

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 ORDINANCE NO. 24-030

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, AMENDING THE OFFICIAL ZONING MAP
12 TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP, AND REVISING
13 THE SOUTHWEST COUNTY URBAN GROWTH AREA
14 (MOTION NO. 22-134)
15

16 WHEREAS, Snohomish County (“the county”) adopted the Snohomish County
17 Growth Management Act Comprehensive Plan (GMACP) on June 28, 1995, through
18 passage of Amended Ordinance No. 94-125; and
19

20 WHEREAS, the county has amended the GMACP several times since its
21 adoption, most recently by Amended Ordinance No. 22-028 on September 14, 2022;
22 and
23

24 WHEREAS, the county must conduct a periodic review of its GMACP pursuant to
25 Revised Code of Washington (RCW) 36.70A.130(3), which directs counties planning
26 under the Growth Management Act (GMA) to take legislative action to review and, if
27 needed, revise their comprehensive plans and development regulations to ensure that
28 population, employment, and housing growth for the succeeding 20-year period can be
29 accommodated; and
30

31 WHEREAS, on November 1, 2021, the county began the State Environmental
32 Policy Act (SEPA) scoping period, and held two virtual public meetings on November 9
33 and November 15, 2021, to kick off the review of the GMACP and to seek comments on
34 a scope for an Environmental Impact Statement (EIS); and
35

36 WHEREAS, the county published the SEPA scoping public notice in English,
37 Spanish, and Korean in the Everett Herald, sent it to agencies and interested parties as
38 contained in the Planning and Development Services (PDS) SEPA Distribution List, and
39 posted it to the Snohomish County website; and
40

41 WHEREAS, on March 23, 2022, the County Council approved Motion No. 22-134
42 referring a potential expansion of the Southwest Urban Growth Area (UGA) by

1 approximately 300 acres for review, including environmental review under SEPA,
2 consideration, and recommendation by the Snohomish County Planning Commission
3 (“Planning Commission”), for final consideration in 2024; and
4

5 WHEREAS, the Planning Commission was briefed on the Motion No. 22-134
6 amendments on September 12, 2023; and
7

8 WHEREAS, the county issued the Draft Environmental Impact Statement (DEIS)
9 on September 6, 2023, and the 45-day public comment period ended on October 23,
10 2023; and
11

12 WHEREAS, the county created an online interactive mapping tool for the public
13 to review the zoning and Future Land Use (FLU) Maps studied for each of the three
14 land use alternatives and make site specific comments during the DEIS comment
15 period, including the Motion No. 22-134 amendments studied as part of Alternative 2;
16 and
17

18 WHEREAS, county staff held in-person public open houses on September 12
19 and September 23, 2023, to provide the public an opportunity to obtain information and
20 comment on the DEIS and amendments to the GMACP FLU Map and zoning, including
21 the Motion No. 22-134 amendments; and
22

23 WHEREAS, the Planning Commission held a public hearing on October 24,
24 2023, to receive public testimony concerning the amendments contained in this
25 ordinance; and
26

27 WHEREAS, the notice of the public open houses and Planning Commission
28 public hearing was mailed to over 38,554 addresses in Snohomish County (including
29 those potentially affected by proposed changes and those within 500 feet of a proposed
30 change located within an urban growth area and 1,000 feet of a proposed change
31 outside of an urban growth area), with 1,264 of those notices mailed for addresses
32 within or in the proximity of the area included within the Motion No. 22-134
33 amendments, published in the Everett Herald, and posted to the project website; and
34

35 WHEREAS, after the conclusion of its public hearing, the Planning Commission
36 deliberated on November 14 and 15, 2023, and voted to modify the amendments by
37 increasing the size of the UGA expansion area in Motion No. 22-134 by 78 acres in an
38 area that had also been studied for UGA expansion in Alternative 3 in the DEIS and
39 recommend adoption of the amendments contained in this ordinance, as shown in its
40 recommendation letter dated January 16, 2024; and
41

1 WHEREAS, on _____, 2024, the Snohomish County Council (“County
2 Council”) held a public hearing after proper notice, and considered public comment and
3 the entire record related to the amendments contained in this ordinance; and
4

5 WHEREAS, following the public hearing, the County Council deliberated on the
6 amendments contained in this ordinance;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9

