



Committee of the Whole

Ryan Countryman

Council Initiated:

Yes

No

ECAF: 2024-2833

Ord.: 24-100

Type:

- Contract
- Board Appt.
- Code Amendment
- Budget Action
- Other

Requested

Handling:

- Normal
- Expedite
- Urgent

Fund Source:

- General Fund
- Other
- N/A

Executive Rec:

- Approve
- Do Not Approve
- TBD

Approved as to

Form:

- Yes
- No
- N/A

Subject: 2024 Comprehensive Plan Update – Southwest Urban Growth Area (SWUGA)

Scope: Ordinance 24-100 would expand the SWUGA by approximately 112 acres east of Sunset Road

Duration: N/A

Fiscal Impact: Current Year Multi-Year N/A

Authority Granted: None

Background: The Environmental Impact Statement (EIS) for the 2024 Comprehensive Plan Update (2024 Update) studied three alternatives. Alternative 1 included only baseline housekeeping changes. Alternative 2, among other changes, proposed to expand the SWUGA by approximately 300 in the vicinity of 43rd Avenue SE. Alternative 3 included the same 300 acres proposed in Alternative 2, plus another 489 additional acres of SWUGA expansion that was not part of Alternative 2. Approximately 215 acres of the additional acreage studied in Alternative 3 was in the vicinity of Sunset Road, east of the existing UGA line. The ordinances recommended to the County Council by the County Executive would expand the SWUGA by approximately 378 acres, including the Alternative 2 area, plus an additional 78 acres south of Maltby Road. The Executive Recommendation does not include any UGA expansion in the vicinity of Sunset Road.

Councilmember Mead asked council staff to prepare this ordinance to expand the SWUGA east of Sunset Road by approximately 112 acres (see Appendix A, proposed Future Land Use Map changes, and Appendix B, proposed zoning changes). This area is part of the 215 acre expansion near Sunset Road studied in the EIS. Whereas the 215-acre expansion would have used a utility corridor as a new UGA boundary, this expansion includes the Rural to Urban Transition Area (RUTA) which approximately corresponds to the North Creek watershed plus portions of two sites owned by the Everett School District that are partly in the RUTA and partly not. Appendix C includes information regarding the RUTA to supplement and clarify other information regarding RUTA already in the record for the 2024 Update. Recitals, findings, and conclusions in the body of the ordinance explain and address consistency with the Growth Management Act, Multicounty Planning Polices, Countywide Planning Policies, and Snohomish County policies and codes.

