

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

MOTION NO. 22-098

REFERRING A PROPOSED EXPANSION OF THE MALTBY URBAN GROWTH AREA, INCLUDING FUTURE LAND USE MAP, ZONING MAP, AND POLICY CHANGES TO THE SNOHOMISH COUNTY PLANNING COMMISSION AND THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES FOR CONSIDERATION DURING THE 2024 COMPREHENSIVE PLAN UPDATE

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding a proposed expansion of the Maltby Urban Growth Area, including changes to the Future Land Use Map (FLUM), official zoning map, and, possibly, policy language in the General Policy Plan (GPP); and

WHEREAS, FLUM, zoning map, and GPP changes during comprehensive plan updates are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, RCW 36.70A.130 requires that the next periodic review of the GMACP be complete by June 30, 2024; and

WHEREAS, Planning and Development Services (PDS) is the lead department for the 2024 Update project and PDS may need to seek and receive input on the proposed policy amendments from other county departments; and

WHEREAS, the County Council is open to input from PDS and other departments on any issue or idea related to the proposal;

NOW, THEREFORE, ON MOTION, the County Council hereby refers the proposal as detailed and attached in "Exhibit A", to the Department of Planning and Development Services (PDS) for input as follows:

1. Pursuant to Chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS as both the head of the lead department and as acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. The County Council understands that the proposed amendments may require refinements for consistency with other policies or statutes. PDS or other departments may suggest such refinements or other types of improvements. The intent of this motion is to consider expansion of the Maltby UGA in Alternative 3 for the 2024 Update. Exhibit A to this motion includes details.
3. The County Council does not specify a date for a response and instead requests that the Planning Commission hold a public hearing and make its recommendation on the proposed changes back to the County Council as part of the commission's overall consideration of the 2024 Update.

DATED this 23<sup>rd</sup> day of March, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



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Council Chair

ATTEST:



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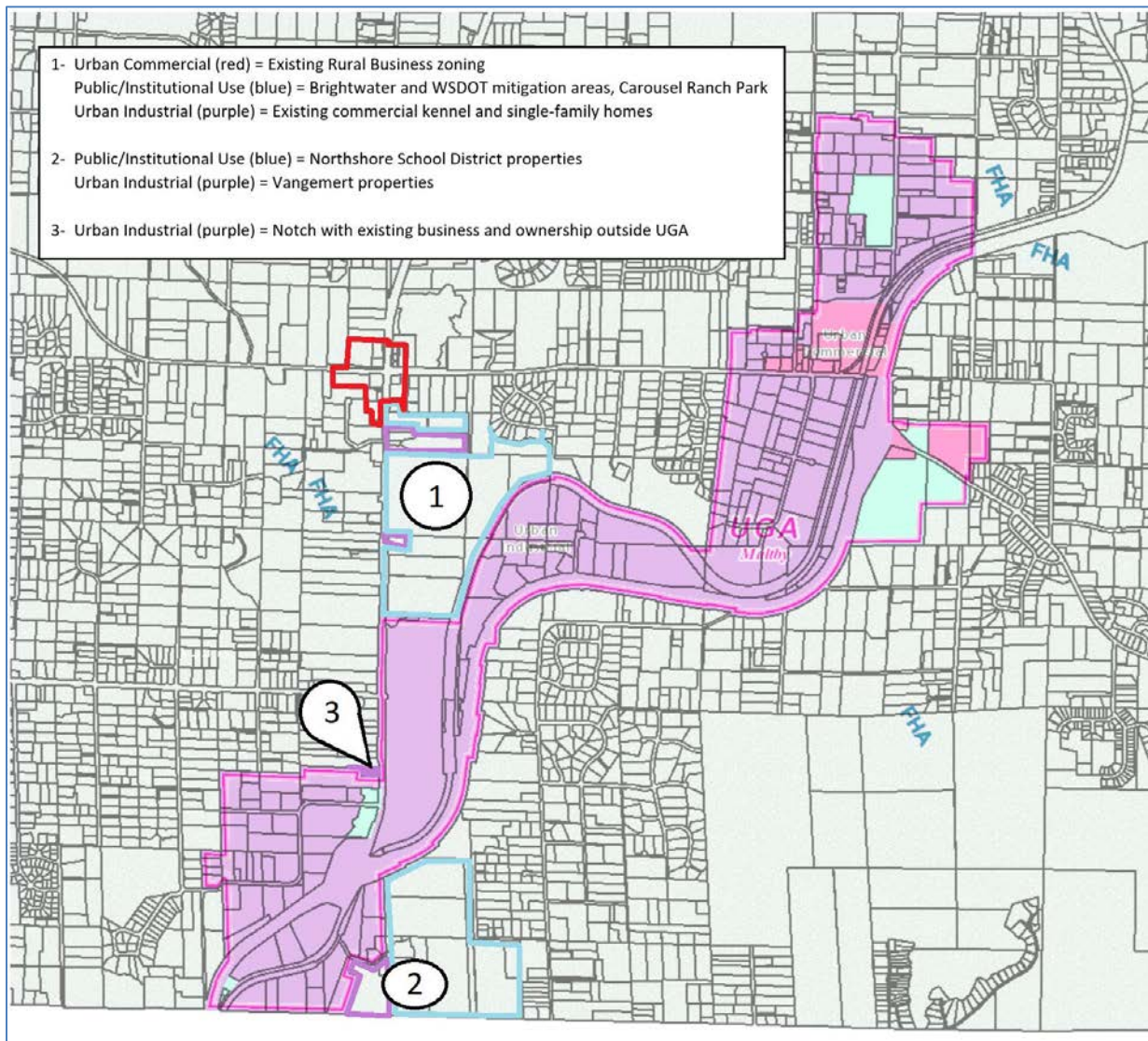
Asst. Clerk of the Council

