

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 ORDINANCE NO. 24-029

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
10 MAP AND MUNICIPAL URBAN GROWTH AREA MAP AMENDMENTS TO THE
11 SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
12 AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE
13 FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST URBAN GROWTH
14 AREA
15 (SW17 – TOWN OF WOODWAY)

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

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

27
28 WHEREAS, the Department of Planning and Development Services (PDS)
29 compiled a list of non-county initiated amendments and revisions received by the
30 October 31, 2020, deadline for Docket XXI applications and evaluated these proposed
31 amendments, including the SW17 – Town of Woodway amendments, for consistency
32 with the initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

33
34 WHEREAS, on March 9, 2022, the County Council approved, by Amended
35 Motion No. 21-147, a list of proposed non-county initiated comprehensive plan
36 amendments, including SW17 – Town of Woodway, to be included on Final Docket XXI
37 and authorized the County Executive, through PDS, to further process the proposed
38 major docket amendments consistent with chapters 30.73 and 30.74 SCC, including
39 environmental review under the State Environmental Policy Act (SEPA), for final
40 consideration in 2024; and

1 WHEREAS, the Snohomish County Planning Commission (“Planning
2 Commission”) was briefed on the SW17 – Town of Woodway amendments on
3 September 12, 2023; and
4

5 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed a final review and
6 evaluation of the SW17 – Town of Woodway amendments and forwarded a
7 recommendation to approve the amendments to the Planning Commission; and
8

9 WHEREAS, the Planning Commission held a public hearing on October 24,
10 2023, to receive public testimony on the SW17 – Town of Woodway amendments; and
11

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

17 WHEREAS, on _____, 2024, the County Council held a public
18 hearing, after proper notice, to receive public testimony and consider the entire record
19 related to the SW17 – Town of Woodway amendments contained in this ordinance; and
20

21 WHEREAS, following the public hearing, the County Council deliberated on the
22 amendments contained in this ordinance;
23

24 NOW, THEREFORE, BE IT ORDAINED:
25

26 Section 1. The County Council adopts the following findings to support this
27 ordinance:
28

- 29 A. The foregoing recitals are adopted as findings as if set forth in full herein.
30
- 31 B. The SW17 docket consists of map amendments to expand the western boundary of
32 the Southwest Urban Growth Area (UGA) and Woodway Municipal Urban Growth
33 Area (MUGA) to: 1) add the 1,607 acres of Town of Woodway’s remaining
34 incorporated area which lies within Puget Sound; and 2) add the 2.99 acres of deep
35 water pier at Point Wells, designate the pier as Urban Village on the GMACP Future
36 Land Use (FLU) Map, and zone the pier as Planned Community Business (PCB).
37 There are no policy or code amendments as part of the SW17 docket amendments.
38
- 39 C. The SW17 amendments were analyzed for consistency with RCW 36.70A.130(1)(d),
40 which requires that comprehensive plan amendments be consistent with the GMA.
41 The SW17 amendments are consistent with the GMA including RCW 36.70A.110(1)
42 requirements for the establishment of UGA boundaries by including the entirety of

1 the incorporated Town of Woodway within the Southwest UGA and including within
2 the Southwest UGA the entirety of an existing built facility that is partially within the
3 existing UGA boundary. The amendments are consistent with RCW
4 36.70A.130(2)(a), which requires that comprehensive plan amendments be
5 considered no more frequently than once every year. The non-county initiated
6 amendments are scheduled for final consideration by the County Council according
7 to the requirements in chapter 30.74 SCC and are considered together with county-
8 initiated comprehensive plan amendments for final action no more frequently than
9 once per year. The amendments are consistent with RCW 36.70A.070, which
10 requires internal consistency within a comprehensive plan because the amendments
11 maintain internal consistency between the GMACP FLU Map and the official zoning
12 map. The amendments are consistent with RCW 36.70A.100 and 36.70A.210, which
13 require that a comprehensive plan be consistent with the Puget Sound Regional
14 Council (PSRC) Multicounty Planning Policies (MPPs) and the Snohomish County
15 Countywide Planning Policies (CPPs). The amendments are consistent with the
16 MPPs and the CPPs as analyzed and described in the September 11, 2023, PDS
17 staff report to the Planning Commission and in the additional findings below.

