



**Snohomish County**  
**Planning and Development Services**

**MEMORANDUM**

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TO: Snohomish County Planning Commission

FROM: Frank Slusser, Senior Planner

**Dave Somers**  
*County Executive*

SUBJECT: Final Docket XX PDS Staff Recommendation – Town of Woodway (SW17)

DATE: September 11, 2023

**INTRODUCTION**

PDS is providing this staff report and recommendation in advance of the Planning Commission’s October 24, 2023, public hearing on the Snohomish County 2024 GMA Comprehensive Plan Update and Final Docket XXI that includes a proposal by Town of Woodway (SW17) to amend the Future Land Use (FLU) map of the GMA comprehensive plan and implementing zoning by revising the boundaries of the Southwest Urban Growth Area (UGA) and the Woodway Municipal Urban Growth Area (MUGA).

The SW17 docket proposal was submitted to PDS by the October 30, 2020, deadline which was the last opportunity to submit a major docket amendment for final action in 2024. The County Council placed the SW17 proposal on Final Docket XXI by Amended Motion No. 21-147 on March 9, 2022, for further processing and final action in 2024 in conjunction with final action on the 2024 GMA comprehensive plan.

A major docket amendment includes proposals that either alter an urban growth area boundary, result in a substantive change in land capacity, or require environmental or capital facility analysis that cannot be accomplished in a two-year time frame. The SW17 proposal would alter the Southwest UGA boundary and required environmental analysis as part of an environmental impact statement. This report includes additional findings from the draft environmental impact statement (DEIS) for the 2024 Update along with a recommendation.

Note that the docket proposal was revised by the Town prior to being placed on the final docket from what was originally submitted. The revision reduced the expansion area of the UGA and MUGA to include just the existing Town boundary and an existing pier within the Puget Sound. The original scope of Part 2 of the proposal was reduced from 641 acres to just 2.99 acres. This substantial revision mitigated the inconsistencies with various criteria identified in the initial staff evaluation. The analysis in this report is based on the revised proposal and therefore the analysis and findings differ from the initial evaluation.

**SUMMARY OF PROPOSAL:**

The SW17 docket consists of proposed map amendments by the Town of Woodway to expand the western boundary of the Southwest UGA and Woodway MUGA to: 1) add 1,607 acres of Town of

Woodway's incorporated area which lies within Puget Sound (Part 1); and 2) add the 2.99 acres of deep water pier at Point Wells, designate the pier as Urban Village on the FLU Map, and zone the pier as Planned Community Business (PCB) (Part 2). There are no proposed policy or code amendments as part of the SW17 docket proposal.

The SW17 Part 1 proposal is located in Puget Sound and would add territory that is already within incorporated Town of Woodway, such territory extending to the Snohomish County line shared with Kitsap County, approximately midway between the east and west shores of Puget Sound. Adjacent land to the east is within the Town of Woodway. Because the territory is already within incorporated Woodway, the addition of the territory to the Southwest UGA and Woodway MUGA is largely clerical. Because the territory would immediately fall under the jurisdiction of Woodway, the proposal does not assign a new FLU Map or County zoning designation.

The SW17 Part 2 proposal is located in an unincorporated portion of Puget Sound. The Part 2 proposal includes the main portion of the Point Wells pier which is on state owned aquatic lands and under lease from the Washington State Department of Natural Resources. The only existing use within the SW17 proposal is a 1,104-foot-long deep-water pier which essentially occupies the entire Part 2 UGA and MUGA expansion proposal. The pier is currently being used as part of a marine fuel depot.

Adjacent future land use designations are Urban Village (Point Wells) to the East within the Southwest UGA. Adjacent zoning is Planned Community Business (Point Wells) to the East within the Southwest UGA.

The Point Wells deep water pier and marine waters west to the county line are located on state-owned aquatic land and are designated as critical areas by county code. The Shoreline Management Program has designated the site as an Aquatic Environment.

Primary public road access to Point Wells is provided by Richmond Beach Drive, which originates in the City of Shoreline. The Point Wells site is within the Olympic View Water and Sewer District and water and sewer service is available.

