

1 Adopted:
2 Effective:

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 _____, 2024, the County Council held a public
15 hearing, after proper notice, to receive public testimony and consider the entire record
16 related to the SW10 – CS Real Estate Development amendments contained in this
17 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 _____, 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 _____, 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. _____ on _____, is amended as
28 indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by
29 reference into 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
7 PASSED this _____ day of _____, 2024.

8
9 SNOHOMISH COUNTY COUNCIL
10 Snohomish County, Washington

11
12 _____
13 Council Chair

14
15 ATTEST:

16
17 _____

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

23
24
25 DATE: _____

26
27 _____
28 County Executive

29
30 ATTEST:

31
32 _____

33 Approved as to form only:

34  _____ 3/18/24
35 Deputy Prosecuting Attorney

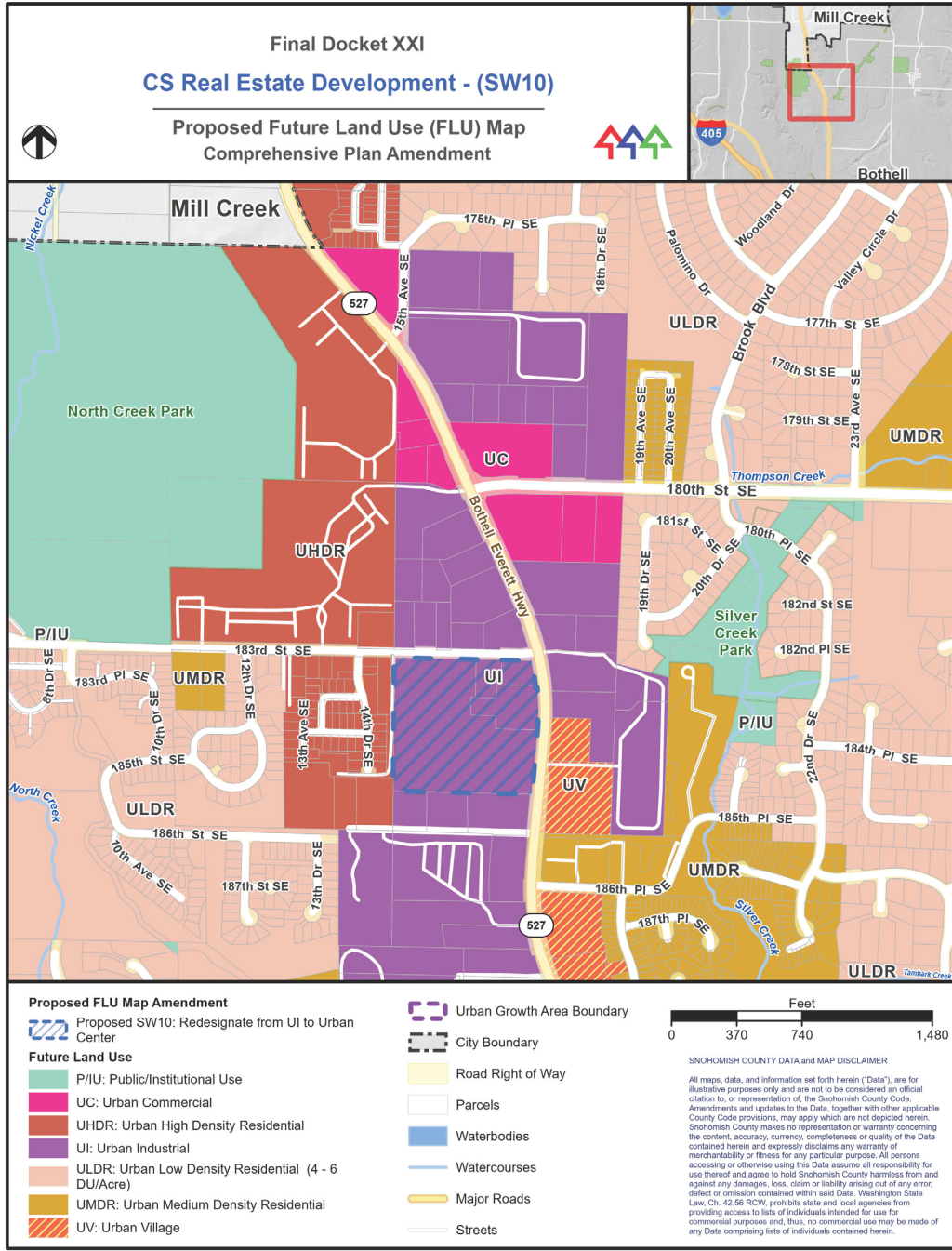
Exhibit A

Ordinance No. 24-027

Final Docket XXI

SW10 – CS Real Estate Development

Amendments to the FLU Map of the GMACP



ORDINANCE NO. 24-_____
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)