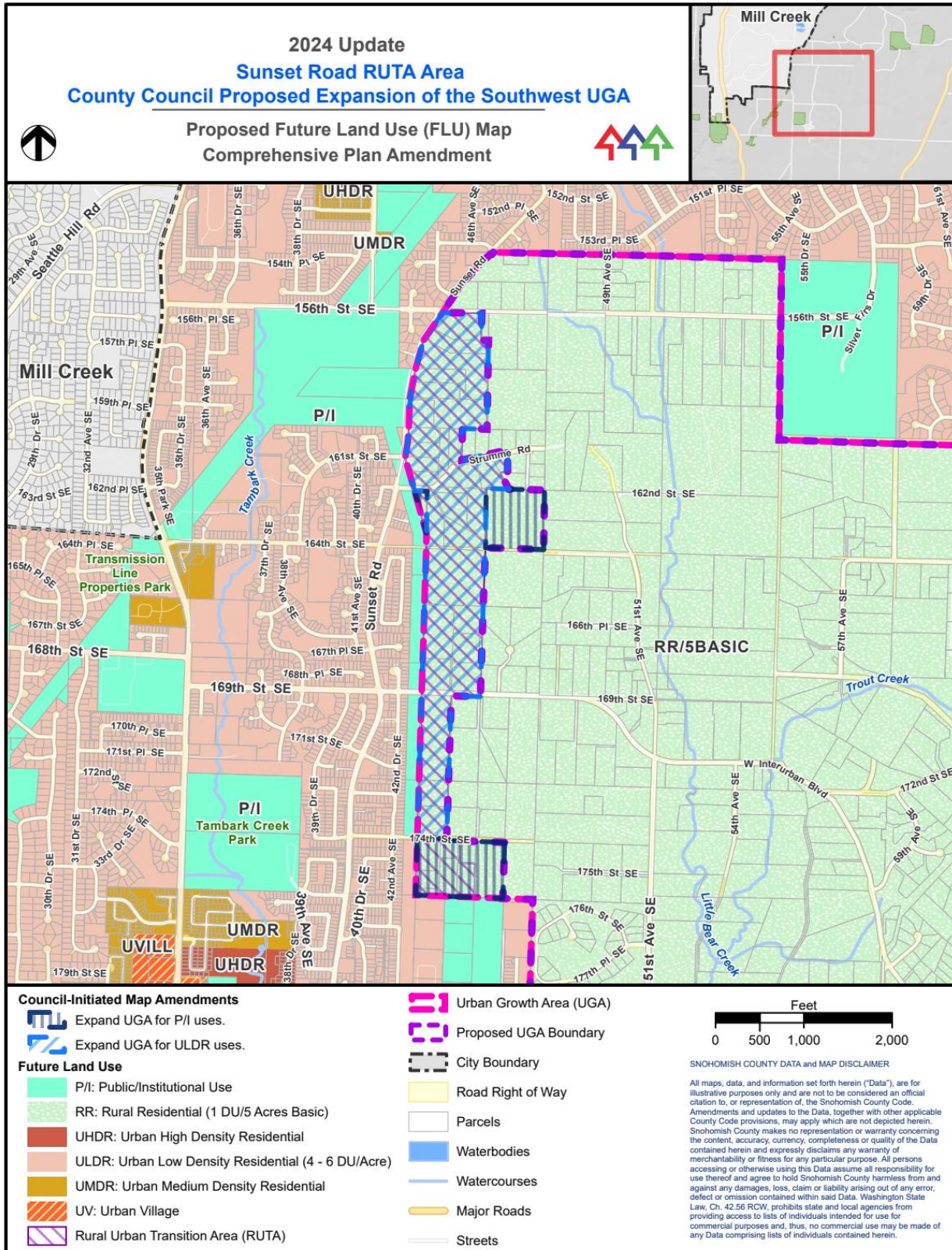
PDS staff estimate that this ordinance would add capacity for 454 housing units, or 1,279 population to the SWUGA.¹ The same PDS estimate projects 162 total employees at the two school sites. Council staff notes here that school employment could happen either inside or outside the UGA. The UGA employment capacity increase is an increase in what would count in the UGA, but it is not an increase to countywide employment capacity. Schools outside the UGA would count towards rural employment targets.

Request: Set time and date for a public hearing.

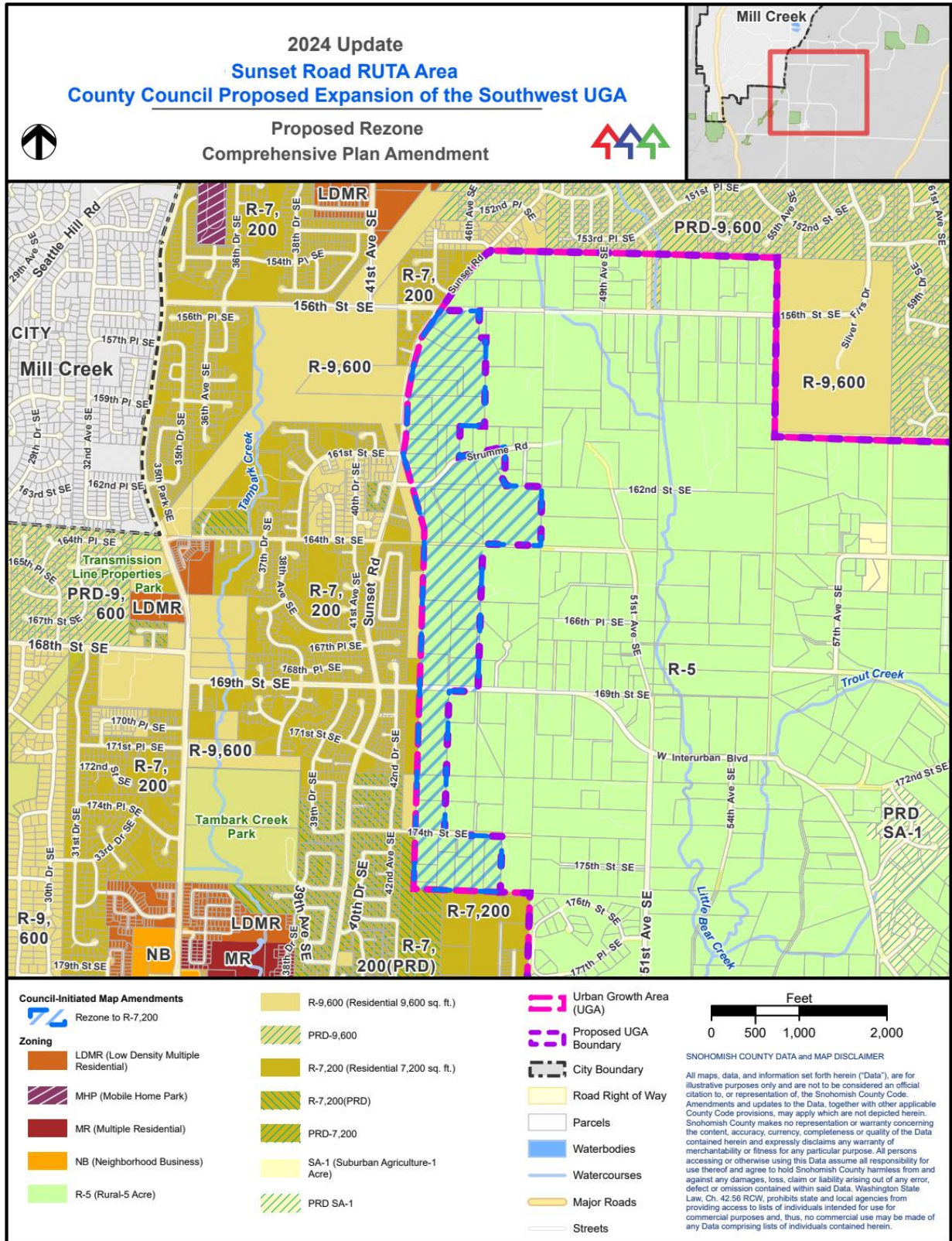
Suggested: Wednesday December 4, 2024, at 10:30 am (the continued hearing date for the other 2024 Update ordinances).