### What is the proposed action?

Place an expansion of the Maltby UGA by approximately 255 acres, plus additional right-of-way areas as to be determined by PDS as appropriate, for inclusion in Alternative 3 for study purposes. This expansion would take place in three areas of the UGA. Some of the proposed expansion would be for new commercial or industrial uses. Placement of other areas in the UGA would allow existing non-residential uses to connect to sewer or would address non-conforming use status. Most of the potential expansion acreage is in public ownership and provides either existing or planned public services or infrastructure.

This motion details the proposal in three general expansion areas. What the figure below identifies as area 2 includes the Vangemert (Malt1) docket proposal for UGA expansion in Docket XXI along with other changes.

Figure 1 – General Expansion Areas



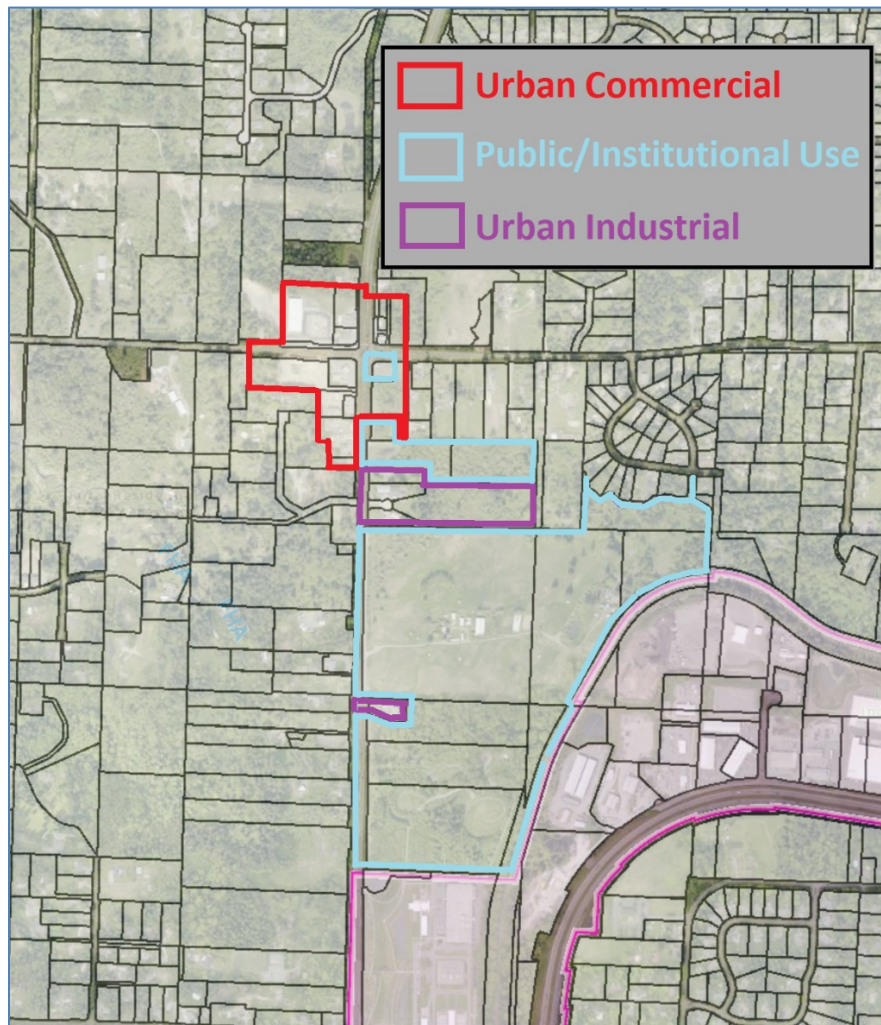
### Area 1: Expansion to SR-9 and Maltby Road