#### **FINAL DOCKET EVALUATION:**

**PDS is required to prepare a report including a recommendation on the final docket proposal and forward the report to the Planning Commission. PDS is required to recommend approval if the proposal is consistent with all of the following criteria listed in SCC 30.74.060(2):**

**Criterion "a": The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations.**

The SW17 Part 1 proposal is within the Town of Woodway, and the County GMA Comprehensive Plan elements and regulations generally do not apply for that portion of the proposal. Including that area within the UGA provides consistency with the Town boundary.

SW Part 2 maintains consistency by proposing inclusion in the Southwest UGA and MUGA for the Town of Woodway and the requested zoning of PCB is identified as an implementing zone for the Urban Village FLU designation. The pier at Point Wells is on state land and is subject to an aquatic lands lease from the Washington State Department of Natural Resources (DNR). The current lease for the pier allows very limited uses and any new use would require amendment of the lease. Use of the pier is closely if not inextricably related to use of the adjacent shoreland, which already is within the Woodway MUGA. For planning purposes, it is logical to include the pier in the Woodway MUGA with the goal of a single jurisdiction planning for the pier and the adjacent shoreland. Woodway currently is in the process

of annexing the adjacent shoreland. Including the pier in the Woodway MUGA furthers GPP Goal IC by promoting coordinated planning between the county and the town.

**Criterion “b”:** All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment.

The SW17 Part 1 proposal is within the Town of Woodway, and County comprehensive plan elements generally do not apply for that portion of the proposal.

SW Part 2 is supported by all applicable elements of the comprehensive plan. The pier does not include any developable lands and extends from property within the existing UGA that has been planned for in all elements of the GMA Comprehensive Plan.

**Criterion “c”:** The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision.

The SW17 Part 1 proposal already is within the Town of Woodway, and is subject to Woodway’s jurisdiction.

SW Part 2 more closely meets the goals, objectives and policies of the GMA Comprehensive Plan including amendments proposed as part of the 2024 Update.

The proposal is consistent with policy LU 1.C.4 (proposed to be renumbered and amended as LU 1.E.1 as part of the 2024 Update):

*Annexations **by cities and towns**, and planned urban densities shall be prohibited outside of the UGA boundary.*

By bringing the pier, which extends from within the UGA, into the UGA it will facilitate annexation of the pier. Various portions of the pier facility already are within the Woodway MUGA. Annexing shorelands adjacent to the pier without the possibility of annexing the pier itself would result in having various portions of the pier facility within different local jurisdictions, and complicate permitting for maintenance of the pier, services such as emergency response, and potentially create other jurisdictional issues.

**Criterion “d”:** The proposed amendment is consistent with the countywide planning policies (CPPs).

Both Part 1 and Part 2 of the SW17 proposal are consistent with CPP DP-1:

*DP-1 The County shall maintain Urban Growth Areas (UGAs), as shown on the map in Appendix A, that:*

- a. Include all cities in Snohomish County;*
- b. Can be supported by an urban level of service consistent with capital facilities plans for public facilities and utilities;*
- c. Are based on the best available data and plans regarding future urban growth including new development, redevelopment, and infill;*
- d. Have identifiable physical boundaries such as natural features, roads, or special purpose district boundaries when feasible;*
- e. Do not include designated agricultural or forest land unless the city or County has enacted a program authorizing transfer or purchase of development rights;*

- f. Have been evaluated for the presence of critical areas;*
- g. Where possible, include designated greenbelts or open space within their boundaries and on the periphery of the UGA to provide separation from adjacent urban areas, rural areas, and resource lands;*
- h. Should consider the vision of each jurisdiction regarding the future of their community during the next 20 years;*
- i. Are large enough to ensure an adequate supply of land for an appropriate range of urban land uses to accommodate the planned growth; and*
- j. Support pedestrian, bicycle and transit compatible design.*