¹ Email from Frank Slusser (PDS) to County Councilmembers, dated September 27, 2024.

Appendix A: Amendments to the Future Land Use Map



Appendix B: Amendments to the Official Zoning Map



Appendix C: The Rural to Urban Transition Area

Establishment of the RUTA

April 1, 1990 The Washington State Legislature enacts the Growth Management Act (GMA). Part of the GMA is a requirement for counties to distinguish between urban and rural land uses. Although not explicitly stated in GMA or articulated yet in case law, the general understanding of “urban” soon became that a density of four more residential units per acre was urban. By contrast “rural” was less defined.

Feb. 4, 1993 The Snohomish County Council adopts Ordinance 93-004 which contains Snohomish County’s first Countywide Planning Policies (CPPs) under the GMA. These include policy direction on how to establish Urban Growth Areas (CPP UG-1), but nothing direct regarding expansion of UGAs after their establishment. CPP UG-1 required establishment of UGAs which:

- “a. when aggregated, at a minimum shall accommodate the county’s 20 year urban allocated population projection;
- b. include all cities within Snohomish County;
- [...]
- e. have identifiable physical boundaries such as natural features, roads, or special purpose district boundaries where feasible;
- [...]
- j. are large enough to ensure an adequate supply of urban land for an appropriate range of urban land uses to accommodate the planned growth.”

Foreshadowing future changes to the size of UGAs, Ordinance 93-004 also adopted CPP UG-14 which called for establishment of “a process to evaluate the effectiveness of the UGAs at least once every five years.”

June 28, 1995 The County Council adopts the first Snohomish County Growth Management Act Comprehensive Plan (GMACP) (Ordinance 94-125). The policies and Future Land Use Map (FLUM) for this GMACP establish most of the current Urban Growth Areas (UGAs). This plan attempted to reconcile several pre-GMA plans for different part of Snohomish County (subarea plans) with the new GMA requirements. Outside the UGAs, the FLUM consolidates and depicts several rural density ranges. These rural densities included designations reflecting pre-GMA subarea plans that allowed for half-acre, one-acre, and 2.3-acre lots outside of UGAs. The RUTA does not appear in this version of the GMACP or FLUM.