This part of the expansion would be to include approximately 142 acres of parcel area plus additional right-of-way to be determined by PDS. Including the existing node of commercial development and zoning at State Route 9 and Maltby Road would allow businesses at this location to connect to sewer. This proposed change includes additional land between the commercial node and current UGA necessary to make a logical UGA boundary. Ownership of most of this additional land is by public entities for a variety of public uses. Some rural residential parcels would be redesignated for industrial uses. Adjacent to the proposed expansion, a strip of Rural Business (RB) zoning on one parcel would change to R-5 to match the rest of the parcel.

#### Proposed Future Land Use Map designations

- Urban Commercial: 17 acres (approximate)
- Public/Institutional Use: 114 acres (approximate)
- Urban Industrial: 11 acres (approximate)

*Figure 2 – FLUM Designations Proposed Near SR-9 and Maltby Road*



## Discussion

Most of the commercial node at SR-9 and Maltby Road had Community Business (CB) zoning between 1964 and 1999. In 1995, Snohomish County adopted its first Growth Management Act Comprehensive Plan (GMACP), making a distinction between urban and rural areas for the first time. Among the new distinctions made, the GMACP identifies CB as an urban zone. Unlike other UGAs, the GMACP did not establish a Maltby UGA in 1995. Instead, many pre-GMA urban zones remained outside of a UGA until establishment of the Maltby UGA in 1996. The Maltby UGA did not include the CB-zoned area at SR-9 and Maltby Road at that time because it was separated from the other urban zones by Residential-5 (R-5) zoning and rural uses. In 1999, the CB zoning changed Rural Business RB by Amended Ordinance 99-076 (Ord 99-076) which addressed non-conforming commercial and industrial zones outside of UGAs in several locations throughout the county. Ord 99-076 also slightly increased the amount of commercial zoning at Maltby Road and SR-9 to make zoning consistent across a parcel with split zoning.

This motion would expand the Maltby UGA to include the RB-zoned parcels and would rezone them back to CB. It would also slightly expand the amount of commercial zoning to address some other parcels that have split zoning. On one parcel, a strip of RB zoning on an access panhandle would change to R-5 to match the rest of the parcel.

To connect the existing commercial node to the rest of the Maltby UGA, this motion proposes to include several publicly owned sites in the UGA under the Public/Institutional Use designation. These public uses – drainage and wetland mitigation areas owned by King County and Washington State Department of Transportation as well as parkland owned by Snohomish County – are sites that had private ownership when the UGA was established in 1996. This motion proposes to study four in-between sites that remain in private ownership and with R-5 zoning as changing to Urban Industrial uses with Light Industrial zoning.

For public uses proposed for addition to the UGA, the policy approach preferred by this motion is to apply the Public/Institutional Use designation. However, that may not work for all scenarios, such as on parcel 27052600200900. Snohomish County PUD is the owner and has an electrical substation on it. This motion requests that PDS look the relevant policies and propose an appropriate response when finalizing the maps for Alternative 3. The Future Land Use Maps generally designates sites owned by utilities as P/IU when located inside a UGA. However, the General Policy Plan (GPP) says that

**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, schools, parks, government buildings, utility plants and other government operations or properties unless the land is re-designated to

urban commercial, residential, or industrial in compliance with the UGA expansion requirements of LU 1.A.10.

For this substation, the zoning had been CB until 1999. This motion asks PDS to consider revising the policy language bolded above to be inclusive of CB zoning. If PDS sees a reason not to do this, then land use designation should be Urban Commercial instead of P/IU. However, this motion prefers use of P/IU to indicate on the Future Land Use Map that this quadrant of the intersection is unlikely to redevelop with traditional commercial uses.