- 18
- 19 D. The SW17 amendments advance the goals of the GMA in RCW 36.70A.020,
20 particularly RCW 36.70A.020(11) (Citizen Participation and Coordination), RCW
21 36.70A.020(12) (Public Services and Facilities), and RCW 36.70A.020(15)
22 (Shorelines of the State) by adjusting the Southwest UGA boundary to include the
23 entirety of the incorporated Town of Woodway inside the UGA. Additionally, the
24 SW17 amendments adjust the boundary of the unincorporated Southwest UGA and
25 Woodway MUGA to include the entirety of an existing pier, which is built on state
26 aquatic lands and under lease from the Washington State Department of Natural
27 Resources, that is partially within the existing UGA boundary, and including the
28 minimal amount of aquatic lands necessary to facilitate annexation of the pier by
29 Woodway while excluding aquatic lands in proximity of and west of the pier. This
30 would facilitate annexation of the pier by the Town of Woodway, resolving split local
31 jurisdiction of that facility.
- 32
- 33 E. The SW17 amendments are consistent with the MPPs, including RC-1, by providing
34 consistency between the Town of Woodway Comprehensive Plan and the County
35 GMACP.
- 36
- 37 F. The SW17 amendments are consistent with the CPPs, including DP-1, by amending
38 the GMACP FLU Map, the official zoning map, and the MUGA map to adjust the
39 Southwest UGA boundary to include the entirety of the incorporated Town of
40 Woodway inside the UGA and using physical boundaries, the edge of a pier, as the
41 UGA boundary.
- 42

1 G. The SW17 amendments are consistent with the Snohomish County GMACP,
2 including LU Policy 1.C.4 (renumbered as LU 1.E.1 as part of the 2024 Update), by
3 adjusting the Southwest UGA boundary to include the entirety of the incorporated
4 Town of Woodway inside the UGA. Additionally, the SW17 amendments adjust the
5 boundary of the unincorporated Southwest UGA and Woodway MUGA to include the
6 entirety of an existing built facility that is partially within the existing UGA boundary.
7 This would facilitate annexation of the pier by the Town of Woodway, resolving split
8 local jurisdiction of that facility.
9

10 H. Procedural requirements.

- 11
12 1. State Environmental Policy Act (SEPA) requirements with respect to this non-
13 project action have been satisfied through the completion of a Draft
14 Environmental Impact Statement (EIS) issued on September 6, 2023, and a
15 Final EIS issued on _____, 2024.
16
- 17 2. The amendments are a Type 3 legislative action pursuant to SCC 30.73.010.
18
- 19 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
20 was transmitted to the Washington State Department of Commerce for
21 distribution to state agencies on _____, 2024.
22
- 23 4. The public participation process used in the adoption of this ordinance
24 complied with all applicable requirements of the GMA and the SCC.
25 Notification was provided in accordance with SCC 30.73.050.
26
- 27 5. The Washington State Attorney General last issued an advisory
28 memorandum, as required by RCW 36.70A.370, in September of 2018
29 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private
30 Property” to help local governments avoid the unconstitutional taking of
31 private property. The process outlined in the State Attorney General’s 2018
32 advisory memorandum was used by Snohomish County in objectively
33 evaluating the amendments in this ordinance.
34

35 I. The ordinance is consistent with the record, including the PDS staff report to the
36 Planning Commission dated September 11, 2023. In its staff report, PDS concluded
37 the amendments met the criteria found in SCC 30.74.060 and, therefore,
38 recommended the amendments be approved.
39
40
41
42

1 Section 2. The County Council makes the following conclusions:
2

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

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

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

28 Section 5. Map 3 (Municipal Urban Growth Areas) of the GMACP Land Use
29 Element, last amended by Ordinance No. 21-054 on October 6, 2021, is amended as
30 indicated in Exhibit B to this ordinance, which is attached hereto and incorporated by
31 reference into this ordinance.
32

33 Section 6. The official zoning map maintained pursuant to SCC 30.21.030 shall
34 be revised to reflect the zoning change adopted by the County Council as indicated in
35 Exhibit C to this ordinance, which is attached hereto and incorporated by reference into
36 this ordinance.
37

38 Section 7. The County Council directs the code reviser to update SCC 30.10.060
39 pursuant to SCC 1.02.020(3).
40

41 Section 8. Severability and Savings. If any section, sentence, clause, or phrase
42 of this ordinance shall be held to be invalid by the Growth Management Hearings Board

1 (“Board”), or unconstitutional by a court of competent jurisdiction, such invalidity or
2 unconstitutionality shall not affect the validity or constitutionality of any other section,
3 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
4 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
5 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
6 the effective date of this ordinance shall be in full force and effect for that individual
7 section, sentence, clause, or phrase as if this ordinance had never been adopted.

