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Part 3 - COUNCIL		Council Staff: Ryan Countryman		Hearing Date: Monday, August 19, 2024 @ 6:00 p.m.			
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Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 24-028, relating to the Growth Management Act, Concerning Maximum Building Heights; Amending Section 30.23.040 of the Snohomish County Code (SW12 – Mietzner)

..body

DEPARTMENT: Planning and Development Services (PDS)

ORIGINATOR: Frank Slusser

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 3/27/24

PURPOSE: To adopt Final Docket XXI proposal SW12 – Mietzner which amends SCC 30.23.040(14) to expand the area east of SR99 right-of-way from 800 feet to 2,000 feet where height limits of 75 feet apply for multifamily development in certain zones.

BACKGROUND: This ordinance is part of the 2024 Comprehensive Plan Update and Final Docket XXI. Pursuant to RCW 36.70A.130 and .470, interested persons may propose amendments and revisions to the Snohomish comprehensive plan or development regulations. The proposal was reviewed by county staff under Chapter 30.74 Snohomish County Code and was recommended for approval. Following a hearing by the Planning Commission on October 24, 2023, the Planning Commission recommended approval during deliberations on November 14 and 15, 2023.

This ECAF is being expedited. SCC 30.74.060 requires transmittal of the ECAF to Council by end of March 2024. Pursuant to RCW 36.70A.130(5), adoption of the 2024 Update of the Snohomish county GMACP is required by December 31, 2024. This mandatory project will require adequate time for review in front of the County Council, so that the Final Environmental Impact Statement (FEIS) can receive timely direction and be completed in time for action by the County Council prior to the review of the County budget.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Finance – Nathan Kennedy 3/27/24

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 ORDINANCE NO. 24-028

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING MAXIMUM
10 BUILDING HEIGHTS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH
11 COUNTY CODE (SW12 – MIETZNER)
12

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

18
19 WHEREAS, the Snohomish County Council (“County Council”) adopted chapter
20 30.74 of the Snohomish County Code (SCC), “Growth Management Act Public
21 Participation Program Docketing,” to comply with the requirements of RCW 36.70A.130
22 and .470; and

23
24 WHEREAS, the Department of Planning and Development Services (PDS)
25 compiled a list of non-county initiated amendments and revisions received by the
26 October 31, 2020, deadline for Docket XXI applications and evaluated these proposed
27 amendments, including the SW12 – Mietzner docket proposal, for consistency with the
28 initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

29
30 WHEREAS, on March 9, 2022, the County Council approved, by Amended
31 Motion No. 21-147, a list of proposed non-county initiated comprehensive plan
32 amendments, including SW12 – Mietzner, to be included on Final Docket XXI and
33 authorized the County Executive, through PDS, to further process the proposed major
34 docket amendments consistent with chapters 30.73 and 30.74 SCC, including
35 environmental review under the State Environmental Policy Act (SEPA), for final
36 consideration in 2024; and

37
38 WHEREAS, the Snohomish County Planning Commission (“Planning
39 Commission”) was briefed on the SW12 – Mietzner docket proposal on September 12,
40 2023; and

41
42 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed a final review and
43 evaluation of the SW12 – Mietzner docket proposal and forwarded a recommendation to
44 approve the proposal to the Planning Commission; and

1 WHEREAS, the Planning Commission held a public hearing on October 24,
2 2023, to receive public testimony on the SW12 – Mietzner docket proposal; and
3

4 WHEREAS, after the conclusion of its public hearing, the Planning Commission
5 deliberated on November 14 and 15, 2023, and voted to recommend adoption of the
6 amendments contained in this ordinance, as shown in its recommendation letter dated
7 January 16, 2024; and
8

9 WHEREAS, on _____, 2024, the County Council held a public
10 hearing, after proper notice, to receive public testimony and consider the entire record
11 related to the SW12 – Mietzner proposed amendments contained in this ordinance; and
12

13 WHEREAS, following the public hearing, the County Council deliberated on the
14 proposed amendments contained in this ordinance;
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 Section 1. The County Council adopts the following findings to support this
19 ordinance:
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22
- 23 B. Currently under SCC 30.23.040(14) the maximum building height is 75 feet for
24 multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the
25 Southwest UGA when the site is east of State Route (SR) 525 and when either:
26 (1) any portion of the site is within 2,000 feet of the western edge of the right-of-way
27 of SR 99; or (2) any portion of the site is within 800 feet of the eastern edge of the
28 right-of-way of SR 99. The SW12 – Mietzner docket proposal amends
29 SCC 30.23.040(14) to expand the area east of SR 99 right-of-way from 800 feet to
30 2,000 feet. The amendments also correct a grammatical error by inserting a missing
31 word in the existing subsection.
32
- 33 C. The SW12 proposal furthers the GMA goals in RCW 36.70A.020, particularly RCW
34 36.70A.020(1) (Urban Growth), RCW 36.70A.020(2) (Reduce Sprawl), RCW
35 36.70A.020(3) (Transportation), RCW 36.70A.020(4) (Housing), RCW 36.70A.020(5)
36 (Economic Development), and RCW 36.70A.020(9) (Open Space and Recreation),
37 by encouraging multifamily development within the existing boundaries of the
38 Southwest Urban Growth Area (UGA) along a corridor that is served by high-
39 capacity transit, while providing more efficient use of urban land and reducing the
40 need to convert open space and wildlife habitat to housing and related infrastructure.
41
42
43

1 D. The SW12 proposal is consistent with the Multicounty Planning Policies (MPP),
2 including RGS-6, HO-2, HO-7, and HO-8, by encouraging multifamily development
3 within the existing boundaries of the Southwest UGA along a corridor that is served
4 by high-capacity transit.

5
6 E. The SW12 proposal is consistent with Countywide Planning Policy (CPP) DP-11 by
7 encouraging multifamily development within the existing boundaries of the
8 Southwest UGA along a corridor that is served by high-capacity transit.

9
10 F. The SW12 proposal is consistent with Snohomish County GMA Comprehensive
11 Plan policies LU 2.B.2 and 2.B.3 by encouraging multifamily development along a
12 corridor that is served by high-capacity transit.

13
14 G. Procedural requirements.

15
16 1. SEPA requirements with respect to this non-project action have been satisfied
17 through the completion of a Draft Environmental Impact Statement (EIS)
18 issued on September 6, 2023, and a Final EIS issued on _____, 2024.

19
20 2. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

21
22 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
23 was transmitted to the Washington State Department of Commerce for
24 distribution to state agencies on _____, 2024.

25
26 4. The public participation process used in the adoption of this ordinance
27 complied with all applicable requirements of the GMA and the SCC.
28 Notification was provided in accordance with SCC 30.73.050.

29
30 5. The Washington State Attorney General last issued an advisory
31 memorandum, as required by RCW 36.70A.370, in September of 2018
32 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
33 Property" to help local governments avoid the unconstitutional taking of
34 private property. The process outlined in the State Attorney General's 2018
35 advisory memorandum was used by Snohomish County in objectively
36 evaluating the amendments proposed by this ordinance.

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

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

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

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

22 Section 4. Snohomish County Code Section 30.23.040, last amended by
23 Amended Ordinance No. 23-033 on June 7, 2023, is amended to read:

24 **30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.**
25

- 26 (1) MR bulk requirements shall apply for all residential development permitted in the
27 NB, PCB, CB, GC and BP zones.
28 (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
29 (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
30 (4) In the LDMR zone, the maximum density shall be calculated based on 4,000
31 square feet of land per dwelling unit, except that existing dwelling units may be retained
32 as part of new development in the LDMR zone without counting towards the maximum
33 density.
34 (5) In the MR zone the maximum density shall be calculated based on 2,000 square
35 feet of land per dwelling unit, except that:
36 (a) Existing dwelling units may be retained as part of new development in the MR
37 zone without counting towards the maximum density.
38 (b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any
39 portion of the site is within 2,000 feet of the western edge of the right-of-way of
40 State Route 99 or within 800 feet of the eastern edge of the right-of-way of State
41 Route 99, and the site is east of State Route 525, the maximum density shall be
42 calculated based on 750 square feet of land per dwelling unit, provided that either:

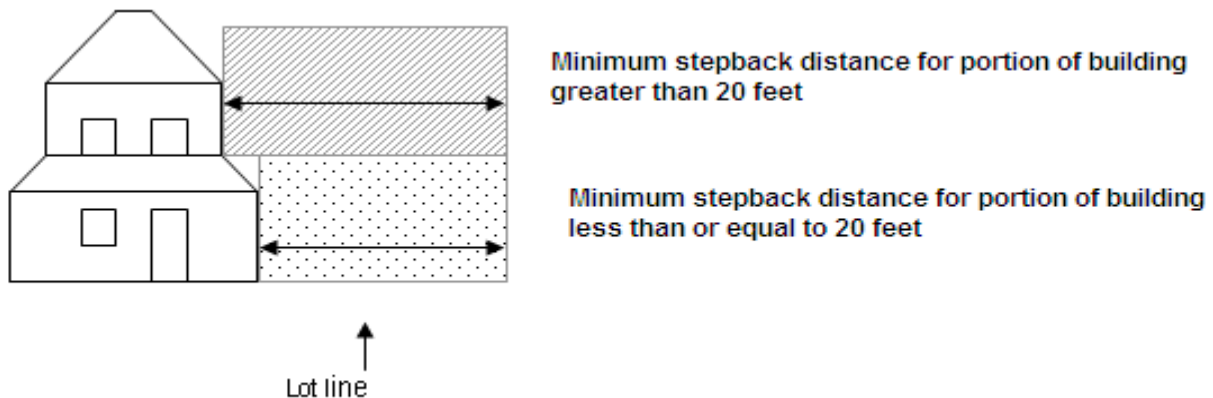
- 1 (i) One or more transfer of development rights (TDR) credits must be used to
2 realize the additional density under subsection (5)(b) of this section according to
3 the requirements of chapter 30.35A SCC; or
4 (ii) After June 11, 2020, developments for which the applicant provides
5 documentation to the director showing that the entire project has been granted a
6 property tax exemption by the Washington State Department of Revenue under
7 RCW 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the
8 requirements of chapter 30.35A SCC and development may be permitted up to
9 a maximum density of 750 square feet of land per dwelling unit without using
10 TDR credits.
- 11 (6) Commercial forestry structures shall not exceed 65 feet in height.
12 (7) Non-residential structures shall not exceed 45 feet in height.
13 (8) Lot coverage includes all buildings on the given lot.
14 (9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of
15 the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or
16 within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is
17 east of State Route 525, are exempt from minimum lot area, minimum lot width, and
18 maximum lot coverage requirements.
19 (10) RESERVED for future use.
20 (11) These setbacks shall be measured from the property line.
21 (12) Greater setbacks than those listed may apply to areas subject to Shoreline
22 Management Program jurisdiction or critical areas regulations in chapters 30.62A,
23 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC
24 30.23.110.
25 (13) The listed setbacks apply where the adjacent property is zoned F. In all other
26 cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for
27 residential structures on 10 acres or less which were legally created prior to being
28 zoned to F shall be the same as in the R-8,400 zone.
29 (14) The maximum building height is 75 feet for multifamily structures on sites zoned
30 MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site
31 is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within
32 ~~((800))~~ 2,000 feet of the eastern edge of the right-of-way of State Route 99, and the site
33 is east of State Route 525. Subject to the requirements in SCC 30.22.100, non-
34 residential uses are allowed on the first floor of multifamily structures on sites zoned NB,
35 PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within
36 2,000 feet of the edge of the right-of-way of State Route 99 and the site is east of State
37 Route 525.
38 (15) See SCC 30.23.300.
39 (16) The maximum building height is increased an additional five feet when the
40 building includes a daylight basement, except under conditions that would violate any
41 other applicable requirements of Title 30 SCC, including the height limit requirements of
42 the Shoreline Management Program (SCC 30.67.460), airport compatibility regulations
43 (SCC 30.32E.060), and urban residential design standards (chapter 30.23A SCC).