10 Section 1. The County Council adopts the following findings to support this
11 ordinance:
12

- 13 A. The foregoing recitals are adopted as findings as if set forth in full herein.
14
- 15 B. The Motion No. 22-134 amendments, as modified by the Planning Commission,
16 amend the FLU Map of the GMACP by expanding the Southwest UGA by
17 approximately 378 acres near 43rd Avenue SE and Maltby Road, and redesignating
18 the area from Rural Residential, with a portion in the Rural/Urban Transition Area
19 overlay, to Urban Medium Density Residential, Urban Low Density Residential, and
20 Public/Institutional Use designations, with concurrent rezones from Rural-5 Acre
21 zoning to Low Density Multiple Residential, R-7,200, and R-9,600 zoning.
22
- 23 C. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
24 necessary to provide sufficient capacity to address a residential capacity shortfall by
25 adding 2,312 additional population capacity and 821 additional housing unit capacity
26 to the Southwest UGA and the Bothell Municipal Urban Growth Area (MUGA),
27 resulting in housing unit capacity in the unincorporated Bothell MUGA that is only
28 one housing unit greater than the 2044 housing unit target, and providing a small
29 UGA sizing safety factor for residential capacity within the composite countywide
30 UGA including cities of 6.5% for population and only 4.2% for housing units in
31 addition to the projected 20-year land area needs to assure adequate housing
32 availability and choice at all times during the planning period, as documented in the
33 2024 UGA Land Capacity Analysis.
34
- 35 D. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
36 consistent with RCW 36.70A.110(3) requirements for the location of future urban
37 population and employment growth, as the amendments would provide additional
38 capacity to address a significant residential capacity shortfall relative to the initial
39 2044 growth targets adopted in the Snohomish County Countywide Planning
40 Policies (CPPs) for the adjacent Bothell Municipal Urban Growth Area (MUGA) in
41 the existing Southwest UGA, in an area that can be served adequately by urban
42 public facilities and services consistent with the 2024 Transportation Element, Parks

1 and Recreation Element, and Capital Facilities and Utilities Element of the GMACP
2 based on impacts and mitigation documented in Chapter 3.2 of the EIS.

- 3
- 4 E. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
5 consistent with RCW 36.70A.130(1)(e), which requires that comprehensive plan
6 amendments be consistent with the GMA. The amendments are consistent with the
7 GMA requirements for accommodating additional residential and employment
8 capacity in RCW 36.70A.110(2) as the amendments are necessary to provide
9 sufficient capacity to address a residential capacity shortfall by adding 2,312
10 additional population capacity and 821 additional housing unit capacity to the
11 Southwest UGA and the Bothell Municipal Urban Growth Area (MUGA), resulting in
12 housing unit capacity in the unincorporated Bothell MUGA that is only one housing
13 unit greater than the 2044 housing unit target, and providing a small UGA sizing
14 safety factor for residential capacity within the composite countywide UGA including
15 cities of 6.5% for population and only 4.2% for housing units in addition to the
16 projected 20-year land area needs to assure adequate housing availability and
17 choice at all times during the planning period, as documented in the 2024 UGA Land
18 Capacity Analysis. Consistent with RCW 36.70A.115, the amendments, in
19 combination with extensive reasonable measures to increase capacity within the
20 existing UGA as documented in the 2024 Reasonable Measures Report, ensure
21 sufficient land suitable for development as documented in the 2024 UGA Land
22 Capacity Analysis, and also add adjacent school property to the UGA that include an
23 existing elementary school and additional land for additional potential school
24 facilities to serve growth. The amendments are consistent with RCW
25 36.70A.130(2)(a), which requires that comprehensive plan amendments be
26 considered no more frequently than once every year. The county-initiated
27 amendments are scheduled for final consideration by the County Council according
28 to the requirements in chapter 30.74 SCC and are considered together with county-
29 initiated comprehensive plan amendments for final action no more frequently than
30 once per year.
- 31
- 32 F. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
33 consistent with RCW 36.70A.070, which requires internal consistency within a
34 comprehensive plan because the amendments maintain internal consistency
35 between the GMACP FLU Map and the area-wide zoning map.
- 36
- 37 G. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
38 consistent with RCW 36.70A.100 and 36.70A.210, which require that a
39 comprehensive plan be consistent with the Puget Sound Regional Council (PSRC)
40 Multicounty Planning Policies (MPPs) and the CPPs. The amendments are
41 consistent with the MPPs and the CPPs as analyzed and described in section 3.2.2

1 of the DEIS, in the September 11, 2023, and October 10, 2023, PDS staff reports to
2 the Planning Commission, and in the additional findings below.

