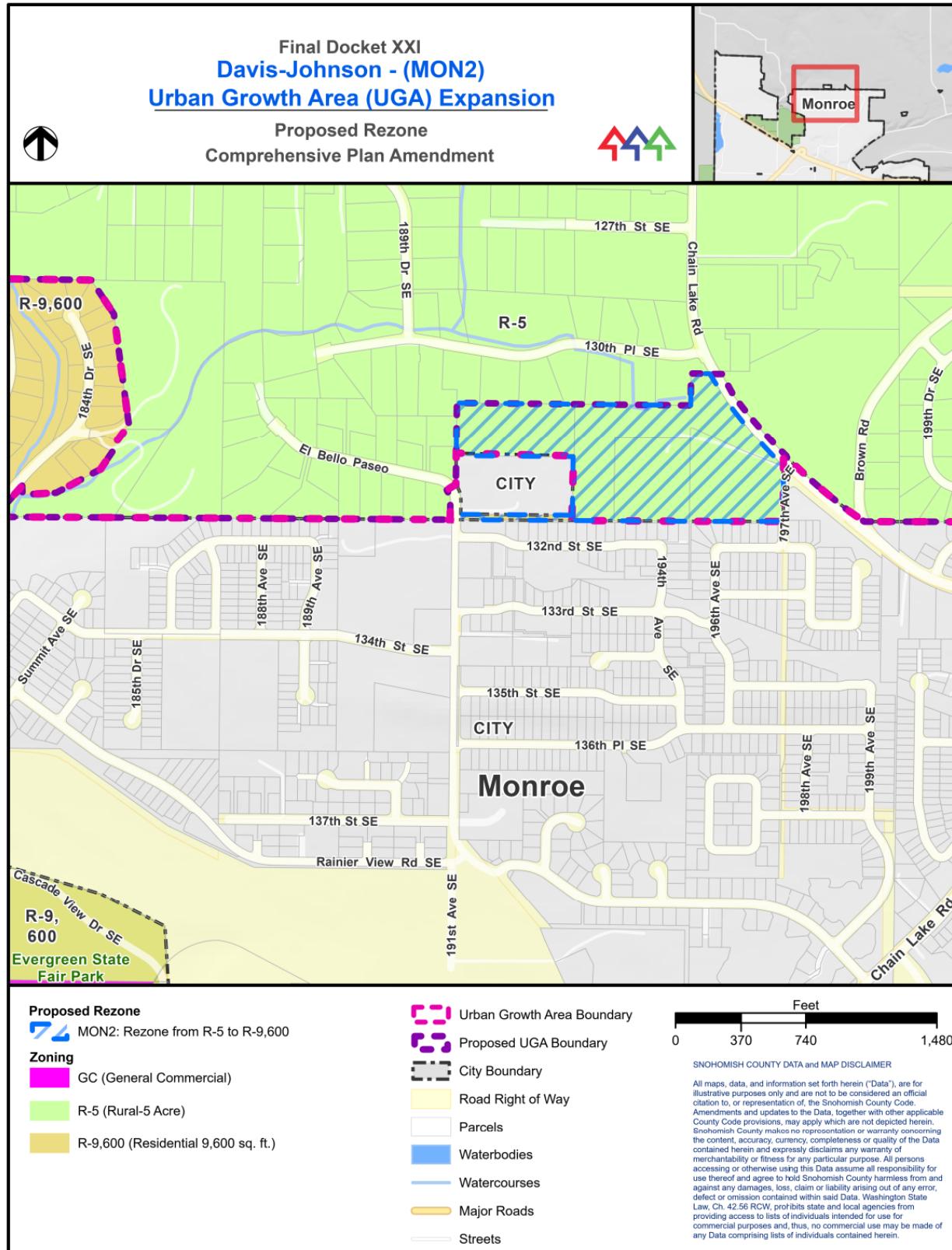


Exhibit C: Official Zoning Map Changes