- 1 (17) In the IP zone there shall be an additional one foot setback for every one foot of
2 building height over 45 feet.
- 3 (18) RESERVED for future use.
- 4 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
5 necessary for PCB or BP zoning.
- 6 (20) See additional setback provisions for dwellings located along the boundaries of
7 designated farmland contained in SCC 30.32B.130.
- 8 (21) See additional setback provisions for structures located adjacent to forest lands,
9 and/or on lands designated local forest or commercial forest contained in SCC
10 30.32A.110.
- 11 (22) The minimum lot size for properties designated Rural Residential (RR)--10
12 (Resource Transition) on the comprehensive plan shall be 10 acres.
- 13 (23) Minimum lot area requirements may be modified within UGAs in accordance with
14 SCC 30.23.020.
- 15 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter
16 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The
17 maximum lot area shall be 20,000 square feet or less when located in rural/urban
18 transition areas.
- 19 (25) RESERVED for future use.
- 20 (26) RESERVED for future use.
- 21 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for
22 height limit requirements within shoreline jurisdiction.
- 23 (28) RESERVED for future use.
- 24 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.
- 25 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires an
26 application for a new structure on parcels designated commercial forest, but not within a
27 designated commercial forest--forest transition area, to provide a minimum 500-foot
28 setback, which shall be a resource protection area, from the property boundaries of
29 adjacent commercial forest lands except that if the size, shape, and/or physical site
30 constraints of an existing legal lot do not allow a setback of 500 feet, the new structure
31 shall maintain the maximum setback possible, as determined by the department.
- 32 (31) Setback requirements for mineral excavation and processing are in SCC
33 30.23.110(27). Performance standards and permit requirements are in chapter 30.32C
34 SCC.
- 35 (32) For mineral excavation and processing: The site shall be a contiguous geographic
36 area and have a size of not less than 10 acres, except in the case of subsurface shaft
37 excavations, no minimum acreage is required, pursuant to SCC 30.32C.020(1).
- 38 (33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing
39 a home occupation.
- 40 (34) RESERVED for future use.
- 41 (35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone
42 height, setback, and lot coverage requirements.
- 43 (36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094,
44 effective September 29, 2005).

- 1 (37) *Agriculture*. All structures used for housing or feeding animals, not including
2 household pets, shall be located at least 30 feet from all property lines.
- 3 (38) There shall be no subdivision of land designated commercial forest in the
4 comprehensive plan except to allow installation of communication and utility facilities if
5 all the following requirements are met:
- 6 (a) The facility cannot suitably be located on undesignated land;
 - 7 (b) The installation cannot be accomplished without subdivision;
 - 8 (c) The facility is to be located on the lowest feasible grade of forest land; and
 - 9 (d) The facility removes as little land as possible from timber production.
- 10 (39) On parcels designated commercial forest, but not within a designated commercial
11 forest--forest transition area, establish and maintain a minimum 500-foot setback, which
12 shall be a resource protection area, from the property boundaries of adjacent
13 commercial forest lands except when the size, shape, and/or physical site constraints of
14 an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain
15 the maximum setback possible as provided in SCC 30.32A.120.
- 16 (40) Land designated local commercial farmland shall not be divided into lots of less
17 than 10 acres unless a properly executed deed restriction which runs with the land and
18 which provides that the land divided is to be used exclusively for agricultural purposes
19 and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.
- 20 (41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone
21 identified as the implementing zone by the comprehensive plan for the plan designation
22 applied to the subject property. Where more than one implementing zone is identified
23 for the same designation, the minimum lot size shall be that of the zone allowing the
24 smallest lot size.
- 25 (42) RESERVED for future use.
- 26 (43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and
27 30.31F.140.
- 28 (44) The 50 percent maximum lot coverage limitation applies solely to the portion of
29 the area within the CRC comprehensive plan designation and zone that is centered at
30 180th Street SE and SR 9, generally extending between the intersection of 172nd
31 Street/SR 9 to just south of 184th Street/SR 9, as indicated on the county's FLUM and
32 zoning map.
- 33 (45) The 30 percent maximum lot coverage limitation applies solely to the portion area
34 located within the CRC comprehensive plan designation and zone that is centered at
35 State Route (SR) 9 and 164th Street SE, as indicated on the county's Future Land Use
36 Map (FLUM) and zoning map.
- 37 (46) Additional setbacks may apply to development within a rural cluster subdivision.
38 Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC
39 30.32C.050. Uses are restricted where the R-5 zone coincides with the Mineral
40 Resource Overlay (MRO) to prevent development which would preclude future access
41 to the mineral resources.
- 42 (47) RESERVED for future use.
- 43 (48) RESERVED for future use.
- 44 (49) RESERVED for future use.

- 1 (50) RESERVED for future use.
 2 (51) RESERVED for future use.
 3 (52) RESERVED for future use.
 4 (53) RESERVED for future use.
 5 (54) A split parcel may be subdivided along the UGA boundary line using one of three
 6 methods. First, a split parcel may be subdivided along the UGA boundary line into two
 7 lots, whereby one lot remains within the UGA and the other lot remains outside the
 8 UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part
 9 of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split parcel may be
 10 subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).
 11 (55) See SCC 30.42E.100(9)(c).
 12 (56) RESERVED for future use.
 13 (57) RESERVED for future use.
 14 (58) RESERVED for future use.
 15 (59) Relationship of setback to building height:
 16 The minimum setback requirements are dependent on the heights of the building as
 17 specified in this column. To meet the setback requirements, buildings over 20 feet in
 18 height must either:
 19 (a) Set the entire building back the minimum setback distance; or
 20 (b) Stepback those portions of the building exceeding 20 feet in height to the
 21 minimum setback distance, as illustrated in Figure 30.23.040(59).
 22
 23

Figure 30.23.040(59). Example of relationship of building height to setback



- 24
 25 (60) Stepback those portions of the building exceeding 45 feet in height from the
 26 minimum side and rear yard setbacks by one additional foot for each additional two feet
 27 of building height.
 28 (61) Single-family detached, single-family attached and duplex structures shall comply
 29 with the minimum setbacks required in the R-8,400 zone.

- 1 (62) Fencing between single-family detached, single-family attached and duplex
2 structures shall be:
- 3 (a) Prohibited in the area that is within five feet of a third story ingress/egress
4 window so ladder access to the third floor window is not impeded; or
 - 5 (b) Limited to either vegetative, wood, block, concrete or metal that does not
6 exceed 42 inches in height.
- 7 (63) Additional building height up to a maximum of 125 feet may be allowed under
8 certain circumstances as provided for in SCC 30.34A.040(1).
- 9 (64) If located within an airport compatibility area, building height is subject to the
10 requirements of SCC 30.32E.060.
- 11 (65) Townhouse and mixed townhouse development may achieve the following
12 density:
- 13 (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200
14 square feet of land per dwelling unit, but the maximum density may be increased up
15 to 50 percent. Existing dwelling units may be retained as part of new development
16 without counting towards the maximum density.
 - 17 (b) For the LDMR and MR zones, the maximum density established under
18 subsections (4) and (5) of this section may be increased up to 50 percent.
 - 19 (c) Maximum density shall be determined by rounding up to the next whole unit
20 when a fraction of a unit is equal to five-tenths or greater.
- 21 (66) The maximum lot coverage in townhouse and mixed townhouse developments is
22 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR
23 where any portion of the site is within 2,000 feet of the western edge of the right-of-way
24 of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State
25 Route 99, and the site is east of State Route 525 are exempt from maximum lot
26 coverage requirements consistent with SCC 30.23.040(9).
- 27 (67) See SCC 30.23.310.

28
29 Section 5. Severability and Savings. If any section, sentence, clause, or phrase
30 of this ordinance shall be held to be invalid by the Growth Management Hearings Board
31 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or
32 unconstitutionality shall not affect the validity or constitutionality of any other section,
33 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
34 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
35 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
36 the effective date of this ordinance shall be in full force and effect for that individual
37 section, sentence, clause, or phrase as if this ordinance had never been adopted.

1 PASSED this _____ day of _____, 2024.

2

3

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

4

5

6

Council Chair

7

8

9 ATTEST:

10

11

12

13

14 () APPROVED

15 () EMERGENCY

16 () VETOED

DATE: _____

17

18

19

County Executive

20

21

22 ATTEST:

23

24

25

26 Approved as to form only:

27

28  _____ 3/18/24

29 Deputy Prosecuting Attorney



Snohomish County

**Planning and Development
Services**

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
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MEMORANDUM

TO: Jared Mead, Council Chair
Nate Nehring, Council Vice-Chair
Megan Dunn, Councilmember
Sam Low, Councilmember
Strom Peterson, Councilmember

Dave Somers
County Executive

FROM: Dave Somers, County Executive

DATE: March 26, 2024

SUBJECT: 2024 Comprehensive Plan Update County Executive Recommended Ordinances

The purpose of this memorandum is to describe and provide rationales for the differences between the the Executive’s recommendations and those of the Planning Commission as they relate to Snohomish County’s required periodic update of the Growth Management Act Comprehensive Plan. A total of eight ordinances (ECAFs) represent the Executive Recommendations.

The Snohomish County Planning Commission held a public hearing on October 24, 2023, to take testimony on the 2024 Update. A considerable amount of oral and written testimony was received. Deliberations and recommendations occurred on November 14 and 15. For reference, the Planning Commission’s recommendations are attached in three letters dated January 16, 2024, and signed by the Chair.

The County Executive has reviewed the Planning Commission recommendations and considered public and staff input. For the most part the Commission made sound recommendations on amendments. However, there are a few instances enumerated in this memo where the Planning Commission recommended amendments that are difficult to support. It is important to note that should the County Council wish to consider a recommendation from the Planning Commission not included in the Executive recommendations it may introduce an amendment sheet prior to a public hearing(s).

Eight Executive Recommended Ordinances

A package of eight ordinances comprise the Executive Recommendation. These ordinances reflect four types of amendments to the comprehensive plan; text, map, County Council motion, and Docket. This approach to ordinances is consistent with past comprehensive plan updates. The ordinances are listed in order of consideration and adoption.

1. RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE MAP AMENDMENTS TO THE (GMACP), AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE DARRINGTON URBAN GROWTH AREA (DR1-DARRINGTON).
2. 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)
3. RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING MAXIMUM BUILDING HEIGHTS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER)
4. 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)
5. RELATING TO THE GROWTH MANAGEMENT ACT; ADOPTING FUTURE LAND USE MAP AMENDMENTS TO THE (GMACP), AMENDING THE OFFICIAL ZONING MAP TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST URBAN GROWTH AREA (MOTION NO. 22-134).
6. RELATING TO MANDATORY UPDATES OF THE (GMACP), PURSUANT TO RCW 36.70A.130; ADOPTING FUTURE LAND USE MAP AMENDMENTS TO THE COMPREHENSIVE PLAN.
7. RELATING TO MANDATORY UPDATES OF THE (GMACP), PURSUANT TO RCW 36.70A.130; AMENDING THE OFFICIAL ZONING MAP AS PART OF THE 2024 GMACP UPDATE.
8. RELATING TO MANDATORY UPDATES OF THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, PURSUANT TO RCW 36.70A.130; ADOPTING TEXT, POLICY, AND MAP AMENDMENTS TO THE COMPREHENSIVE PLAN; AND ADOPTING AN URBAN GROWTH AREA LAND CAPACITY ANALYSIS.

The following pages contain a series of tables corresponding to one of the above listed Executive recommended ordinances. These tables: 1) Summarize the differences between the Planning Commission Recommendation and Executive Recommendation, and 2) Provide a rationale as to why the Executive is choosing to recommend an amendment(s) that differs from the Planning Commission's. Except where noted, the Planning Commission recommendations reflect comprehensive plan amendments which were proposed by staff as part of a series of briefings between March and September 2023.

Adopting text and policy amendments to the comprehensive plan

Element	Planning Commission Recommendation	Executive Recommendation	Comments
Introduction	Recommend approval as proposed by staff.	Same as Planning Commission.	
Population and Employment	Recommend approval as proposed by staff.	Same as Planning Commission except: <ul style="list-style-type: none"> 2044 population and employment growth targets are updated. 	The Executive recommended ordinance updates the 2044 Population and Employment Growth tables to reflect the Executive Recommendations on urban growth boundaries, account for pending development applications and updated capacity information, and address the higher than anticipated housing need projections from Commerce.
Land Use	Recommend approval as proposed by staff except: <ul style="list-style-type: none"> Amend LU Policy 14.A.7 to delete SFR and Townhouse Unit Lot Subdivisions from the list of exemptions requiring a TDR credit to gain additional density. MV2 docket repeals Objective LU 6.D and LU Policy 6.D.1 (as amendment sheet) Add two new policies, one each for the Agricultural and Forest Lands subelements of the Land Use Element, to conduct a comprehensive review of designated forest and agricultural lands of long-term significance. 	Same as Planning Commission except: <ul style="list-style-type: none"> Do not amend LU Policy 14.A.7. Do not repeal Objective LU 6.D and LU Policy 6.D.1. Amend LU Policy 6.A.1 to clarify the rural population growth monitoring methodology. 	The Executive recommended ordinance excludes: 1) The Planning Commission's recommendation to amend LU Policy 14.A.7 because the use of TDR for single family and townhouse dwellings could impact the cost of housing, and 2) The repeal of LU 6.D and 6.D.1 as the Executive does not support the MV 2 docket application. It also ties the rural growth monitoring methodology to that which is established in the Countywide Planning Policies for consistency.
Housing	Recommend approval as proposed by staff except: <ul style="list-style-type: none"> Add a policy in the Housing Element to develop an incentive driven inclusionary housing and zoning policy in areas of multi-family. 	Same as Planning Commission except: <ul style="list-style-type: none"> Amend 2044 Housing growth targets. Adding a policy regarding support for the construction of new manufactured home communities. 	The Executive recommended ordinance: 1) Updates the 2044 Housing Growth tables to reflect the Executive Recommendations on urban growth boundaries, account for pending development applications and updated capacity information, and address the higher than anticipated housing need projections from Commerce and 2) adds a new policy regarding support for the construction of new manufactured home communities which can be a more affordable housing option.

Adopting text and policy amendments to the comprehensive plan

Element	Planning Commission Recommendation	Executive Recommendation	Comments
Transportation	<p>Recommend approval as proposed by staff except:</p> <ul style="list-style-type: none"> Revise the policy in the Transportation Element around the Road Safety Plan to review the Plan every two years, including revisions to speed limits. Amend the Transportation Element’s project list to add 43rd/45th extension, 240th St improvements, and intersection projects at 228th/45th Ave and 240th/45th Ave to the TE project list. These projects were added to address the impacts of corresponding UGA expansions. 	<p>Same as Planning Commission except:</p> <ul style="list-style-type: none"> Revise the policy in the Transportation Element about the Road Safety Plan to regularly review the Plan, including reviewing speed limits. Amend the Transportation Element’s project list to remove the 240th St SE, 156th St NE, and Forty-Five Rd improvements, add improvements for 8th Ave W, and a placeholder project for connecting the new railroad crossing at 156th St NE with Forty Five Rd. 	<p>The Executive recommended ordinance: 1) revises the Planning Commission policy requiring a review the Road Safety Plan keeping the intent of the Planning Commission recommendation while revising the language to be less challenging to implement, 2) changes the list of needed projects to reflect the Executive’s recommendations on UGA boundary adjustments, 3) adds a new project in the area of the future Mariner light rail station to improve bus rapid transit performance and connections to the planned light rail station, and 4) revises the TE project list to include a placeholder improvement project west of Marysville to accommodate the future I-5 interchange and railroad overcrossing at 156th St NE.</p>
Parks and Recreation	<p>Recommend approval as proposed by staff.</p>	<p>Same as Planning Commission.</p>	
Capital Facilities and Utilities	<p>Recommend approval as proposed by staff.</p>	<p>Same as Planning Commission, except:</p> <ul style="list-style-type: none"> Revise Goal CUE 1 to spell out Hazard Mitigation Plan (HMP). Revise Objective CUE 1.A.5 to emphasize coordination with service providers. Revise Objective CUE 1.A.6 to include language for consistency with the Land Use Element. Add CUE Policy 3.A.5 related to Cathcart that was GPP CF Policy 1.B.4. Revise Objective CUE 4.C.4 to add the phrase “where feasible” as it relates to efforts to remove structures in high hazard zones. Revise Objective CUE 4.E.6 to add the phrase “to limit or” as it relates to no net loss of agricultural land from habitat restoration projects. Revise Table 2-5 regarding County owned facilities to change Edmonds and Everett Supportive Housing to Edmonds and Everett New Start Center. Revise Table 2-6 to remove “ATS” from 10012 Hangar Ptn. C-1, delete “BLR” from 3102 C-5, and delete the entry for 10204 Jet Deck C-57. Public water supply – narrative: Revise language regarding the North Snohomish County Coordinated Water System Plan (CWSP) to update the title for the County’s Health Department, add reference to 	<p>The Executive recommended ordinance contains the revisions to the CUE listed in the adjacent column.</p>

Adopting text and policy amendments to the comprehensive plan

Element	Planning Commission Recommendation	Executive Recommendation	Comments
		<p>the Critical Water Service Supply Area, and update RCW citation.</p> <ul style="list-style-type: none"> Water Provider Table: Revise to correct latest water plan amendments for Bothell water plan to 2021; City of Lynnwood to 2018 (latest amendment); For Seven Lakes Water – added language regarding moratorium and that the 2013 plan has expired and is being updated.; City of Snohomish to 2011 from 2020 based info from City; PUD latest water plan to 2021; Three Lakes to 2023. Wastewater narrative: Revise to update 80 percent to 85 percent for when plant reach a threshold for capacity/design per NPDES permit. Wastewater/Sewer Provider table: Revise to update Bothell plan to 2018 and added language that the City does not own wastewater treatment facilities it conveys to King County; updated City of Sultans latest plan to 2019. Revised all maps to remove “DRAFT” watermark and update titles. Updated table of contents to list out maps and update. 	
Economic Development	Recommend approval as proposed by staff.	Same as Planning Commission.	
Natural Environment	Recommend approval as proposed by staff.	<ul style="list-style-type: none"> Same as Planning Commission except: Amend Policy NE 9.A.2 to replace “38%” with “no net loss.” 	The Executive recommended ordinance includes an amendment to Policy NE 9.A.2 to reflect language that was: 1) Contained in Amended Motion No. 22-096 and 2) Has support from a coalition of key parties.
Interjurisdictional Coordination	Recommend approval as proposed by staff.	Same as Planning Commission.	
Climate Change and Resiliency	Recommend approval as proposed by staff.	<p>Same as Planning Commission except:</p> <ul style="list-style-type: none"> Add new CRE Policy 2.B.7 related to energy conservation and recycling that was GPP NE Policy 10.B.6. Revise maps to remove “DRAFT” watermark. Revise Table of contents to list out maps. 	The Executive recommended ordinance contains the revisions to the CRE listed in the adjacent column.
Tribal Coordination	<p>Recommend approval as proposed by staff except:</p> <ul style="list-style-type: none"> Add two new policies to the Tribal Coordination Element regarding tidelands and water. 	<p>Same as Planning Commission except:</p> <ul style="list-style-type: none"> Add two new policies TC 2.B.4 and TC 2.C.2 to the Tribal Coordination Element regarding tidelands and water (slightly different language than PC). 	The Executive recommended ordinance includes alternative language that retains the intent of the Planning Commission recommendation but will be less challenging to implement.

Adopting text and policy amendments to the comprehensive plan

Element	Planning Commission Recommendation	Executive Recommendation	Comments
Urban Core Subarea Plan	Recommend approval as proposed by staff.	Same as Planning Commission except: <ul style="list-style-type: none"> Amend the Urban Core Subarea Plan update information on employment, climate change and the list of transportation projects to add 8th Ave W project (see notes on the Transportation Element above). 	The Executive recommended ordinance includes: 1) The addition of UC Table 2-4 that shows the 2020-2022 total employment by MUGA (municipal urban growth area) portions of the Urban Core Subarea, 2) A revision to UC Map 3-1 the map has been amended to change an area south of 148th St and west of 52nd Av from “gap areas not claimed by any city” to “Lynnwood MUGA.”, 3) The addition to narrative and UC Policies 4.5 and 4.6 that expands the principles of sustainability and green building practices to include Leadership in Energy and Environmental Design (LEED) and Build Green, 4) A revision to UC Map 5-1 the future land use (FLU) designation for an area north of Center Rd and east of Hwy 99 has been changed from “Light Rail Community” to “Mixed Use Corridor,” and 5) add improvements to 8 th Ave W to the list of transportation projects.
Appendices	Recommend approval as proposed by staff.	Same as Planning Commission except: <ul style="list-style-type: none"> Update List of Appendices Update Appendix E Update Appendix I. 	