8
9 PASSED this _____ day of _____, 2024.

10
11 SNOHOMISH COUNTY COUNCIL
12 Snohomish County, Washington
13

14 _____
15 Council Chair

16
17 ATTEST:
18

19 _____
20

21
22 () APPROVED
23 () EMERGENCY
24 () VETOED

25 DATE: _____
26

27 _____
28 County Executive

29 ATTEST:
30

31 _____
32

33 Approved as to form only:

34
35  3/18/24
36 Deputy Prosecuting Attorney
37

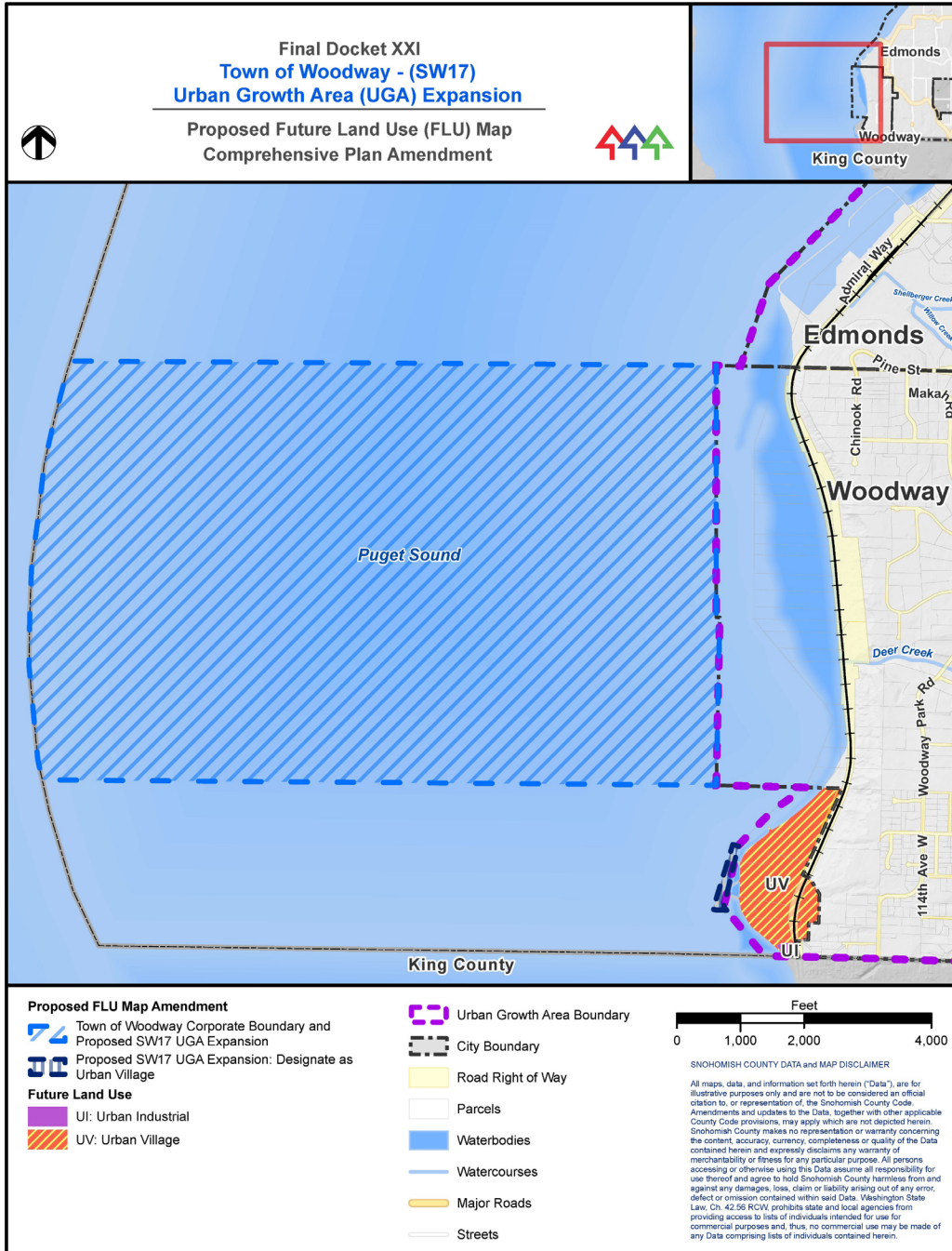
Exhibit A

Ordinance No. 24-029

Final Docket XXI

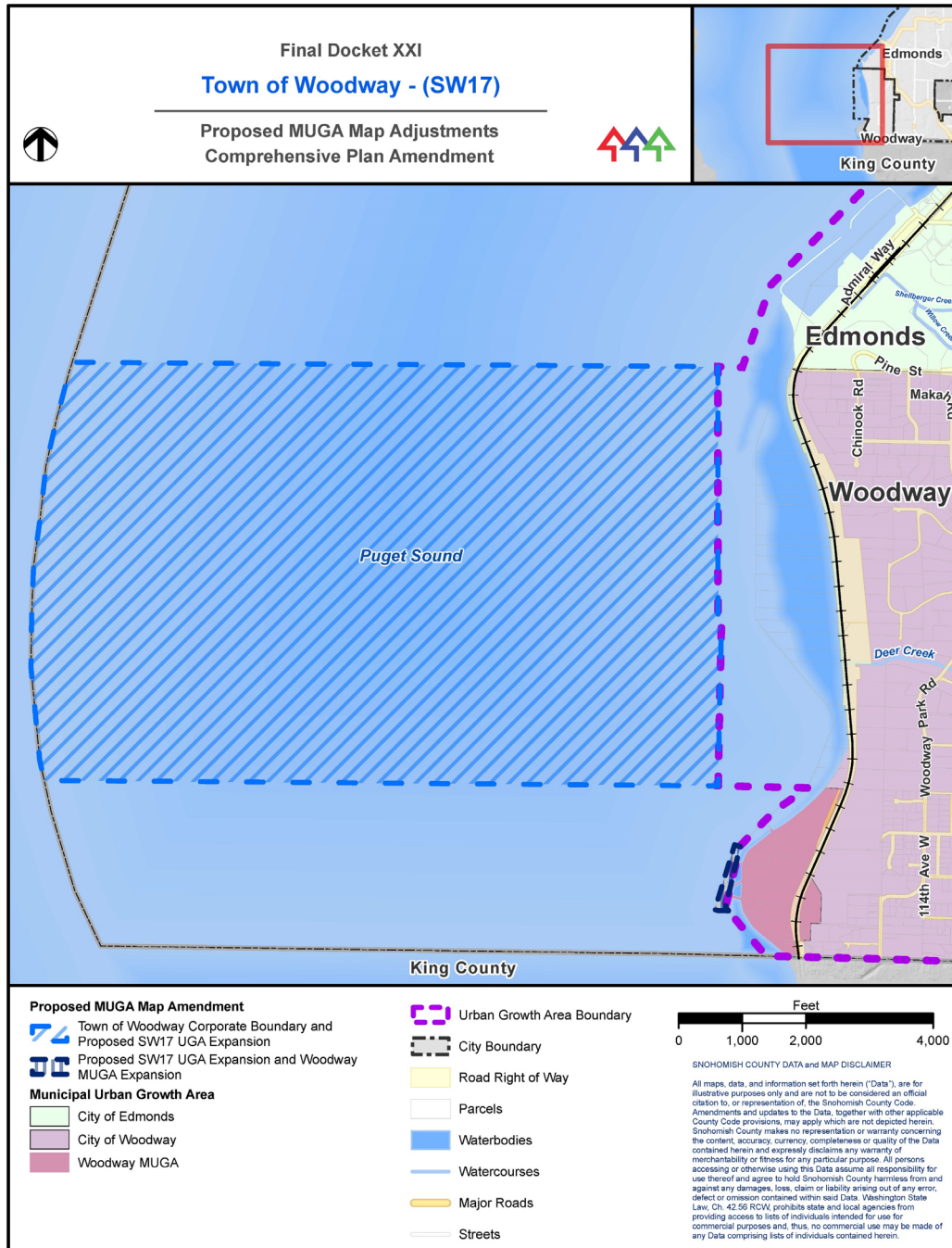