The initial review and evaluation of the SW17 Part 2 proposal in March 2021 concluded that it was inconsistent with CPP DP-1 because aquatic lands are unbuildable and do not contain population or employment capacity that can accommodate the region's growth. Upon reconsideration, PDS determines that DP-1 requires only that the UGA as a whole must accommodate the region's growth and does not require that an individual proposal such as SW17 Part 2 contain buildable land. Further, PDS determines that the SW17 Part 2 proposal furthers CPP DP-1.d in that it includes the outermost built facility, the pier, in the Woodway MUGA. Additionally, the SW17 Part 2 proposal furthers CPP DP-1.h in that it facilitates Woodway's vision regarding the future of its community. The Town of Woodway is proposing the expansion of the unincorporated portion of the Southwest UGA boundary west into Puget Sound and would include the deep-water pier at Point Wells. The town maintains that it was a county oversight that excluded the Point Wells pier from the SWUGA which contains all the privately owned Point Wells property. The town includes the deep-water pier in the town's urban growth area as part of its comprehensive plan. The town wants to align the county UGA and MUGA boundaries with the town's future plans to administer the Point Wells property and the pier upon annexation. Finally, the modified proposal includes the minimal amount of aquatic lands to facilitate annexation of the pier by Woodway. The exclusion of additional aquatic lands in proximity of and west of the pier that were included in the original application is consistent with DP-1.f.

Consistent with the methodology used by the County in determining capacity when producing the buildable lands report under RCW 36.70A.215, the proposal does not include any land capacity and would not be considered a UGA expansion under CPP DP-2.

**Criterion "e": The proposed amendment complies with the GMA.**

*RCW 36.70A.110(1): Each county that is required or chooses to plan under RCW [36.70A.040](#) shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW [36.70A.350](#).*

The SW17 Part 1 proposal to amend the SWUGA boundary to include Woodway's remaining portion of its incorporated area is considered a technical correction consistent with the requirement of the GMA that an urban growth area shall include each city that is located in a county planning under the GMA. The SW17 Part 2 proposal is consistent with RCW 36.70A.110 because it was reduced to include only an existing built facility that extends from within the existing UGA and is a functional part of that urban property.

*RCW 36.70A.100: The comprehensive plan of each county or city that is adopted pursuant to RCW [36.70A.040](#) shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW [36.70A.040](#) of other counties or cities with which the county or city has, in part, common borders or related regional issues.*

*RCW 36.70A.210(1): The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW [36.70A.100](#). Nothing in this section shall be construed to alter the land-use powers of cities.*

*RCW 36.70A.210(7): Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.*

RCW 36.70A.210(1) and (7) and RCW 36.70A.100 require consistency with the *VISION 2050* Multicounty Planning Policies. The SW17 proposal is consistent with the following *Vision 2050* MPP:

*RC-1: Coordinate planning efforts among jurisdictions, agencies, federally recognized tribes, ports and adjacent regions, where there are common borders or related regional issues, to facilitate a common vision.*

The SW17 Part 1 proposal to amend the SWUGA boundary to include the town's remaining portion of its incorporated area is a city/county coordination effort through the county's docket process that will ensure that urban growth areas include a city's contiguous incorporated area. The SW17 Part 2 proposal to expand the boundary of the unincorporated Southwest UGA to include the pier is consistent with Woodway's comprehensive plan.

The initial review and evaluation of the SW17 Part 2 proposal in March 2021 concluded that it was inconsistent with WAC 365-196-310(4)(c)(vi) because expanded the urban growth area into an area with known critical areas extending over a large area. Since March 2021, Part 2 was reduced from 641 acres to just 2.99 acres, which includes almost exclusively just the deep water pier. Further, the pier is already developed and subject to a DNR lease which significantly limits potential uses of the pier. PDS concludes Part 2 is no longer inconsistent with WAC 365-196-310(4)(c)(vi). The March 2021 initial review and evaluation also concluded Part 2 was inconsistent with Vision 2050 MPP RGS-4, which requires growth be accommodated first and foremost in the UGA, because the pier does not contain population or employment capacity. Upon reconsideration, PDS concludes MPP RGS-4 does not require that an individual proposal such as SW17 Part 2 contain buildable land to accommodate population or employment capacity. Inclusion of the pier within the Woodway MUGA is not required to accommodate growth, however, it is logical to include the pier due to its connection to the adjacent shorelands which are in the process of being annexed by the Town of Woodway.