**Table 1: Parcel Details for Area 1**

Owner	Parcel(s)	Current Use	Current Zoning	Proposed Designation	Proposed Zoning	Acres
Canyon Development, Genesis Partners, GMC Investment Group (see Note 1)	01147500000200, 01147500000300, 01147500000400, 01147500000500, +common elements	Commercial	Rural Business (RB) and Residential 5-acre (R-5)	Urban Commercial (UC)	Community Business (CB)	2.29
JC Investments LLC	01192700000100, 01192700000200	Commercial	RB	UC	CB	1.85
Gold Creek Community Church	27052200402200, 27052200402201	Church	RB	UC	CB	4.19
SSA 21216 WA-9 LLC	27052700104900	Gas Station	RB	UC	CB	1.27
SAI International LLC	27052700100500, 27052700101500, 27052700105000	Commercial	RB and R-5	UC	CB	4.79
Lysaker Strong LLC	27052700101000, 27052700101100	Cedarbrook Lumber	RB	UC	CB	2.42
SnoCo PUD	27052600200900	Substation	RB	P/IU	CB	0.56
Sy	27052600202700	Residential	RB and R-5	(no change)	R-5	1.09
Busch, Dickey, Rourke	27052600200600	Vacant	RB and R-5	UC	CB	2.73
WSDOT	27052600200700, 27052600201400, 27052600201500	Drainage & Mitigation	RB and R-5	P/IU	Light Industrial (LI)	9.24
Greyhound Pets, Inc.	27052600201600, 27052600203100	Commercial Kennel	R-5	Urban Industrial (UI)	LI	8.36
Gabel	27052600202600	Residential	R-5	UI	LI	0.92
Smith	27052600201300	Residential	R-5	UI	LI	1.10
Snohomish County	27052600200100, 27052600201700, 27052600201800, 27052600201900	Carousel Ranch Park	R-5	P/IU	LI	65.33
Englund & Myrick	27052600300600	Residential	R-5	UI	LI	1.10
King County	27052600300300, 27052600300400, 27052600300500, 27052600301400	Mitigation Area	R-5	P/IU	LI	36.17
Snohomish County	27052600303800 (part)	Park	R-5	P/IU	LI	2.72

Note 1: This motion does not include any changes on condo parcel 01147500000100.

## Area 2: Vangemert and Northshore School District

This part of the expansion covers approximately 112 acres plus additional right-of-way areas to be determined by PDS. It includes the Vangemert property proposed for UGA expansion in Docket XXI and adjacent property owned by Northshore School District that was not part of the docket proposal.

Proposed Future Land Use Map designations/Zoning

- Urban Industrial/Light Industrial (11.75 acres)
- Public/Institutional Use/R-9,600 (100.64 acres)