Adopting Future Land Use Map Amendments to the comprehensive plan

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval of Alternative 2 Future Land Use Map except: <ul style="list-style-type: none"> Add 80 acres south of Maltby Rd to the SW UGA Motion No. 22-134 expansion. Add SW 10 Docket application for new Urban Center inside SW UGA. Add MV2 Docket application to the Marysville UGA. Add Motion No. 22-098 + MALT 1 Docket application to the Maltby UGA. The DR 1 docket application was not recommended but recommended that Darrington work with County on a revised proposal. 	Recommend approval of Alternative 2 Future Land Use Map except: <ul style="list-style-type: none"> Add 80 acres south Maltby Rd to the SW UGA Motion No. 22-134 expansion. Add SW 10 Docket application for new Urban Center inside SW UGA. Change six acres near Airport Rd/SR 99 from Urban Center to Mixed Use Corridor. Include revised DR 1 application UGA swap proposal. 	The Executive recommended ordinance excludes: 1) MV 2 Docket application as a reasonable measures analysis has not been completed to support expansion of the Marysville UGA, 2) Motion No. 22-098 and the MALT 1 Docket application as forecasted employment growth for the Maltby UGA does support a need for a UGA expansion, 3) Includes a change from Urban Center to Mixed Use Corridor for six acres near Airport Rd/State Route 99 north of Center Road to create a more logical plan designation boundary.

Amending the official zoning map as part of the 2024 GMACP Update

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval of Alternative 2 Zoning Map except: <ul style="list-style-type: none"> Add 80 acres south of Maltby Rd to the SW UGA Motion No. 22-134 expansion. Add SW 10 Docket application for Urban Center rezone inside 	Adopt Alternative 2 Zoning Map except: <ul style="list-style-type: none"> Add 80 acres south Maltby Rd to the SW UGA Motion No. 22-134 expansion. Add SW 10 Docket application for Urban Center 	The Executive recommended ordinance excludes: 1) MV 2 Docket application as a reasonable measures analysis has not been completed to support expansion of the Marysville UGA, 2) Motion No. 22-098 and the MALT 1 Docket application as forecasted employment growth for the Maltby UGA does support a need for a UGA expansion, 3) Includes a change from Urban Center to Mixed Use Corridor zoning for six acres near

Planning Commission Recommendation	Executive Recommendation	Comments
SW UGA. <ul style="list-style-type: none"> Add MV2 Docket application to the Marysville UGA. Add Motion No. 22-098 + MALT 1 Docket application to the Maltby UGA. The DR 1 docket application was not recommended but recommended that Darrington work with County on a revised proposal. 	rezone inside SW UGA. <ul style="list-style-type: none"> Change six acres near Airport Rd/State Route 99 from Urban Center to Mixed Use Corridor. Include revised DR 1 application UGA swap proposal. 	Airport Rd/State Route 99 north of Center Road to create a more logical zoning boundary.

Amending the zoning map to implement changes to the Future Land Use Map, and revising the Darrington Urban Growth Area (DR1-Darrington)

Planning Commission Recommendation	Executive Recommendation	Comments
Continue to work with the Town of Darrington on a UGA swap (exclude Alt 2 version from FLU Map and Zoning).	Adopt a GMA compliant UGA swap for the Darrington UGA.	The Executive recommended ordinance contains a UGA swap that has been negotiated with the Town of Darrington and complies with state law, and regional and countywide planning policies.

Amending the zoning map to implement changes to the Future Land Use Map, and revising the Southwest Urban Growth Area (Motion No. 22-134)

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval of Motion No. 22-134 plus approximately 80 acres south of Maltby Road, north of 215 th St, west of powerline.	Same as Planning Commission.	N/A

Amending the zoning map to implement changes to the Future Land Use Map, and revising the Southwest Urban Growth Area (SW 10-CS Real Estate)

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval.	Same as Planning Commission recommendation.	N/A

Amending Chapter 30.23 of the Snohomish County Code (SW12 – Mietzner)

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval.	Same as Planning Commission.	N/A

Amending the zoning map to implement changes to the Future Land Use Map, and revising the Southwest Urban Growth Area (SW17-Town of Woodway)

Planning Commission Recommendation	Executive Recommendation	Comments
Recommend approval.	Same as Planning Commission.	N/A

Reformatting the GMA Comprehensive Plan

In addition to making necessary and required amendments to the County's comprehensive plan, the document underwent an extensive reformatting process, the first since the initial adoption in 1995. This included merging the current four separate documents (General Policy Plan, Transportation Element, Park and Recreation Element and Capital Facilities Plan) into one document. Consistent formatting of fonts, header/footers, headings, tables and maps along with the addition of color photographs represent a much improved and more useable document.

The exhibits attached to the ordinance amending the comprehensive plan indicate amendments to the [list the elements being amended] shown in underline/strikethrough. However, for the Transportation, Parks and Recreation, and Capital Facilities and Utilities Elements as well as the Introduction and select Appendices the reformatting changes were so extensive they required a complete repeal and replace. For the three new elements, Climate Change and Resiliency, Tribal Coordination, and the Urban Core Subare Plan all text is new and therefore not shown in underline.

Attachments:

Planning Commission Recommendation Letters dated January 16, 2024.

cc:

Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Long Range Planning Manager
Ryan Countryman, Legislative Analyst



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

January 16, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on Final Docket XXI

Snohomish County Council,

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendations regarding the Final Docket XXI proposed amendments to the Snohomish County Growth Management Act Comprehensive Plan (GMACP) policies and Future Land Use (FLU) Map, zoning, and Snohomish County Code (SCC). The Planning Commission had briefings on the Final Docket XXI proposals on September 12, 2023, and conducted a public hearing on October 24, 2023. Deliberations were held on November 14 and 15, 2023.

Consistent with the requirements for processing of the final docket in SCC 30.74.060, the Planning Commission makes the following recommendations to the Snohomish County Council, which are supported by findings of facts and conclusions after considering testimony and information presented during the public hearing process.

PLANNING COMMISSION RECOMMENDATIONS

- **DR1 – Town of Darrington:** A motion was made by Commissioner Campbell recommending the Town of Darrington continue to work with County staff on a docket application that can meet final approval criteria [Motion approved 9-0.] The recommendation is based on the findings in the September 11, 2023, PDS staff report and public testimony that the proposal as studied for the Draft Environmental Impact Statement (DEIS) and evaluated for the staff recommendation is inconsistent with the Growth Management Act (GMA), the Multicounty Planning Policies (MPPs), the Countywide Planning Policies (CPPs), and the Snohomish County GMACP policies and should be denied. The DR1 docket as evaluated is a proposal to amend the FLU Map of the Snohomish County GMACP to:
 - remove 262 acres from the western part of the Urban Growth Area (UGA) and redesignate from Urban Low Density Residential-3 (ULDR-3), Urban Industrial (UI), and Public/Institutional Use (P/IU) to Rural Residential-Rural Diversification (RR-RD), Commercial Forest-Forest Transition Area (CF-FTA), and Rural Industrial (RI), and rezone the area from Heavy Industrial (HI) and R-12,500 to Rural Diversification (RD), Forestry (F), and Rural Industrial (RI);
 - add 160 acres to the north of the UGA and redesignate from Low Density Rural Residential (LDRR), CF-FTA, RI, and RR-RD and Rural/Urban Transition Area (RUTA) overlay to P/IU, UI, and ULDR-3, and rezone the area from F, RD, and RI to R-12,500 and HI; and

- add 7.8 acres to the south of the UGA and redesignate from Rural Residential-10-Resource Transition (RR-10-RT) and Rural Residential-5 (RR-5) to ULDR-3 and rezone the area from RD to R-12,500.
- **LS2 – City of Lake Stevens: No recommendation** [Motion to recommend approval failed 5-4] was made on a proposed expansion of the east boundary of the Lake Stevens UGA and redesignation of 3.42 acres from Rural Residential (RR) and RUTA to UI. The proposal calls for rezoning the subject property from Rural 5-Acre (R-5) zoning to HI. The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is inconsistent with GMA, the MPPs, the CPPs, and the GMACP policies.
- **MALT1 – Vangemert: Recommend Approval** [Motion approved 9-0] of a proposed expansion of the Maltby UGA and redesignation of 10.7 acres from RR to UI. The proposal calls for rezoning the subject property from R-5 zoning to Light Industrial (LI). The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is not fully supported by GMA, the MPPs, the CPPs, and the GMACP policies. The Planning Commission based its recommendation on the public testimony recommending approval.
- **MON2 – Davis-Johnson: No recommendation** [Motion to recommend denial failed 4-5] was made on a proposed expansion of the northern boundary of the Monroe UGA and redesignation of 22 acres from RR and RUTA to Urban Low Density Residential (ULDR). The proposal also calls for rezoning the subject property from R-5 to R-9,600 zoning. The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is inconsistent with GMA, the MPPs, the CPPs, and the GMACP policies.
- **MV2 – Northpoint Development, LLC: Recommend Approval** [Motion approved 6-3] of a proposed expansion of the eastern boundary of the Marysville UGA and redesignation of approximately 183 acres from Rural Residential-10 (RR-10) to UI. The proposal calls for rezoning the subject property from Agriculture-10 Acre (A-10) to LI. The MV2 docket also calls for the following two policy amendments:

Repeal Objective LU 6.D

Designate Rural Residential-10 in those areas outside the Marysville-Arlington Urban Growth Areas east of I-5 to maintain large parcel patterns for small farm and low-density rural uses.

Repeal LU Policy 6.D.1

Provide that the portion of the Rural Residential-10 area bounded on the south by 108th and on the north by the diagonal railroad line be maintained in rural status and specialty agriculture through cluster provisions and specialty agriculture priority.

The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is not fully supported by GMA, the MPPs, the CPPs, and the GMACP policies. The Planning Commission based their recommendation on the public testimony received recommending approval.


- **SW10 – CS Real Estate Development, LLC: Recommend Approval** [Motion approved 9-0] of a proposed redesignation of 14 acres within the Southwest UGA from UI to Urban Center. The proposal calls for rezoning the subject property from LI to Urban Center. The recommendation is based on the findings in the September 11, 2023, PDS staff report.
- **SW12 – Mietzner: Recommend Approval** [Motion approved 9-0] of a proposed amendment to SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for multi-family residential development. The recommendation is based on the findings in the September 11, 2023, PDS staff report.
- **SW14 – Petrie: Recommend Denial** [Motion approved 9-0] of a proposed expansion of the eastern boundary of the Southwest UGA and redesignation of 10.75 acres from RR and RUTA to

Urban Medium Density Residential (UMDR). The proposal calls for rezoning the subject property from R-5 to Low Density Multiple Residential (LDMR). The recommendation is based on the findings in the September 11, 2023, PDS staff report.

- **SW17 – Town of Woodway: Recommend Approval** [Motion approved 9-0] of a proposed expansion 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 (PCB). The recommendation is based on the findings in the September 11, 2023, PDS staff report.

These recommendations were made following the close of the public hearing in October, including written testimony submitted prior to close-of-business on October 31, 2023, and after due consideration of the information presented and is based on the findings and conclusions presented in the numerous staff reports, public comments, and Commission discussion.

Respectfully submitted,


[Robert Larsen \(Jan 16, 2024 18:07 PST\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

Attachments:

Planning Commission Minutes of October 24 and November 14 and 15, 2023

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services



SNOHOMISH COUNTY PLANNING COMMISSION

January 16, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on the 2024 Map Amendments to the Snohomish County Growth Management Act Comprehensive Plan

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendations regarding amendments to the Future Land Use (FLU) Map, zoning, and Municipal Urban Growth Area (MUGA) Map as part of the 2024 Update of the Snohomish County Growth Management Act Comprehensive Plan (GMACP). The Planning Commission had a briefing on the map alternatives on September 12, 2023, and conducted a public hearing on October 24, 2023. Deliberations were held on November 14 and 15, 2023.