**Criterion "F": New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes the underlying assumptions and supports the proposed amendment.**

New information for the SW17 Part 1 proposal was presented to County staff by the Town of Woodway that shows that the legal boundary for the Town of Woodway at the time of incorporation

extended to the County line in the Puget Sound. This was already the case but was not known to County staff previously when the UGA boundary at the west edge of the Southwest UGA was drawn.

The following table summarizes the results of the PDS final docket evaluation of SW17:

<b>Consistent with SCC 30.74.060(2)</b>					
<b>(a)</b>	<b>(b)</b>	<b>(c)</b>	<b>(d)</b>	<b>(e)</b>	<b>(f)</b>
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

**STATE ENVIRONMENTAL POLICY ACT (SEPA) ACTION:**

All SEPA requirements with respect to this non-project programmatic proposal have been satisfied. As of this writing, the County expects to issue a Draft Environmental Impact Statement (DEIS) for the Snohomish County Comprehensive Plan 2024 Update in September 2023. A final EIS will be issued in 2024. The analysis in the DEIS was used to review any environmental impacts of the SW17 proposal.

**NOTIFICATION OF STATE AGENCIES**

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed GMA Comprehensive Plan map amendments will be transmitted to the Washington State Department of Commerce prior to the planning commission’s briefing for distribution to state agencies.

**STAFF RECOMMENDATION**

Based on the final evaluation contained in this staff report, PDS recommends that the Town of Woodway’s SW17 proposal to amend the FLU Map of the GMA Comprehensive Plan to expand the western boundary of the Southwest UGA and Woodway MUGA to: 1) add the 1,607 acres of Town of Woodway’s remaining incorporated area which lies within Puget Sound; and 2) add the 2.99 acres of deep water pier at Point Wells, designate the pier as Urban Village on the FLU Map, and zone the pier as Planned Community Business be **APPROVED**.