Nov. 27, 1996 The County Council adopts several ordinances in response to appeals of the original GMACP that resulted in orders from the Central Puget Sound Growth Management Hearings Board to address issues of non-compliance. Some of the issues of non-compliance involved areas outside the newly established UGAs. In these areas, the Board found the original GMACP allowances for rural densities greater than one unit per five acres as non-compliant. Several ordinances respond to the remand orders. In these most of the land with rural areas FLUM designations that allow half-acre, one-acre, and 2.3-acre lots outside of UGAs saw changes in

the FLUM to the current designations of the Rural Residential or Rural Residential-5 (and had corresponding downzoning to Rural-5 Acre zoning on the official zoning map).

Amended Ordinance 96-074 (Ord 96-074) adopted several text and map amendments. Some of these changes involved adoption of new policies creating the RUTA² and adoption of the first maps depicting it.³ The size of the RUTA on the maps varies depending on location. One of the policy changes was a new entry into the Glossary portion of the GMACP that defined and explained the RUTA as:

“areas designated Rural Residential-5 or Rural Residential and covered by the Rural/Urban Transition Area overlay designation of the comprehensive plan. **The purpose of the Rural/Urban Transition Area is to reserve a potential supply of land for future incorporation into the UGA.**”(bolding added)

Evolution of the RUTA

May 19, 1997 The Legislature passes Engrossed Senate Bill 6094 (ESB 6094), making changes to the GMA. Among the changes is the first GMA definition of “Rural Character”, new requirements for the Rural Element of county comprehensive plans, and new requirements and limitations regarding rural development. ESB 6094 also enacted new requirements for counties to establish a program to review and evaluation urban growth, implement “reasonable measures” to increase development capacity within UGAs prior to expanding UGAs, and to update countywide planning policies for consistency with the new changes. The review and evaluation program became commonly known as the Buildable Lands Program.

Feb. 16, 2000 The County Council passes Amended Ordinance 99-121 (Ord 99-121) amending Countywide Planning Policies in response to GMA changes, including the Buildable Lands Program requirements. CPP amendments replace language in CPP UG-14 calling for “a process to evaluate the effectiveness of UGAs” with detailed requirements establishing the Snohomish County Buildable Lands Program. This ordinance also adopts new detailed criteria at CPP UG-14.d governing the expansion of UGA boundaries.

The UGA expansion criteria in CPP UG-14.d make no reference to RUTA. In practice, this means that the County can use the RUTA as a signal with some relevance to where UGA expansion might happen, but evaluation of a specific UGA expansion would not consider RUTA status as one of the principal requirements.

² Some older documents stylize the RUTA as R/UTA (Rural/Urban Transition Area) and some use both stylizations.

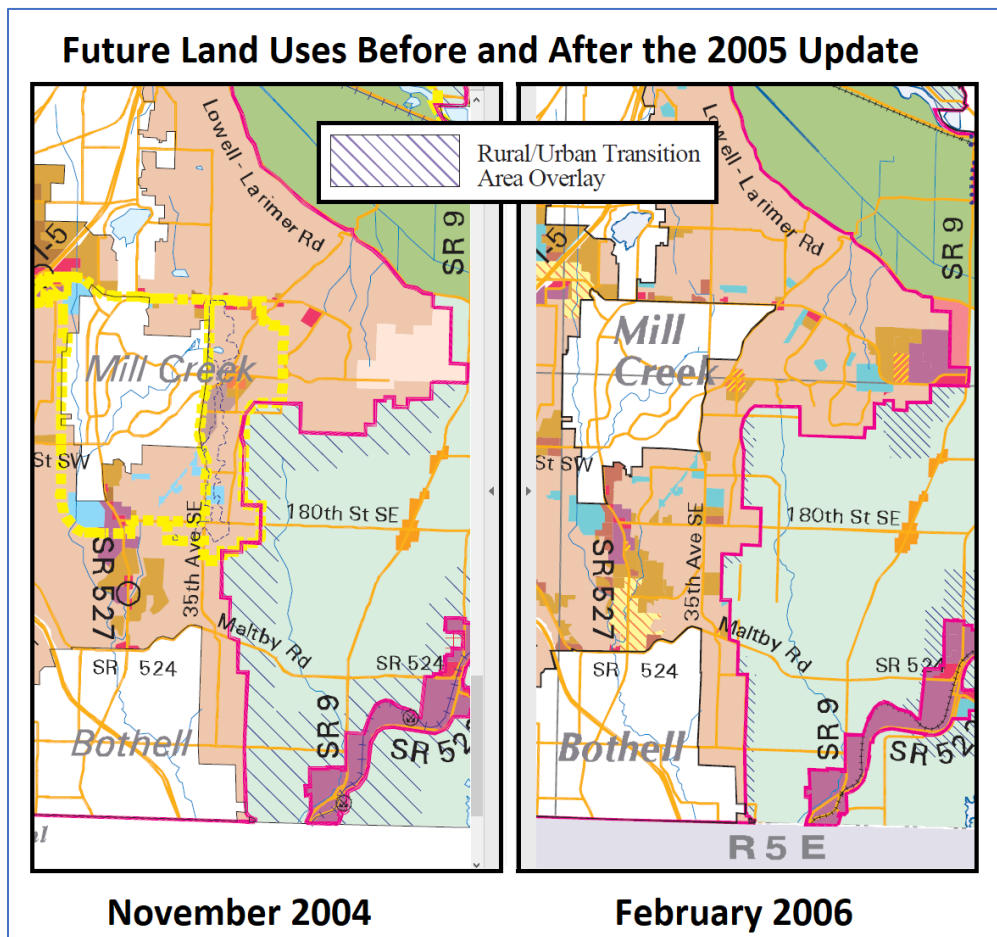
³ The RUTA was one of three phrasing mechanisms at the time. RUTA was generally for residential expansion of UGAs. Near Sunset Road, the RUTA expended roughly ¼ mile beyond the UGA line. Another phasing mechanism was the “Urban Reserve” which was generally for industrial or commercial UGA expansion. Within UGAs, the “Growth Phasing Overlay” (GPO) designated areas where land use or capital facility planning was incomplete at the time of inclusion of these locations were in the UGA (most GPO areas retained Rural-5 acre zoning until redesignation of those sites to urban future land uses). Of these three early phasing mechanisms, only the RUTA remains in effect.