There were hundreds of written comments received by the Planning Commission, and 67 members of the public commented at the public hearing. The Planning Commission makes the following recommendations to the Snohomish County Council, which are supported by the information and draft findings in the staff reports dated September 11, 2023, and October 10, 2023, and findings and conclusions after considering testimony and information presented during the public hearing process.

PLANNING COMMISSION RECOMMENDATION

On the first day of deliberations, the Planning Commission made motions about an overall recommended growth alternative, as well as specific County Council-initiated map amendments in motions referred by the County Council for study as part of the 2024 Update, and public docket requests that were part of Final Docket XXI. The Planning Commission recommendations on the Final Docket XXI are detailed in a separate letter.

Future Land Use Alternative: A **motion** was made by Commissioner Campbell and Seconded by Commissioner Sheldon to recommend Alternative 2 [Approved 6-3]. Alternative 2 from the Draft Environmental Impact Statement (DEIS) includes the following FLU Map Amendments:

- Urban Core Subarea Plan FLU Map
- Infill review-proposed FLU Map amendments within the High Capacity Transit Communities regional geography
- Several proposals from Final Docket XXI
- One County Council-initiated Urban Growth Area (UGA) expansion
- Minor technical amendments

Alternative 2 also includes implementing zoning amendments and amendments to the MUGA map consistent with the changes to the Southwest UGA boundary. It is a medium growth alternative that is

generally consistent with the adopted initial 2044 growth targets developed by Snohomish County Tomorrow and adopted by the County Council in the Countywide Planning Policies.

Note that the recommendations on the following specific County Council-initiated map amendments and the individual Final Docket XXI requests may modify the Alternative 2 FLU Map, zoning, MUGA Map, and growth targets to form the Planning Commission recommended alternative.

County Council Motion No. 22-090 Referring a Proposed Expansion of the Southwest UGA: No recommendation was made on a proposed expansion of the east boundary of the Southwest UGA to add 789 acres generally using the Puget Sound Power & Light/Olympic Pipeline utility corridor as an eastern boundary for a variety of residential and Public/Institutional Use (P/IU) FLU designations, with implementing zoning. A motion was made by Commissioner Ash recommending adoption of Motion No. 22-090 and was seconded by Commissioner Brown [Motion failed 5-4]. Motion No. 22-090 was not included in Alternative 2 analyzed within the DEIS.

County Council Motion No. 22-095 Referring a Proposed Expansion of the Lake Stevens UGA: No recommendation was made on a proposed expansion of the Lake Stevens UGA to add 313.5 acres in three areas to the west, south, and east of the existing UGA boundary for Urban Low Density Residential (ULDR), Urban Commercial, and P/IU uses with implementing zoning. A motion to recommend approval of Motion No. 22-095 was made by Commissioner Sheldon and was seconded by Commissioner Ash [Motion failed 5-4]. Motion No. 22-095 was not included in Alternative 2 analyzed within the DEIS.

County Council Motion No. 22-098 Referring a Proposed Expansion of the Maltby UGA: Recommend Approval of a proposed expansion of the Maltby UGA to add a total of 255 acres plus additional right-of-way in three areas northwest, southeast, and a small amendment west of the existing UGA for P/IU, Urban Industrial (UI) and Urban Commercial uses with implementing zoning. A motion recommending approval for Motion No. 22-098 was made by Commissioner Ash and was seconded by Commissioner Niemela [Approved 9-0]. Motion No. 22-098 was not included in Alternative 2 analyzed within the DEIS, so this represents a modification to Alternative 2 for the Planning Commission recommended alternative. The Planning Commission's recommendation was based on public testimony.

County Council Motion No. 22-099 Referring a Proposed Expansion of the Monroe UGA: No recommendation was made on a proposed expansion to the northwestern part of Monroe UGA by 68 acres between US-2 and Roosevelt Rd with redesignation on the FLU Map from Rural Residential (RR) and Rural/Urban Transition Area (RUTA) overlay to ULDR, with implementing zoning. A motion to recommend approval of Motion No. 22-099 was made by Commissioner Sheldon and was seconded by Commissioner Sievers [Motion failed 5-4]. Motion No. 22-099 was not included in Alternative 2 analyzed within the DEIS.

County Council Motion No. 22-134 Referring a Proposed Expansion of the Southwest UGA: Recommend Approval as Amended of a proposed expansion of the Southwest UGA in the proximity of Maltby Rd and 43rd Ave SE. The original proposal was to expand the UGA by approximately 300 acres and redesignate it to Urban Medium Density Residential (UMDR) and P/IU FLU designations with Low Density Multiple Residential (LDMR) and R-9,600 zoning. A motion to amend the main motion was made by Commissioner Busted to include all areas with R-5 zoning north of 215th to Maltby Road be included from Motion No. 22-090 and was seconded by Commissioner Sheldon [Approved 7-2]. A motion to recommend approval of Motion No. 22-134 was made by Commissioner Sheldon and was seconded by Commissioner Ash [Approved 8-1]. Motion No. 22-134 was included in Alternative 2 analyzed within the DEIS, and the amended area represents a modification to Alternative 2 for the Planning Commission recommended alternative. The Planning Commission's recommendation was based on the staff reports dated September 11, 2023, and October 10, 2023, and public testimony.


Final Docket XXI: A separate letter was prepared detailing the recommendations on each of the Final Docket XXI proposals. The following docket requests were recommended for approval and included in the Planning Commission recommended alternative:

- MALT1 – Vangemert (this was not included in Alternative 2)
- MV2 – Northpoint Development, LLC (this was not included in Alternative 2)
- SW10 – CS Real Estate Development, LLC (this was not included in Alternative 2)
- SW12 – Mietzner
- SW17 – Town of Woodway

Docket DR1 – Town of Darrington was not recommended for approval and was included in Alternative 2, so that is a modification for the Planning Commission recommended alternative. The Planning Commission did recommend that the Town continue to work with the County to develop a proposal that can be approved. No recommendations were made on the LS2 – City of Lake Stevens and the MON2 – Davis-Johnson proposals, both of which were not included in Alternative 2. The Planning Commission recommended denial for the SW14 – Petrie docket proposal, which was not included in Alternative 2.

These recommendations were made following the close of the public hearing in October, including written testimony received by October 31, 2023, and after due consideration of the information presented and is based on the findings and conclusions presented in the staff reports, public comments, and Commission discussion.

Respectfully submitted,


Robert Larsen (Jan 16, 2024 18:20 PST)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

Attachments:

Planning Commission Minutes of October 24 and November 14 and 15, 2023

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services



SNOHOMISH COUNTY PLANNING COMMISSION

January 16, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission Recommendation on the Elements of the Snohomish County Growth Management Act Comprehensive Plan

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendations regarding the Elements of the Snohomish County Growth Management Act Comprehensive Plan (GMACP). The Planning Commission had briefings on each element of the GMACP from March 28, 2023, through September 26, 2023, and conducted a public hearing on October 24, 2023. Deliberations were held on November 14 and 15, 2023.

The recommendation includes three new elements, four repeal and replacements for elements and the Introduction, and amendments to the remaining six elements.

There were hundreds of written comments received by the Planning Commission, and 67 members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

On the second day of deliberations, the Planning Commission made motions about each of the 12 GMACP elements, the introduction and appendices, and a final motion to instruct staff to compile all amendments into one document and make housekeeping updates as necessary. The elements, proposed amendments, findings for amendments, and votes are listed below:

Transportation Element: Commissioner Campbell moved to recommend approval, seconded by Commissioner Sheldon. Approved 7-0 with one amendment

- Amendment moved by Commissioner Sheldon, seconded by Campbell (Approved 6-1 with Niemela opposed): Add a policy to review the road safety plan including speed limits using TR policy 2.B.3 to be reviewed every two years.
- Amendment Finding: Commissioners have witnessed reckless driving, and this policy could help implement positive change. Additionally reducing speed limits, can reduce the use of gas and be an aid to climate change resiliency.

Park and Recreation Element: Commissioner Sheldon moved to recommend approval, and Commissioner Campbell seconded. Approved 8-0.

Capital Facilities and Utilities Element: Commissioner Campbell moved to recommend approval, and Commissioner Ash seconded. Approved 8-0.

Population and Employment Element: Commissioner Sheldon moved to recommend approval, and Commissioner Campbell seconded. Approved 8-0.

Economic Development Element: Commissioner Sheldon moved to recommend approval, Commissioner Ash seconded. Approved 8-0.

Interjurisdictional Coordination Element: Commissioner Sheldon moved to recommend approval, seconded by Commissioner Brown. Approved 8-0.

Land Use Element: Commissioner Sheldon moved to recommend approval, Commissioner Brown seconded. Approved 8-0 with two amendments:

- Amendment moved by Commissioner Campbell and seconded by Commissioner Brown: Add a policy to conduct a comprehensive review of designated forest and agricultural lands of long-term significance. The review shall identify important parcels of forest and agricultural lands and downzone those parcels that qualify in the property tax codes for such purposes and to reduce the likelihood that these lands will be converted to housing and rural clusters. The review should also recommend measures to reduce the conversion of these lands to non-forest and non-agricultural uses.
- Amendment Finding: The county has lost tremendous agricultural and forest lands since 1990s and the agricultural and forest land designations of long-term commercial significance create an avenue for the preservation of the resource lands.
- Amendment moved by Commissioner Campbell and seconded by Commissioner Busted: Repeal the provision in 14.A.8(d) that exempts properties designated or zoned for single family residential and townhouse unit lot subdivisions from TDR receiving areas.
- Amendment Finding: TDR is an important component to preserve working farms and forest lands and removing single family exceptions from becoming a receiving area would conserve more working lands.
- A third amendment is included within the recommended approval for docket MV2 described in the Planning Commission Recommendation Letter from day one of deliberations.

Housing Element: Commissioner Sheldon moved to recommend approval, Commissioner Campbell seconded. Approved 8-0 with one amendment:

- Amendment moved by Commissioner Campbell and seconded by Commissioner Sheldon: Add a policy Snohomish County to develop an incentive driven inclusionary housing and zoning policy in areas of multi-family housing to encourage that a mix of housing is created in areas of infill development and public transit.
- Amendment Finding: There is no affordable housing in SWUGA, and this will provide a strong tool to help create it and meet goals.

Natural Environment Element: Commissioner Campbell moved to recommend approval, Commissioner Ash seconded. Approved 8-0.

Climate Change and Resiliency Element: Commissioner Sheldon moved to recommend approval, Commissioner Campbell seconded. Approved 8-0.

Urban Core Subarea Plan: Commissioner Campbell moved to recommend approval, Commissioner Sheldon seconded. Approved 8-0.

Tribal Coordination Element: Commissioner Sheldon moved to recommend approval, Commissioner Brown seconded. Approved 8-0 with two amendments:

- Amendment moved by Commissioner Sheldon and seconded by Commissioner Campbell: Add a policy to encourage future discussion of tribal jurisdiction on tidal lands within the reservation boundaries and refer to applicable tribal law.