Figure 3 – Vangemert and Northshore School District Parcels

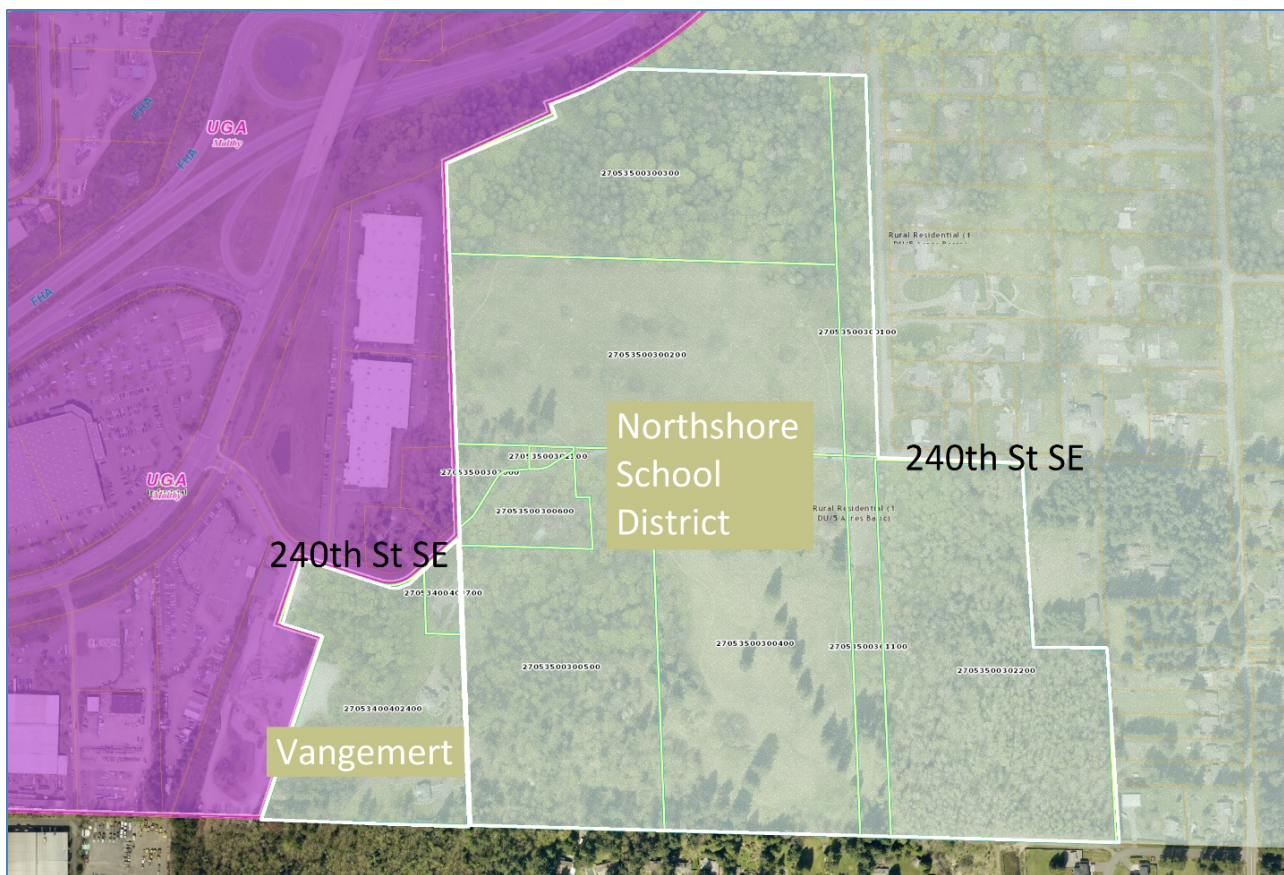


Table 2: Vangemert and Northshore School District Parcels

Owner	Proposed Future Land Use (zoning)	Parcel(s)	Acreage
Vangemert	Urban Industrial (Light Industrial)	27053400402400; 27053400403700	11.75
Northshore School District	Public/Institutional Use (R-9,600)	27053500300100; 27053500300200; 27053500300300; 27053500300400; 27053500300500; 27053500300600; 27053500301100; 27053500302000; 27053500302100; 27053500302200	100.64
		<b>Total</b>	<b>112.39</b>

### Area 3: Corrections to Possible Mapping Errors

This part of the proposed expansion covers 0.87 acres and include two parcels (27053400101000 and 27053400103600). The proposal is to redesignate them to Urban Industrial and change the zoning to Light Industrial. These changes are to correct apparent mapping errors rather than to create new employment capacity.

*Figure 4 – Parcels Affected by Apparent Mapping Errors*



Parcel 27053400101000 is 0.80 acres in size and fronts on SR-9. It has a commercial building built in 1966 and a house built in 1962. The UGA surrounds it on three of four sides. It is unclear why parcel was not initially part of the Maltby UGA. Whatever the reason, in 1996, Snohomish County downzoned the parcel (and many other areas of areas outside UGAs) to R-5, making the commercial building non-conforming. However, this commercial building remains in use and is the primary use on the site. Placing this parcel in the UGA would make the UGA boundary more regular in this area. Changing the zoning to Light Industrial would make the building and uses in it conforming again.

Parcel 27053400103600 is 0.07-acre strip of land owned in common with much larger parcel 27053400100900 to the south. A house built in 1947 straddles both parcels. The UGA line runs through the building. Downzoning of the smaller parcel happened in 1996 at the same time as changes to other parcels outside the UGA.



Countywide Planning Policy DP-2.e.5 allows UGA expansion to “correct a demonstrated mapping error” and includes a footnote that reads

The type of errors that this policy intends to correct are cases where the UGA line incorrectly bisects an existing building or parcel, where it inadvertently and incorrectly follows an arbitrary feature such as a section line, or where the boundary is on the wrong side of a right-of-way that is expected to be annexed by a city.

This motion requests that PDS and the Planning Commission evaluate both the parcels described as having potential mapping errors and make recommendations on whether they should become part of the UGA.

**Overall Policy Direction:**

This motion proposes to study expansion of the Maltby UGA by approximately 255 acres plus additional right-of-way TBD. It requests that PDS refine the boundaries proposed here in consideration of factors such as how much right-of-way to include for future annexations. Although this motion identifies several locations that appear to meet the criteria for Public/Institutional Use designation, PDS may adjust the list as it develops and refines Alternative 3. Overall land uses proposed herein:

- 215 acres of Public/Institutional Uses
- 24 acres of Urban Industrial
- 17 acres of Urban Commercial

Policy authorization for an expansion of the UGA for the commercial and industrial uses could potentially be under CPP DP-2.e.2, which allows UGA expansions during comprehensive plan updates that increase employment capacity within the UGA.

Policy authorization for an expansion of the UGA for the Public/Institutional Use sites could potentially come from Countywide Planning Policy (CPP) DP-2.e.6, which allows UGA expansion for schools and other community facilities.