Dec. 21, 2005 The County Council adopts the first periodic review of the GMACP (or the 2005 Update) with an effective date of February 1, 2006. Included in the 2005 Update were revisions to the RUTA boundaries as part of Amended Ordinance 05-069 (Ord 05-069). This ordinance provides the reasoning for these changes:

“The revisions to the Rural/Urban Transition Area (R/UTA) overlay respond to the sensitivity of the Little Bear Creek basin revealed in the DEIS and reflected in the guiding principles for the 10-Year Update process. The addition of the R/UTA east of Stanwood responds to that city’s need for long-term expansion potential.” (Ord 05-069, Finding D.14)

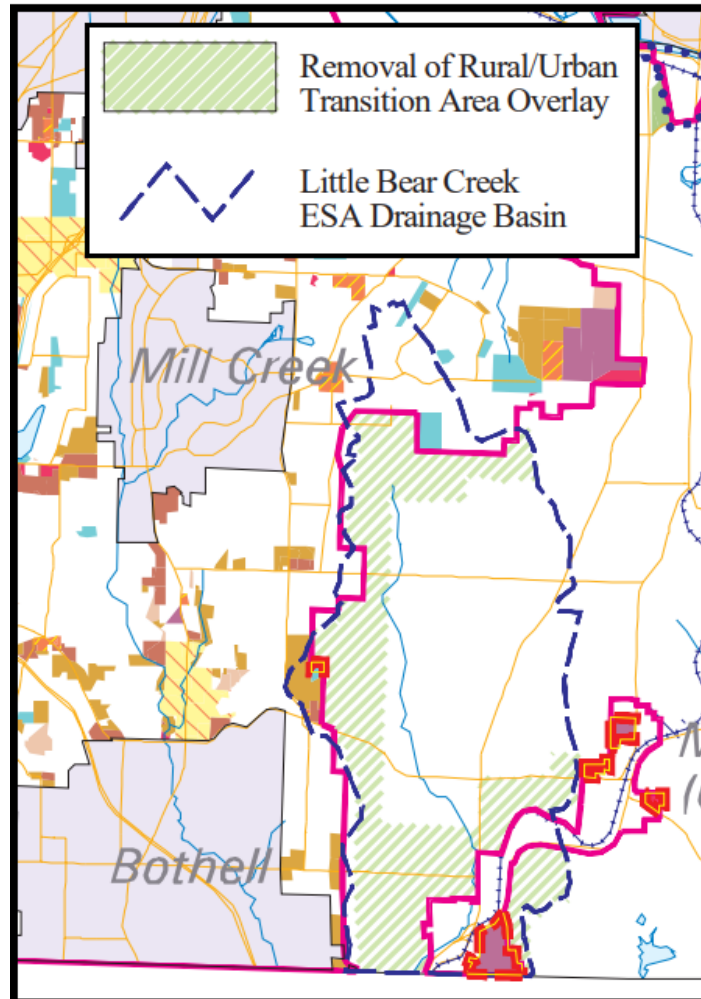
As of the 2005 Update, the purpose of the RUTA was still to reserve a potential supply of land for future incorporation into the UGA, as indicated by the addition of RUTA east of the Stanwood UGA. At the same time, removal of the RUTA from the Little Bear Creek basin was to signal long-term intentions for that area.