3
4 H. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
5 consistent with the MPPs. The amendments maintain consistency with the MPPs,
6 including MPPs RGS-4, RGS-6, and RGS-12, by amending the GMACP FLU Map
7 and the area-wide zoning map for a minor expansion of the Southwest UGA to
8 provide additional capacity to address a significant residential capacity shortfall
9 relative to the initial 2044 growth targets adopted in the CPPs for the adjacent
10 Bothell MUGA, a part of the High Capacity Transit Communities regional geography
11 after extensive reasonable measures to increase capacity within the existing UGA as
12 documented in the 2024 Reasonable Measures Report. Consistent with MPP RGS-
13 5, this minor UGA adjustment would ensure a stable and sustainable UGA by
14 ensuring adequate land capacity within the UGA sufficient to accommodate the 2044
15 residential and employment growth targets and using a physical feature, a major
16 electricity and gas utility easement, to delineate the UGA boundary along the
17 majority of the eastern edge.

18
19 I. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
20 consistent with the CPPs by expanding the Southwest UGA as part of the periodic
21 update of the GMACP to provide additional capacity to address a significant
22 residential capacity shortfall relative to the initial 2044 growth targets adopted in the
23 CPPs for the adjacent Bothell MUGA, and bringing adjacent schools and public
24 facilities into the UGA. The amendments are consistent with CPP DP-2.

25
26 1. The amendments are consistent with CPP DP-2.a as they are supported by
27 the 2024 UGA Land Capacity Analysis consistent with RCW 36.70A.110 as
28 the amendments are necessary to provide sufficient capacity to address a
29 residential capacity shortfall by adding 2,312 additional population capacity
30 and 821 additional housing unit capacity to the Southwest UGA and the
31 Bothell Municipal Urban Growth Area (MUGA), resulting in housing unit
32 capacity in the unincorporated Bothell MUGA that is only one housing unit
33 greater than the 2044 housing unit target, and providing a small UGA sizing
34 safety factor for residential capacity within the composite countywide UGA
35 including cities of 6.5% for population and only 4.2% for housing units in
36 addition to the projected 20-year land area needs to assure adequate housing
37 availability and choice at all times during the planning period.

38
39 2. The amendments are consistent with CPP DP-2.b as they do not result in
40 total additional population capacity within the Snohomish County composite
41 UGA that would exceed the total 20-year forecasted UGA population growth
42 by more than 15 percent.

1 3. The amendments are consistent with CPP DP-2.c as the amendments are
2 otherwise consistent with the GMA as documented in the record and this
3 ordinance.
4

5 4. The amendments are consistent with CPP DP-2.d as they are necessary to
6 provide residential capacity for the countywide UGA, the HCT Communities
7 regional geography, the Southwest UGA, and the unincorporated Bothell
8 MUGA and serves a public interest by ensuring sufficient land capacity for
9 development within the composite UGA as required under RCW 36.70A.115.
10 All cities within those areas are affected and were given opportunity to
11 comment on the proposal during the DEIS comment period. Concerns were
12 expressed by one city, the City of Bothell, in comments provided October 23,
13 2023, regarding the need for expansion of the Southwest UGA in the area
14 east of Bothell including the Motion No. 22-134 area. If those concerns
15 remain, they may be addressed during the reconciliation process following
16 adoption of the periodic updates by the County and cities and towns within
17 Snohomish County as provided in CPP GF-5 and consideration of
18 amendments to the MUGA map in conjunction with changes to the outer
19 Southwest UGA boundary as provided in CPP DP-22.d.
20

21 5. The amendments are consistent with CPP DP-2.e.2 as the UGA expansion is
22 a result of the review of UGAs to accommodate the succeeding twenty years
23 of projected growth, as projected by the State Office of Financial
24 Management, and adopted by the County as the 20-year urban allocated
25 population projection as required by RCW 36.70A.130(3).
26

27 J. The Motion No. 22-134 amendments, as modified by the Planning Commission,
28 follow a consideration of reasonable measures consistent with CPP GF-7.b. As
29 documented in the 2024 Reasonable Measures Report, reasonable measures
30 adopted since the 2021 Buildable Lands Report analysis, included in the 2024
31 Update of the GMACP, or recommended as part of separate ordinances to comply
32 with recent changes in state law, account for an additional 29,217 population
33 capacity within the existing UGA, representing 92.7% of the additional population
34 capacity documented in the 2024 UGA Land Capacity Analysis above what was
35 estimated for the No Action alternative in the DEIS.
36

37 K. The Motion No. 22-134 amendments, as modified by the Planning Commission, are
38 consistent with the GMACP policies. The amendments are consistent with the
39 Snohomish County Land Use Element Policy 1.A.1 by including UGA expansions
40 that do not result in total additional population capacity within the Snohomish County
41 composite UGA that would exceed the total 20-year forecasted UGA population
42 growth by more than 15 percent. The amendments are consistent with LU Policy

1 1.A.9 because the expansion complies with the GMA and is consistent with the
2 CPPs, including CPP DP-2, as described herein.