SW17 – Town of Woodway

Amendments to the FLU Map of the GMACP



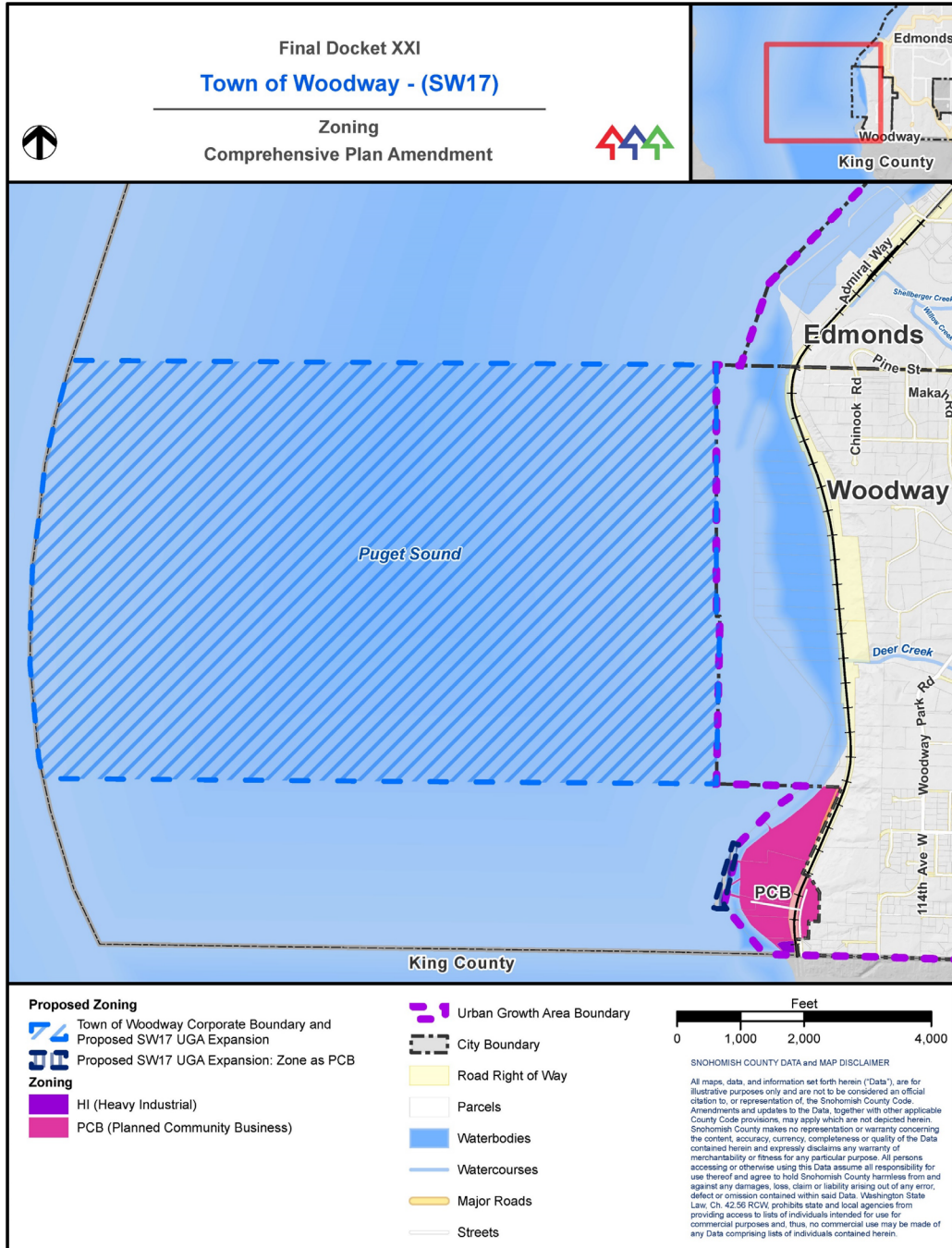
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USE MAP, AND REVISING THE SOUTHWEST URBAN GROWTH AREA
(SW17 – TOWN OF WOODWAY)

Exhibit B Ordinance No. 24-029 Final Docket XXI SW17 – Town of Woodway Amendments to the MUGA Map of the GMACP



ORDINANCE NO. 24-029
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE MAP AND MUNICIPAL URBAN GROWTH AREA MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST URBAN GROWTH AREA (SW17 – TOWN OF WOODWAY)

Exhibit C Ordinance No. 24-029 Final Docket XXI SW17 – Town of Woodway Amendments to the Official Zoning Map



ORDINANCE NO. 24-029
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
MAP AND MUNICIPAL URBAN GROWTH AREA MAP AMENDMENTS TO THE
SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,
AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE FUTURE LAND
USE MAP, AND REVISING THE SOUTHWEST URBAN GROWTH AREA
(SW17 – TOWN OF WOODWAY)