**ACTION REQUESTED**

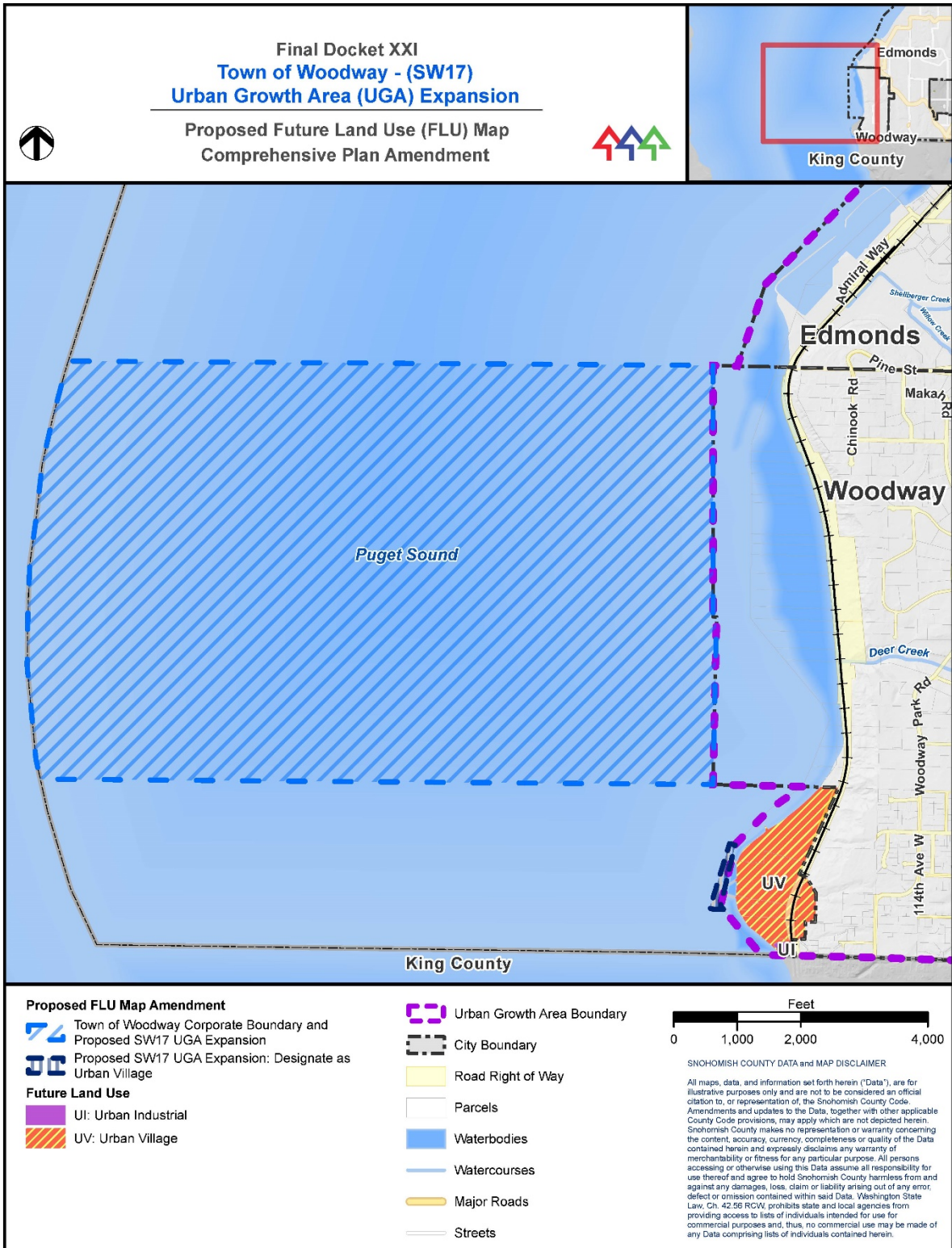
The Planning Commission is requested to hold a public hearing, consider the proposed SW17 amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the SW17 amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposal with appropriate findings.

**ATTACHMENTS**

- Attachments A.1-2: SW17 Proposed FLU Map Amendment, Close-up of Part 2 FLU Map Amendment
- Attachments B.1-2: SW17 Proposed Rezone Amendment, Close-up of Part 2 Zoning Map Amendment
- Attachment C: SW17 Proposed Findings