- Amendment Finding: The recommended approval of docket SW17 docket on day 1 of deliberations, adjusted the UGA to include the pier and water. This amendment would discuss a similar extension of Tribal jurisdiction into tidelands.
- Amendment moved by Commissioner Sheldon and seconded by Commissioner Campbell: Add a policy to encourage future discussion of Tribal jurisdiction over waters, including groundwater, surface water and public water distribution systems “within” the reservation boundaries and refer to applicable tribal law and policy over such waters.
- Amendment Finding: The discussion and approval of the amendment related to tribal jurisdiction on tidal lands within the reservation boundaries led to further discussion about protecting tribal sovereign and treaty rights. This amendment would discuss future engagement with tribal planning partners on the topic of water and water rights in service of this concept.

Introduction and Appendices: Commissioner Campbell moved to recommend approval, Commissioner Brown seconded. Approved 8-0.

Final Motion: Instruct staff to compile all of Planning Commission amendments into final documents and 1) adjust comprehensive plan elements to match our recommended land use alternative, and 2) make necessary changes to ensure internal consistency between individual elements. Approved 8-0.

These recommendations were made following the close of the public hearing in October after due consideration of the information presented and are based on the findings and conclusions presented in the numerous element staff reports, public comments, and Commission discussion.

Respectfully submitted,


Robert Larsen (Jan 18, 2024 19:41 PST)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services



**Snohomish County
Planning and Development Services**

MEMORANDUM

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

TO: Snohomish County Planning Commission

FROM: Frank Slusser, Senior Planner

Dave Somers
County Executive

SUBJECT: Final Docket XXI PDS Staff Recommendation – Mike Mietzner (SW12)

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 2024 Update of the Snohomish County Growth Management Act (GMA) Comprehensive Plan and Final Docket XXI that includes a proposal by Mike Mietzner (SW12) to amend the Snohomish County Development Code – Title 30 to expand the area where increased height limits apply for multifamily development.

The SW12 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 SW10 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 SW12 code amendment proposal would substantially change land capacity 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.

Please note that this review is based on a refined understanding of the intent of the application that the request would only affect height limits, not allowable densities or expansion of the transfer of development rights (TDR) receiving area, and therefore the analysis and findings differ from the initial evaluation.

SUMMARY OF PROPOSAL:

The SW12 docket proposal is a proposed code amendment that would apply to 497 acres of land, much of which currently has zoning that allows multifamily development, within the unincorporated Southwest Urban Growth Area (UGA). The proposal calls for an amendment to Section 30.23.040(14) of the Snohomish County Code (SCC) to expand the area east of State Route (SR) 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2000 feet, where increased maximum height

limits apply for multi-family residential development. SCC 30.23.040(14) is a reference note to the bulk matrices in the development code. The proposed revision to SCC 30.23.040(14) is shown below:

(14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site within 2,000 feet of the western edge of the right-of-way of State Route 99 or within ~~((800))~~ 2,000 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525. Subject to the requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99 and the site is east of State Route 525.

The affected zones currently have height limits ranging from 35 feet to 45 feet, and the proposal would increase the height limit to 75 feet.

Expanding the eligible area to 2,000 feet for an increased maximum height for multi-family density on the east side of SR 99 right-of-way would be consistent with the current 2,000 feet on the west side of the SR 99 right-of-way that is eligible for an increased maximum multi-family density.

The proposed code amendment would affect an area east of SR 99; north of SR 525; south of Everett Mall Way; and west of Lake Stickney, Manor Way, and 8th Ave W. The code amendment proposal area contains single-family, townhouse, and multiple family residential development and mobile home parks. Adjacent uses to the North are retail and multifamily residential development, to the east is single-family and multifamily residential development and Lake Stickney Park, to the west is commercial development, multifamily development, and mobile home parks, and to the South is single-family and multifamily residential development. Existing future land use designations are Urban Commercial (UC), Urban Medium Density Residential (UMDR), Urban High Density Residential (UHDR), Urban Center, Urban Village (UV), and Public/Institutional Use (P/IU).

Adjacent future land uses are retail and multifamily residential development to the North, single-family and multi-family residential development and Lake Stickney Park to the East, commercial development, multi-family development, and mobile home parks to the West, and single-family and multi-family residential development to the South. Adjacent future land use designations are UC, UMDR, UHDR, Urban Center, UV, and P/IU.

The existing zones are Multiple Residential (MR), Low Density Multiple Residential (LDMR), R-7,200, Mobile Home Park (MHP), Planned Community Business (PCB), Neighborhood Business (NB), and Urban Center (UC). The adjacent zones are the City of Everett to the North, UC, R-7,200, MHP, LDMR, MR, PCB, Community Business (CB) to the West, R-7,200, R-9,600, Townhouse (T), MR, LDMR, NB, PCB, MHP, and Rural Conservation (RC) to the East and, CB and MR to the South.

The code amendment proposal area contains moderate slopes that drain to the east and south. The majority of the area is developed with several connecting forested open space stream corridors.

Within the code amendment proposal area, there are several fish and non-fish bearing streams that drain into Swamp Creek, which contains salmon spawning habitat. Swamp Creek flows southward through most of the proposed code amendment area. There is a pond and several wetlands that connect to Swamp Creek within the proposal area. Lake Stickney, with a large associated wetland, is located just east of the proposal area.

Primary access to the code amendment proposal area is provided by several roads which intersect with SR 99 (a principal arterial) to the west including 112th St SW (minor arterial); 128th St SW (principal arterial); Gibson Rd (minor collector); and 148th SW (major collector). Access is also provided by

Admiralty Way and Manor Way, both local roads, which run north-south. SR 525, south of the site provides regional access to this area via SR 99.

Water and sewer service is provided to the proposal area by both the Alderwood Water and Wastewater District (south two thirds of the area) and the Mukilteo Water and Wastewater District (north one-third). Fire service to the entire area is provided by South Snohomish County Fire and Rescue Regional Fire Authority.

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.

Yes. This proposal maintains consistency with other elements and is also consistent with the Urban Core Subarea Plan Element that is proposed for the 2024 Update. The SW12 code amendment request is consistent with policy direction in that proposal that would apply throughout the Urban Core Subarea.

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.

Yes. This proposal is supported by all elements of the comprehensive plan as adopted, and as proposed for the 2024 Update. The proposal does not affect the allowable densities of development that have already been planned for in the adopted elements. It would also support housing development at densities planned under the proposed Urban Core Subarea Plan and elements prepared consistent with that subarea plan for the 2024 Update.

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.

Yes. This proposal more closely meets the goals, objectives, and policies of the GMA comprehensive plan than the existing code provision. The following two policies in particular support the proposal (note that LU Policy 2.B.3 is shown with amendments proposed as part of the 2024 Update):

LU 2.B.2 The county shall encourage, and may require, higher minimum densities within designated urban centers, urban villages, and along connecting transit emphasis corridors to support planned transit service.

*LU 2.B.3 Through corridor-based planning, the county shall identify opportunities for mixed use and medium and high density residential development (including housing for the elderly and ~~(disabled)~~ **people with disabilities**). These uses shall be encouraged to locate within walking distance of transit facilities, particularly along transit emphasis corridors, and, where possible, in close proximity to medical facilities, urban centers, parks, and recreational amenities. **Corridor planning should also help identify those locations where higher densities and mixed uses can best support transit and non-motorized access.***

The SW12 proposal would encourage multifamily development within a half-mile of a high-capacity transit corridor.

While the SW12 proposal does not increase allowable densities, it encourages multifamily development by increasing flexibility for developing multifamily on sites where it may otherwise be difficult to develop multifamily by reducing the necessary footprint. This is important for projects that may be infill among existing urban development or may be impacted by critical areas.

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

The SW12 proposal is consistent with the following CPPs:

CPP DP-11: The County and cities should revise development regulations and incentives, as appropriate, to encourage higher residential densities and greater employment concentrations in Urban Growth Areas.

The SW12 proposal would support multifamily residential development with nearby BRT service providing access to employment opportunities at the nearby Paine Field Manufacturing/Industrial Center, the Lynnwood Regional Growth Center, and along the SR 99 commercial and urban center corridor.

Criterion “e”: The proposed amendment complies with the GMA.

Yes. The proposal is consistent with and furthers the following GMA planning goals:

RCW 36.70A.020(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

RCW 36.70A.020(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposed code amendments are supportive of the goals of encouraging development in urban areas with adequate public facilities and services and reducing sprawl. The area affected by the proposed code amendments is located within the region’s urban core and is already serviced by a full array of urban facilities and services with sufficient existing and planned capacity to accommodate additional growth at adopted level of service standards.

RCW 36.70A.020(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

The proposed code amendments are supportive of the goal of encouraging efficient multimodal transportation systems. The area affected by the proposed code amendments connects directly to the region’s high capacity transit lines via SR 99 and 128th St. SW which provide bus rapid transit service. The proposal area is also near the planned and funded extension of the region’s light rail system and the area is located next to mixed-use areas with many destinations accessible for pedestrians and bicyclists.

RCW 36.70A.020(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed code amendments are supportive of the goal of encouraging the availability of affordable housing to all economic segments of the population and promoting a variety of residential densities and housing types. The proposed code amendments would support the addition of housing supply for multiple economic segments, including apartments and condominiums that can be built and maintained at a lower cost through economies of scale and more efficient use of land, utilities, maintenance, and transportation. The code amendments may encourage redevelopment that replaces existing housing

stock with new buildings, but the overall effect on housing availability and affordability is expected to be positive.

RCW 36.70A.020(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed code amendments are supportive of the goal of encouraging economic development and promoting economic opportunity for all citizens. The proposed code amendments would facilitate the addition of affordable housing supply in areas with broad access to employment opportunities at the nearby Paine Field Manufacturing/Industrial Center, the Lynnwood Regional Growth Center, and along the SR 99 commercial and urban center corridor.

RCW 36.70A.020(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed code amendments are supportive of the goals of protecting the environment, retaining open space, and conserving fish and wildlife habitat. The proposed code amendments would facilitate the efficient use of land and reduce the need to convert open space, rural areas, and fish and wildlife habitat to housing and related infrastructure, would encourage the construction of housing types that use less energy for heating and cooling, and would provide transportation-efficient housing opportunities that reduce air and water pollution including greenhouse gas emissions.

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 SW12 proposal is consistent with the following Vision 2050 MPPs:

MPP-RGS-6: Encourage efficient use of urban land by optimizing the development potential of existing urban lands and increasing density in the urban growth area in locations consistent with the Regional Growth Strategy.

The SW12 proposal would help optimize the urban residential development potential of this portion of the Southwest UGA. The proposal would encourage more compact and efficient urban development which reduces demand on public facilities and services.

MPP-H-2: Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

MPP-H-7: Expand the supply and range of housing at densities to maximize the benefits of transit investments, including affordable units, in growth centers and station areas throughout the region.

MPP-H-8: Promote the development and preservation of long-term affordable housing options in walking distance to transit by implementing zoning regulations, and incentives.

The SW12 proposal would support expanded housing supply for multiple economic segments, including apartments and condominiums that can be built and maintained at a lower cost through economies of scale and more efficient use of land, utilities, maintenance, and transportation. The SW12 proposal would provide more opportunities for multi-family residential development that would support high-capacity transit service located within one-quarter mile walking distance from the proposal area.