3
4 L. Procedural requirements.

- 5
6 1. SEPA requirements with respect to this non-project action have been satisfied
7 through the completion of a Draft EIS issued on September 6, 2023, and a
8 Final EIS issued on _____, 2024.
9
10 2. The amendments are a Type 3 legislative action pursuant to SCC 30.73.010.
11
12 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
13 was transmitted to the Washington State Department of Commerce for
14 distribution to state agencies on _____, 2024.
15
16 4. The public participation process used in the adoption of this ordinance
17 complied with all applicable requirements of the GMA and the SCC.
18 Notification was provided in accordance with SCC 30.73.050 and SCC
19 30.73.070.
20
21 5. The Washington State Attorney General last issued an advisory
22 memorandum, as required by RCW 36.70A.370, in September of 2018
23 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
24 Property" to help local governments avoid the unconstitutional taking of
25 private property. The process outlined in the State Attorney General's 2018
26 advisory memorandum was used by Snohomish County in objectively
27 evaluating the amendments in this ordinance.
28

29 M. The ordinance is consistent with the record, including the PDS staff reports to the
30 Planning Commission dated September 11, 2023, and October 10, 2023.

31
32 Section 2. The County Council makes the following conclusions:

- 33
34 A. The amendments comply with all requirements of Washington State law and county
35 code.
36
37 B. The amendments are consistent with the MPPs.
38
39 C. The amendments are consistent with the CPPs.
40
41 D. The amendments are consistent with the goals, objectives, and policies of the
42 GMACP.

1
2 E. All SEPA requirements with respect to this non-project action have been satisfied.

3
4 F. The amendments do not result in an unconstitutional taking of private property for a
5 public purpose and does not violate substantive due process guarantees.
6

7 Section 3. The County Council bases its findings and conclusions on the entire
8 record of the Planning Commission and the County Council, including all testimony and
9 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
10 should be deemed a finding, is hereby adopted as such.
11

12 Section 4. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last
13 amended by Ordinance No. _____ on _____, is amended as
14 indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by
15 reference into this ordinance.
16

17 Section 5. The official zoning maps maintained pursuant to SCC 30.21.030 shall
18 be revised to reflect the zoning change adopted by the County Council as indicated in
19 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into
20 this ordinance.
21

22 Section 6. The County Council directs the code reviser to update SCC 30.10.060
23 pursuant to SCC 1.02.020(3).
24

25 Section 7. Severability and Savings. If any section, sentence, clause, or phrase
26 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
27 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or
28 unconstitutionality shall not affect the validity or constitutionality of any other section,
29 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
30 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
31 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
32 the effective date of this ordinance shall be in full force and effect for that individual
33 section, sentence, clause, or phrase as if this ordinance had never been adopted.
34