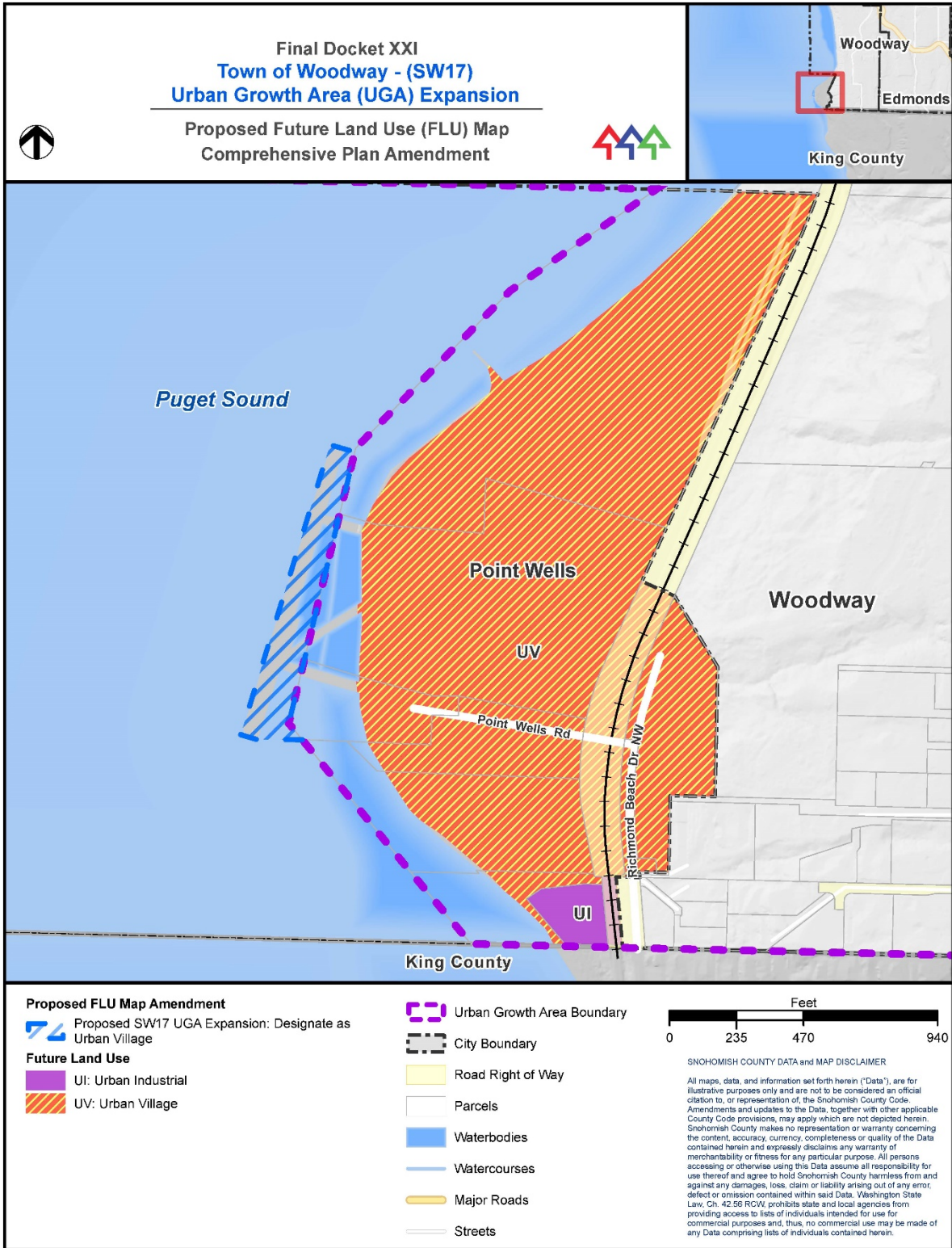
cc: Ken Klein, Executive Director  
 Mike McCrary, PDS Director  
 David Killingstad, PDS Manager