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.

Yes. This area is part of the Urban Core Subarea Plan Element that is proposed for the 2024 Update. The SW12 code amendment request is consistent with policy direction in that proposal that would apply throughout the Urban Core Subarea.

The following table summarizes the results of the PDS final docket evaluation of SW12:

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

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 SW12 proposal.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed GMACP 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 SW12 proposal to amend Section 30.23.040(14) of the Snohomish County Code (SCC) to expand the area in which maximum height limits of 75 feet apply for multi-family residential development **BE APPROVED**.

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing, consider the proposed SW12 amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the SW12 amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposal with appropriate findings.

ATTACHMENTS

Attachment A: SW12 Proposed Code Amendment

Attachment B: SW12 Proposed Findings

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

ATTACHMENT A

Proposed Code Amendment

SCC 30.23.040 (14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within ~~((800))~~ 2,000 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525. Subject to the requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99 and the site is east of State Route 525.

ATTACHMENT B

FINDINGS

1. The SW12 docket proposal amends Section 30.23.040(14) of the Snohomish County Code (SCC) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2000 feet, in which maximum height limits of 75 feet apply for multi-family residential development
2. The SW12 proposal furthers the Growth Management Act (GMA) goals in RCW 36.70A.020 by encouraging multifamily development within the existing boundaries of the Southwest UGA along a corridor that is served by high-capacity transit.
3. The SW12 proposal is consistent with the Multicounty Planning Policies (MPP), including RGS-6, HO-2, HO-7, and HO-8 by encouraging multifamily development within the existing boundaries of the Southwest UGA along a corridor that is served by high-capacity transit.
4. The SW12 proposal is consistent with the Countywide Planning Policies (CPP) DP-11 by encouraging multifamily development within the existing boundaries of the Southwest UGA along a corridor that is served by high-capacity transit.
5. The SW12 proposal is consistent with the Snohomish County GMA Comprehensive Plan policies LU 2.B.2 and 2.B.3 by encouraging multifamily development along a corridor that is served by high-capacity transit.



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

January 16, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on Final Docket XXI

Snohomish County Council,

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendations regarding the Final Docket XXI proposed amendments to the Snohomish County Growth Management Act Comprehensive Plan (GMACP) policies and Future Land Use (FLU) Map, zoning, and Snohomish County Code (SCC). The Planning Commission had briefings on the Final Docket XXI proposals on September 12, 2023, and conducted a public hearing on October 24, 2023. Deliberations were held on November 14 and 15, 2023.

Consistent with the requirements for processing of the final docket in SCC 30.74.060, the Planning Commission makes the following recommendations to the Snohomish County Council, which are supported by findings of facts and conclusions after considering testimony and information presented during the public hearing process.

PLANNING COMMISSION RECOMMENDATIONS

- **DR1 – Town of Darrington:** A motion was made by Commissioner Campbell recommending the Town of Darrington continue to work with County staff on a docket application that can meet final approval criteria [Motion approved 9-0.] The recommendation is based on the findings in the September 11, 2023, PDS staff report and public testimony that the proposal as studied for the Draft Environmental Impact Statement (DEIS) and evaluated for the staff recommendation is inconsistent with the Growth Management Act (GMA), the Multicounty Planning Policies (MPPs), the Countywide Planning Policies (CPPs), and the Snohomish County GMACP policies and should be denied. The DR1 docket as evaluated is a proposal to amend the FLU Map of the Snohomish County GMACP to:
 - remove 262 acres from the western part of the Urban Growth Area (UGA) and redesignate from Urban Low Density Residential-3 (ULDR-3), Urban Industrial (UI), and Public/Institutional Use (P/IU) to Rural Residential-Rural Diversification (RR-RD), Commercial Forest-Forest Transition Area (CF-FTA), and Rural Industrial (RI), and rezone the area from Heavy Industrial (HI) and R-12,500 to Rural Diversification (RD), Forestry (F), and Rural Industrial (RI);
 - add 160 acres to the north of the UGA and redesignate from Low Density Rural Residential (LDRR), CF-FTA, RI, and RR-RD and Rural/Urban Transition Area (RUTA) overlay to P/IU, UI, and ULDR-3, and rezone the area from F, RD, and RI to R-12,500 and HI; and

- add 7.8 acres to the south of the UGA and redesignate from Rural Residential-10-Resource Transition (RR-10-RT) and Rural Residential-5 (RR-5) to ULDR-3 and rezone the area from RD to R-12,500.
- **LS2 – City of Lake Stevens: No recommendation** [Motion to recommend approval failed 5-4] was made on a proposed expansion of the east boundary of the Lake Stevens UGA and redesignation of 3.42 acres from Rural Residential (RR) and RUTA to UI. The proposal calls for rezoning the subject property from Rural 5-Acre (R-5) zoning to HI. The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is inconsistent with GMA, the MPPs, the CPPs, and the GMACP policies.
- **MALT1 – Vangemert: Recommend Approval** [Motion approved 9-0] of a proposed expansion of the Maltby UGA and redesignation of 10.7 acres from RR to UI. The proposal calls for rezoning the subject property from R-5 zoning to Light Industrial (LI). The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is not fully supported by GMA, the MPPs, the CPPs, and the GMACP policies. The Planning Commission based its recommendation on the public testimony recommending approval.
- **MON2 – Davis-Johnson: No recommendation** [Motion to recommend denial failed 4-5] was made on a proposed expansion of the northern boundary of the Monroe UGA and redesignation of 22 acres from RR and RUTA to Urban Low Density Residential (ULDR). The proposal also calls for rezoning the subject property from R-5 to R-9,600 zoning. The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is inconsistent with GMA, the MPPs, the CPPs, and the GMACP policies.
- **MV2 – Northpoint Development, LLC: Recommend Approval** [Motion approved 6-3] of a proposed expansion of the eastern boundary of the Marysville UGA and redesignation of approximately 183 acres from Rural Residential-10 (RR-10) to UI. The proposal calls for rezoning the subject property from Agriculture-10 Acre (A-10) to LI. The MV2 docket also calls for the following two policy amendments:

Repeal Objective LU 6.D

Designate Rural Residential-10 in those areas outside the Marysville-Arlington Urban Growth Areas east of I-5 to maintain large parcel patterns for small farm and low-density rural uses.

Repeal LU Policy 6.D.1

Provide that the portion of the Rural Residential-10 area bounded on the south by 108th and on the north by the diagonal railroad line be maintained in rural status and specialty agriculture through cluster provisions and specialty agriculture priority.

The Planning Commission considered the findings in the September 11, 2023, PDS staff report that the proposal is not fully supported by GMA, the MPPs, the CPPs, and the GMACP policies. The Planning Commission based their recommendation on the public testimony received recommending approval.


- **SW10 – CS Real Estate Development, LLC: Recommend Approval** [Motion approved 9-0] of a proposed redesignation of 14 acres within the Southwest UGA from UI to Urban Center. The proposal calls for rezoning the subject property from LI to Urban Center. The recommendation is based on the findings in the September 11, 2023, PDS staff report.
- **SW12 – Mietzner: Recommend Approval** [Motion approved 9-0] of a proposed amendment to SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for multi-family residential development. The recommendation is based on the findings in the September 11, 2023, PDS staff report.
- **SW14 – Petrie: Recommend Denial** [Motion approved 9-0] of a proposed expansion of the eastern boundary of the Southwest UGA and redesignation of 10.75 acres from RR and RUTA to

Urban Medium Density Residential (UMDR). The proposal calls for rezoning the subject property from R-5 to Low Density Multiple Residential (LDMR). The recommendation is based on the findings in the September 11, 2023, PDS staff report.

- **SW17 – Town of Woodway: Recommend Approval** [Motion approved 9-0] of a proposed expansion 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 (PCB). The recommendation is based on the findings in the September 11, 2023, PDS staff report.

These recommendations were made following the close of the public hearing in October, including written testimony submitted prior to close-of-business on October 31, 2023, and after due consideration of the information presented and is based on the findings and conclusions presented in the numerous staff reports, public comments, and Commission discussion.

Respectfully submitted,


[Robert Larsen \(Jan 16, 2024 18:07 PST\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

Attachments:

Planning Commission Minutes of October 24 and November 14 and 15, 2023

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services



Snohomish County

Planning Commission

Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201

Clerk Email: Taylor.Twiford@snoco.org

REGULAR SESSION
OCTOBER 24, 2023
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:32 p.m.

Of the eleven (11) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present	Commissioners Absent
Kimberly Busteed	Merle Ash
Christine Eck	Angie Sievers
Robert Larsen	Neil Pedersen
Mark James	
Ray Sheldon	
Rosanna Brown	
Tom Campbell	
Karl Niemela	

David Killingstad, Planning and Development Services Manager, served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

C. APPROVAL OF MINUTES

The minutes of [September 26, 2023](#) were unanimously approved.

D. UNFINISHED BUSINESS

1. Comprehensive Plan Update: Hearing

David Killingstad, Long Range Planning Manager, David.Killingstad@snoco.org



Snohomish County
Planning Commission
Planning and Development Services

Long Range Planning Division Staff
Department of Public Works Staff
Department of Conservation and Natural Resources Staff

The Planning Commission held a public hearing on the proposed update to the Snohomish County Comprehensive Plan in compliance with Growth Management Act requirements in RCW 36.70A.130(3) to review and update, as needed, the county's Urban Growth Areas. Comprehensive plan documents with proposed updates include the Introduction, Population and Employment Element, Land Use Element, Housing Element, Natural Environment Element (including County Council Motion No. 22-096 Urban Tree Canopy Policies), Transportation Element, Parks and Recreation Element, Capital Facilities and Utilities Element (including County Council Motion No. 22-097 Broadband Policies, Economic Development Element, Interjurisdictional Coordination Element and Future Land Use Map, Zoning Map. In addition, new elements for Climate Change and Resiliency, Tribal Coordination, and the Urban Core Subarea Plan. Public comments will be accepted on the proposed amendments to the comprehensive plan documents.

For more information see:

- [Planning Commission Element Briefings Planning Commission Briefings](#)
- [Staff Memorandum dated September 12, 2023](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)
- [Future Land Use, Zoning, and Municipal Urban Growth Area Map Alternatives Memo dated October 10, 2023](#)
- [Tribal Coordination Element Changes Memo dated October 9, 2023](#)
- [Public Comments submitted as of October 9, 2023](#)

Final Docket XXI

Frank Slusser, PDS Senior Planner, Frank.Slusser@snoco.org

Final Docket XXI consists of seven proposals to amend the Future Land Use (FLU) Map of the General Policy Plan that will revise Urban Growth Area boundaries and may change urban and rural plan designations. The proposals may also include amendments to the official zoning map to implement proposed FLU map amendments. One proposal would amend the future land use map from Urban Industrial to Urban Center and another proposal would amend Title 30 SCC development regulations related to building height. Final Docket XXI is being publicly reviewed and considered for final action in conjunction with the 2024 GMA Comprehensive Plan Update.