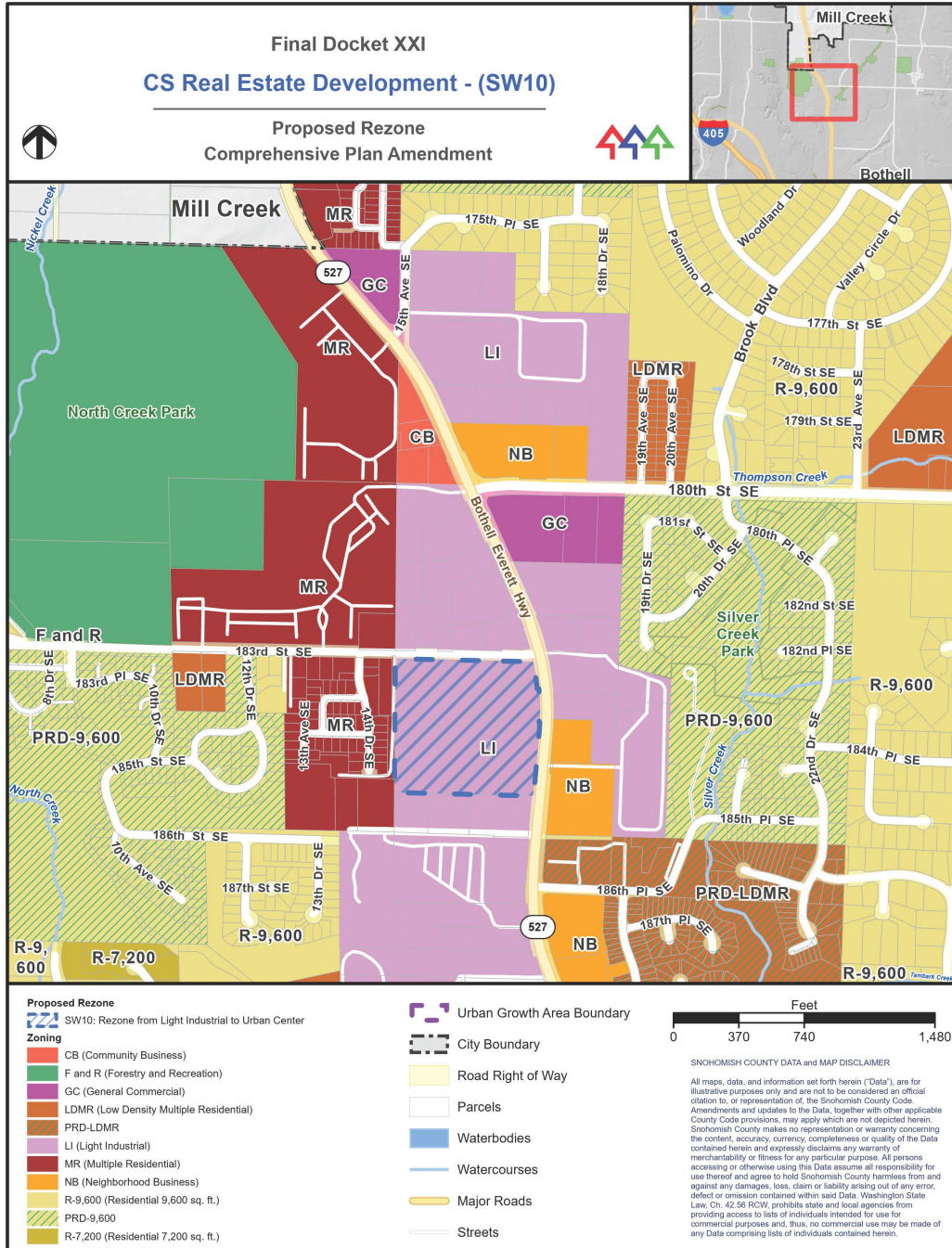
Exhibit B

Ordinance No. 24-027

Final Docket XXI

SW10 – CS Real Estate Development

Amendments to the Official Zoning Map



ORDINANCE NO. 24-_____
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)