# ATTACHMENT A.1



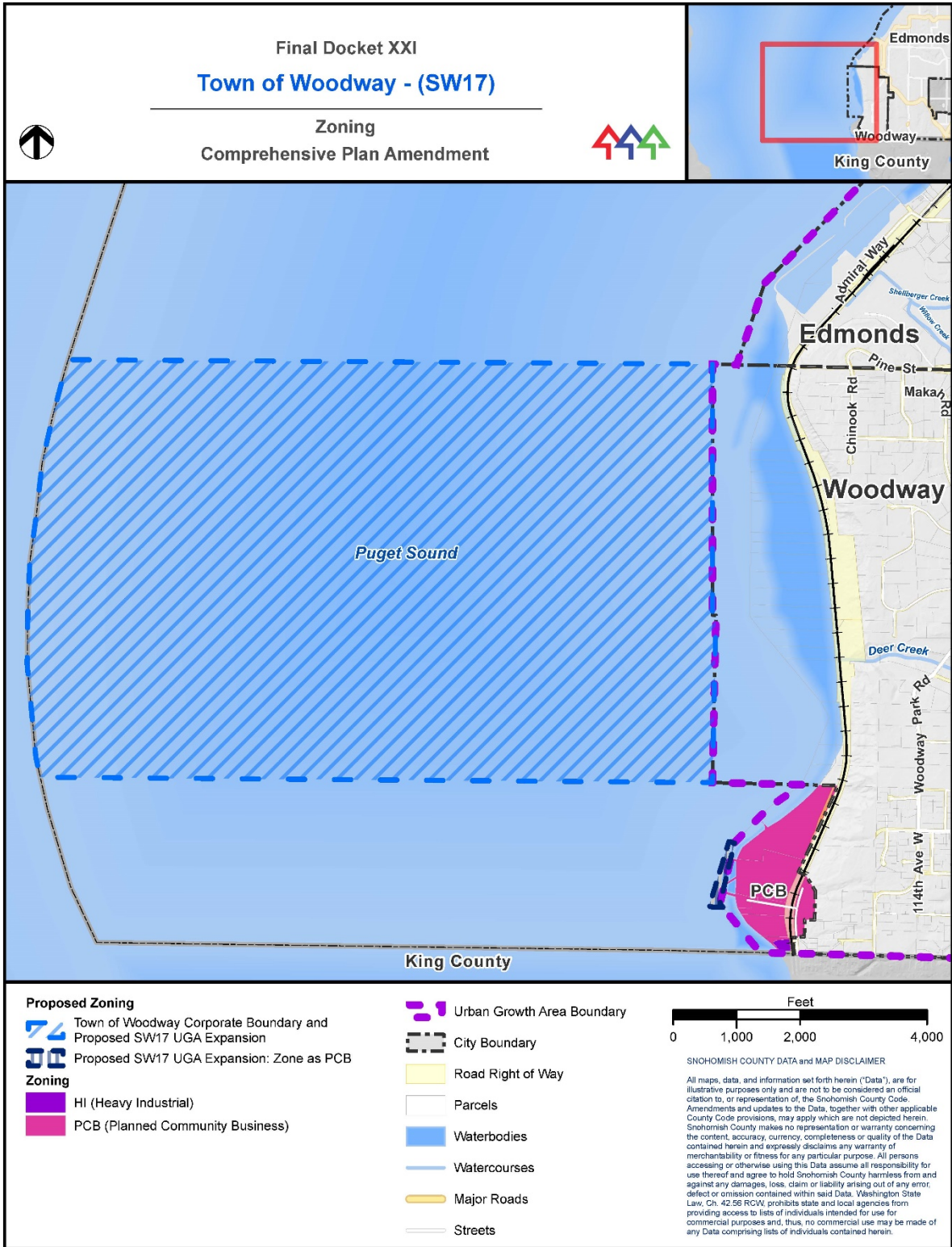
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ATTACHMENT A.2