35 PASSED this _____ day of _____, 2024.
36

37 SNOHOMISH COUNTY COUNCIL
38 Snohomish County, Washington
39

40 _____
41 Council Chair

1 ATTEST:

2

3

4

5

6 () APPROVED

7 () EMERGENCY

8 () VETOED

DATE: _____

9

10

11

12

County Executive

13 ATTEST:

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15

16

17 Approved as to form only:

18

19


_____ 3/21/24

20

21 Deputy Prosecuting Attorney

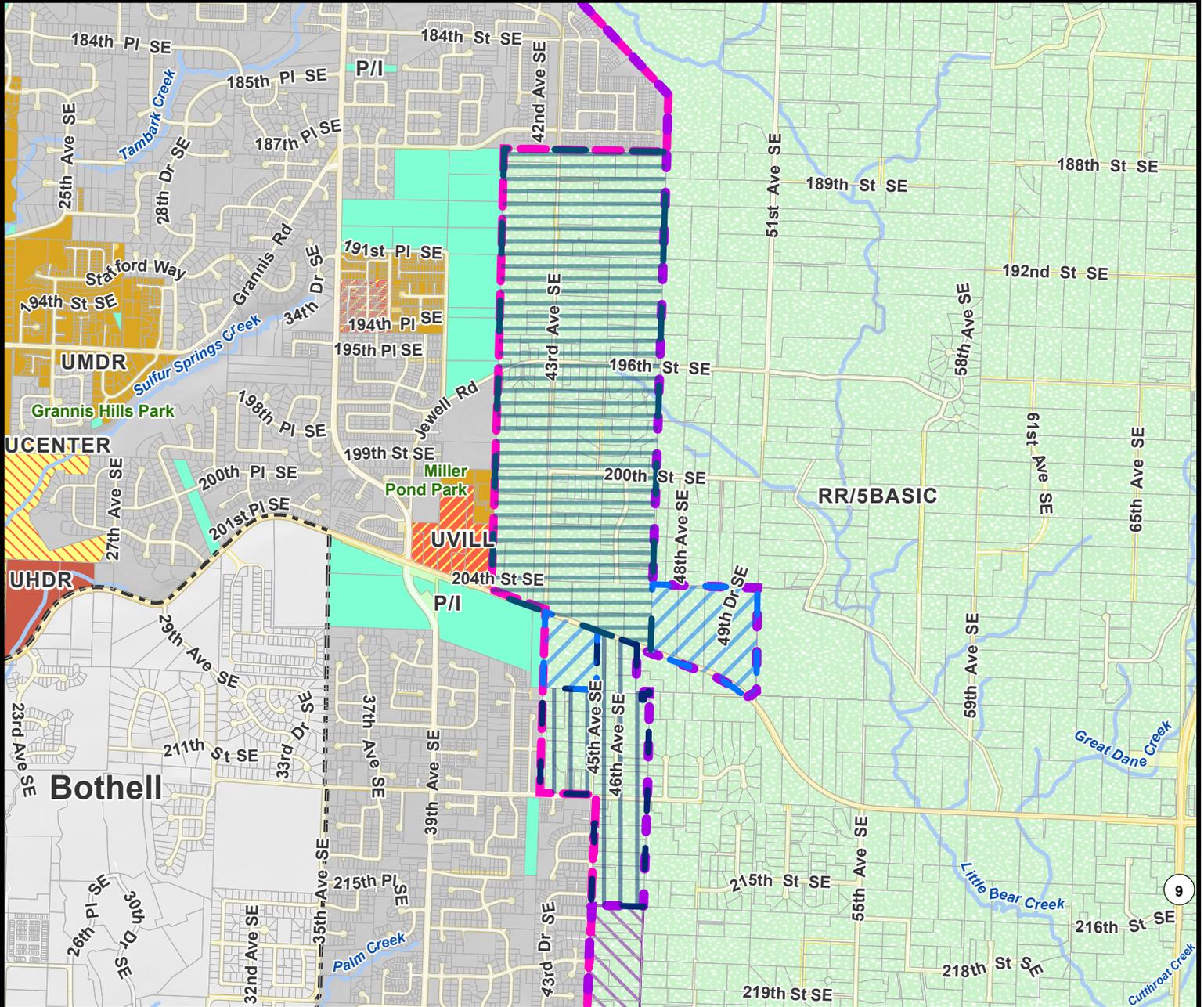
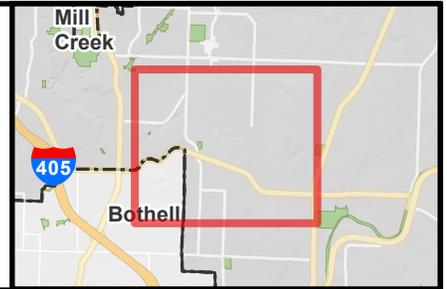
22

Exhibit A
Ordinance No. 24-030
Amendments to the FLU Map of the GMACP

ORDINANCE NO. 24-030
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP (MOTION NO. 22-134)

2024 Update
 Motion No. 22-134
 Planning Commission Recommendation

Proposed Future Land Use (FLU) Map
 Comprehensive Plan Amendment



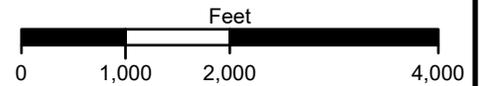
Council-Initiated Map Amendments

- Expand UGA for P/I uses.
- Expand UGA for ULDR uses.
- Expand UGA for UMDR uses.

Future Land Use

- P/I: Public/Institutional Use
- RR: Rural Residential (1 DU/5 Acres Basic)
- UCENTER: Urban Center
- UHDR: Urban High Density Residential
- UMDR: Urban Medium Density Residential
- UV: Urban Village
- Rural Urban Transition Area (RUTA)

- Urban Growth Area (UGA)
- Proposed UGA Boundary
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets



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
Ordinance No. 24-030
Amendments to the Official Zoning Maps

ORDINANCE NO. 24-030
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO
THE FUTURE LAND USE MAP (MOTION NO. 22-134)