To illustrate changes in the RUTA near Sunset Road, the figure below shows the future land use map designation east of Mill Creek and Bothell that were in effect in November 2004 before the 2005 Update and on February 1, 2006, when the 2005 Update became effective.



Note: This before and after figure is adapted from the Future Land Use Maps that were effective in November 2004 and on February 1, 2006.

The next figure shows the relevant part of changes preferred by the County Executive for the 2005 Update, including an outline of the Little Bear Creek basin and removal of the RUTA within the basin.



Notes: This figure showing the removal of the RUTA from the Little Bear Creek basin is adapted from a map of changes for the County Executive's Preferred Alternative for the 2005 Update. The County Council adopted most of these changes, including RUTA removal. However, a few of the non-RUTA changes shown in this figure were not part of the adopted ordinances.

June 1, 2011 The County Council adopts Amended Ordinance 11-011, repealing the prior Countywide Planning Policies and adopting new CPPs for consistency with changes in GMA and the Multicounty Planning Policies adopted by Puget Sound Regional Council as part of Vision 2040. Among the CPP changes, the substance of the UGA expansion criteria that had been in CPP UG-14.d became a new CPP DP-2. Other changes in CPP DP-2 include a new allowance for UGA expansion for schools and other facilities at CPP DP-2.e.6. None of the new or revised UGA expansion criteria in CPP DP-2 consider RUTA status.

June 10, 2015 The County Council adopts the second periodic review of the GMACP. Among the several ordinances in the 2015 Update, Amended Ordinance 14-129 (14-129) makes policy amendments, including amendments regarding RUTA. The body of this ordinance does not explain its RUTA changes. RUTA amendments were by a motion to amend the main ordinance to include Amendment Sheet 10 to Ord 14-129. Amendment Sheet 10 includes the following language to describe its purpose:

“Remove proposed language that RUTAs may be used for future UGA expansions. Any area, whether or not in a RUTA, could be used for future UGA expansion, and any UGA expansion needs to meet the same criteria. Removing this language avoids setting false expectations that areas in the RUTA are somehow entitled to being included in the UGA in future update cycles.”

Amendment Sheet 10 revised two policies in the GMACP, Objective LU 1.B and Policy LU 1.B.1 as follows:

Objective LU 1.B “Designate rural urban transition areas outside of and adjacent to UGAs ~~((to reserve a potential supply of land for residential and employment land uses for the next plan cycle))~~).

Policy LU 1.B.1 “The designation of rural urban transition areas (RUTAs) is an overlay that may be applied to rural lands adjacent to UGAs ~~((as a result of the review of UGAs at least every ten years, as required by RCW 36.70A.130(3), in order to allow for possible future expansion of employment and residential lands))~~).

Application of the RUTA to the UGA expansion proposed east of Sunset Road

The RUTA near Sunset Road is a piece of information. The fact of a RUTA designation on the GMACP Future Land Use Map is an artefact of past County Council intent to reserve the area for future UGA expansion. More recent County Council actions in response to a variety of mandates and policy choices removed the explicit nature of this intent but left the RUTA in a location that generally matches parcel lines within the North Creek basin, while removing the RUTA from the Little Bear Creek basin.

The proposed UGA expansion east of Sunset Road relies on the basin boundary as a natural feature, using the RUTA as a guide to align this feature with parcels. The proposed expansion and would also add portions of two school sites that straddle basin boundaries. Information presented regarding RUTA in this staff report is exactly that—just information. The existence of a RUTA designation in this area partially explains the boundaries of the proposed ordinance. The information about RUTA in this staff report also helps to clarify comments about the RUTA and its function (or lack thereof) made by PDS staff during County Council hearings. The presence or absence of RUTA does not directly affect compliance with the applicable UGA expansion criteria, including those found in CPP DP-2 and others described in the recitals and findings in the ordinance.