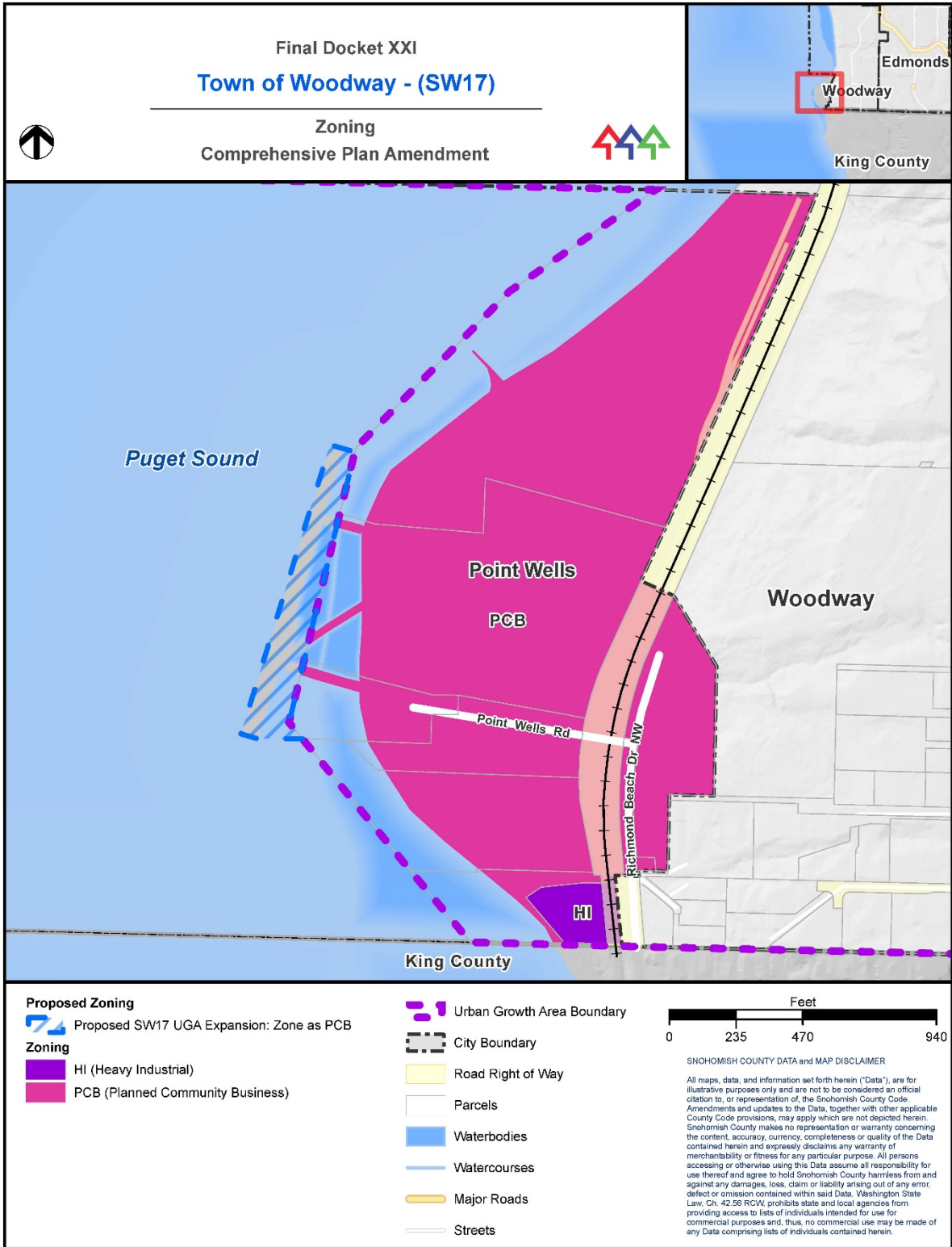




# ATTACHMENT B.1



# ATTACHMENT B.2



## ATTACHMENT C

### FINDINGS

1. The SW17 docket consists of proposed map amendments by the Town of Woodway to expand the western boundary of the Southwest Urban Growth area (UGA) and Woodway MUGA to: 1) add the 1,607 acres of Town of Woodway's remaining incorporated area which lies within Puget Sound; and 2) add the 2.99 acres of deep water pier at Point Wells, designate the pier as Urban Village on the FLU Map, and zone the pier as Planned Community Business (PCB). There are no proposed policy or code amendments as part of the SW17 docket proposal.
2. The SW17 proposal is consistent with the Growth Management Act (GMA) including RCW 36.70A.110(1) requirements for the establishment of UGA boundaries by including a city within the UGA and including an existing built facility that extends from within the existing UGA boundary fully inside the UGA boundary.
3. The SW17 proposal is consistent with the Multicounty Planning Policies (MPP), including RC-1 by providing consistency between the local plan of the Town of Woodway and the County GMA Comprehensive Plan.
4. The SW17 proposal is consistent with the Countywide Planning Policies (CPP) DP-1 by amending the GPP future land use map, the county zoning map, and the MUGA map to adjust the Southwest UGA boundary to include the entire Town of Woodway inside the UGA and using physical boundaries, the edge of a pier, as the UGA boundary.
5. The SW17 proposal is consistent with the Snohomish County GMA Comprehensive Plan, including LU Policy 1.C.4 (proposed to be slightly amended renumbered as LU 1.E.1 as part of the 2024 Update) by adjusting the UGA boundary to include the existing Town of Woodway inside the UGA and adjusting the boundary of the unincorporated Southwest UGA and Woodway MUGA to include an existing built facility, a pier, that currently extends from within the existing UGA, entirely inside the UGA and Woodway MUGA to facilitate annexation that would not result in split local jurisdiction of that facility.