For more information see:

City of Darrington (DR1)

- [DR1 – PDS Staff Recommendation](#)

City of Lake Stevens No. 2 (LS2)

- [LS2 – PDS Staff Recommendation](#)

Vangemert (MALT1)

- [MALT – PDS Staff Recommendation](#)



Davis-Johnson (MON1)

- [MON1 – PDS Staff Recommendation](#)

Northpointe Development, LLC (MV2)

- [MV2 – PDS Staff Recommendation](#)

CS Real Estate Development, LLC (SW10)

- [SW10 – PDS Staff Recommendation](#)

Mietzner (SW12)

- [SW12 – PDS Staff Recommendation](#)

Petrie (SW14)

- [SW14 – PDS Staff Recommendation](#)

Town of Woodway (SW17)

- [SW17 – PDS Staff Recommendation](#)

County Council Motions

Frank Slusser, PDS Senior Planner, Frank.Slusser@snoco.org

County Council motions consist of five proposals to amend the Future Land Use (FLU) Map of the General Policy Plan that will revise Urban Growth Area boundaries and may change urban and rural plan designations. The proposals may also include amendments to the official zoning map to implement proposed FLU map amendments. The County Council motions are being publicly reviewed and considered for final action in conjunction with the 2024 GMA Comprehensive Plan Update.

For more information see:

Motion No. 22-090 Referring a Proposed Expansion of the Southwest UGA

- [Motion No. 22-090](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

Motion No. 22-095 Referring a Proposed Expansion of the Lake Stevens UGA

- [Motion No. 22-095](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

Motion No. 22-098 Referring a Proposed Expansion of the Maltby UGA

- [Motion No. 22-098](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

Amended Motion No. 22-099 Referring a Proposed Expansion of the Monroe UGA

- [Motion No. 22-099](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

Motion No. 22-123 Referring a Proposed Expansion of the Southwest UGA



- [Motion No. 22-134](#)
- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

Commissioner Larsen opened the **Public Hearing at 5:37**. for the proposed updates, proposals, and amendments.

Three hundred and fifty-one (351) written comments were received by the Planning Commission from the public before the public hearing. Forty-one (41) members of the public commented in person at the public hearing and nineteen (19) members of the public commented virtually.

Of the sixty (60) members of the public that spoke, thirty (30) of them directly asked the Commission to support the Urban Tree Canopy Policies citing the benefit of trees for protecting the environment and mitigating the impacts from climate change as well as improving quality of life.

Thirty-one (31) members of the public spoke on rezoning and expansions. Fifteen (15) commented directly on the proposed Alternatives with ten (10) giving their support to Alternative 2 or Alternative 3 and five (5) members opposing.

Prior to closing the hearing, the Commission voted with unanimous approval to keep the written record open until 5:00 p.m. on October 31, 2023.

The Public Hearing was closed at 8:32 p.m.

Note: In between taking in-person testimony and virtual testimony, the Commission took a ten (10) minute break from 7:22 p.m. to 7:32 p.m.

E. ADJOURN

A **Motion** to adjourn was made by Commissioner Campbell and seconded by Commissioner Sheldon.

The meeting adjourned at 8:41 pm.

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Taylor Twiford, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Taylor.Twiford@snoco.org.



Snohomish County

Planning Commission

Planning and Development Services

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Developmental Services, Reception Desk, 2nd Floor, County Administration Building East, 3000 Rockefeller Avenue, Everett, WA 98201 or email at Taylor.Twiford@snoco.org.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD.

Snohomish County Planning Commissioners:

Merle Ash, District 1

Mark James, District 1

Kimberly Busteded, District 2

Raymond Sheldon, Jr., District 2

Robert Larsen, District 3

Christine Eck, District 3

Tom Campbell, District 4

Neil Pedersen, District 4

Rosanna Brown, District 5

Karl Niemela, District 5

Angie Sievers, Executive Appointee

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary

Taylor Twiford, Commission Clerk



Snohomish County

Planning Commission

Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201

Clerk Email: Taylor.Twiford@snoco.org

REGULAR SESSION
NOVEMBER 14, 2023
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:30 p.m.

Of the ten (10) currently appointed commissioners, nine (9) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present

Kimberly Busteed
Robert Larsen
Ray Sheldon
Rosanna Brown
Tom Campbell
Karl Niemela
Merle Ash
Angie Sievers
Mark James

Commissioners Absent

Neil Pedersen

David Killingstad, Planning and Development Services Manager, served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

Chair Larsen announced that Commissioner Eck won her bid for the Edmond City Council and had to resign her place on the commission due to the meetings being on the same night.

C. APPROVAL OF MINUTES

The minutes of [October 24, 2023](#) were unanimously approved.

D. UNFINISHED BUSINESS

1. Comprehensive Plan Update: Deliberations

David Killingstad, Long Range Planning Manager, David.Killingstad@snoco.org



Long Range Planning Division Staff
Department of Public Works Staff
Department of Conservation and Natural Resources Staff

The Planning Commission deliberated on the proposed amendments to the Snohomish County Comprehensive Plan in compliance with Growth Management Act requirements in RCW 36.70A.130(3) and made several recommendations to the County Council. Recommendations included Future Land Use Map amendments (infill, County Council Motions, Final Docket XXI as well as Zoning).

The public hearing was held on October 24, 2023. Verbal testimony received at that time, as well as written testimony received through 5:00 p.m. on October 31, 2023, was considered during the following deliberation meetings.

David Killingstad began the meeting by giving a brief presentation outlining how the deliberations would proceed and recommended sequence of topics.

- [Roadmap to Recommendations Deliberation Presentation](#)
- a. [Future Land Use Map-Infill Changes \(links from Hearing agenda\)](#)
Frank Slusser gave an overview of the three alternatives. Alternative 2 and alternative 3 both include the urban core subarea plan as a major component accommodating most of the urban growth for the unincorporated area within the area around the future light rail stations. Alternative 2 and 3 have nearly identical proposals for infill within the southwest UGA and those municipal urban growth areas that are part of the high capacity transit communities. The major differences are UGA expansions and docket proposals. Alternative 3 includes all the docket proposals and council initiated UGA expansions as well as for infill, whereas alternative 2 includes only DR1, SW17, and motion 22-134 as UGA changes.

The commission had a discussion around the provided information with Commissioner Ash stating that he would support the staff recommendations for alternative 3 as it seemed more sensible and trying to address issues like housing.

There was also additional discussion on how to make motions for the docket proposals and County initiated motions after voting on the preferred alternative.

A **motion** was made by Commissioner Campbell and Seconded by Commissioner Sheldon to adopt Alternative 2.

Vote (Motion)

6 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon*)

3 Opposed (*Ash, James, Sievers*)

0 Abstention

Motion **PASSED**

For further information, please review the following:

- [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)
- [Future Land Use, Zoning, and Municipal Urban Growth Area Map Alternatives Memo](#)



[dated October 10, 2023](#)

b. County Council Motions (links from Hearing agenda)

i. **Motion No. 22-090 Referring a Proposed Expansion of the Southwest UGA**

This is a proposal to expand the east side of the southwest UGA by 789 acres. The proposal is mostly for urban low density and urban medium density, residential uses with some urban high density by Maltby Road and publicly owned properties would be designated public institutional use. It was studied as part of Alternative 3. This is an area where the capacity increase would be roughly 2,300 population, and it also would include employment. It was also noted that there is a docket proposal (SW14) that overlaps with this proposal.

Prior to making a motion, there was a discussion around a population deficit under Alternative 2 and the urban core subarea as a plan that presents opportunities to develop in a way that is consistent with the significant infrastructure investments that light rail represents and the ability for people to move through the region with access to the light rail.

Commissioner Ash expressed concerns about the cost of living in GMA areas and restrictions and Chair Larsen expressed concerns over budget costs mentioned in the Transportation memo. Vice Chair Campbell expressed an interest in limiting UGA expansions unless they really could be approved citing the predicted deficits and the zoning just not being in place for it along with concerns with roads already being at capacity. Commissioner Sievers had some questions regarding the land and if it was sloped. Commissioner Busted addressed written comments received being against the expansion with a lot of the feedback referring to traffic congestion. Commissioner James expressed concerns over not taking away the option for growth with Commissioner Brown agreeing.

A **motion** was made by Commissioner Ash recommending adoption of motion 22-090 and was seconded by Commissioner Brown.

Vote (Motion)

5 in favor (*Ash, Brown, James, Niemela, Sievers*)

4 Opposed (*Campbell, Busted, Larsen, Sheldon*)

0 Abstention

Motion **FAILED**

For further information, please review the following:

1. [Motion No. 22-090](#)
2. [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

ii. **Motion No. 22-134 Referring a Proposed Expansion of the Southwest UGA**

This proposal was studied under alternative 2 and would redesignate roughly 270 acres from rural to urban medium density residential.

During the discussion, Commissioner Busted put forward a motion to amend



the main motion to include the R-5 zoning south of Maltby Road to be included citing written comments received in favor of being included and wanting to see the expansion and connection of 45th to Maltby Road due to traffic and safety issues. It was also noted that the City of Bothell was against the expansion and that a portion of the area that was discussed to be included in the proposed amended area was not included in the environmental review and that it may require more analysis, so that portion was removed from the amended area.

A motion to approve motion 22-134 was made by Commissioner Sheldon and was seconded by Commissioner Ash.

Vote (Motion)

8 In favor (*Ash, Brown, Busted, James, Larsen, Niemela, Sheldon, Sievers*)

1 Opposed (*Campbell*)

0 Abstention

Motion **PASSED**

A **motion** to amend the main motion was made by Commissioner Busted to include all R-5 zoning north of 215th to Maltby Road be included from motion 22-090 and was seconded by Commissioner Sheldon.

Vote (Motion)

7 In favor (*Ash, Brown, Busted, James, Larsen, Niemela, Sievers*)

2 Opposed (*Campbell, Sheldon*)

0 Abstention

Motion **PASSED**

For further information, please review the following:

1. [Motion No. 22-134](#)
2. [Future Land Use and Zoning Ma Amendments Staff Report dated September 11, 2023](#)

- iii. **Motion No. 22-095 Referring a Proposed Expansion of the Lake Stevens UGA**
This proposal includes three areas of expansion that are in separate parts of the UGA. The first is along Sunnyside Boulevard and would add 216 acres to the West side for the designation of urban low density residential. The second is to the South of State Route 9, an area that has existing commercial and the third is on the east side, an area that includes former Lake Stevens, landfill, and some additional properties that are in between that and the existing UGA boundary and would be an addition of 86 acres south of Fourth Street and west of 130 First Avenue NE for urban low density residential on the properties over here and public institutional use.

Commissioner Ash expressed concerns of Lake Stevens running out of residential land and their need to expand to meet their growth targets and prompted discussion on their motivations. Commissioner Busted referenced written comments that were opposed to this expansion due to critical areas and farming concerns. Commissioner Sheldon had some concerns on the areas and whether they were sensitive areas or not. Ryan Countryman clarified that



the proposed area was not for a school but likely a ball field. Commissioner Sievers referenced a letter from the City of Lake Stevens in favor with Commissioner James agreeing that the mayor and Council know best for their city.

A **motion** was made to approve motion 22-095 was made by Commissioner Sheldon and was seconded by Commissioner Ash.

Vote (Motion)

5 In favor (*Sievers, Niemela, James, Brown, Ash*)

4 Opposed (*Sheldon, Larsen, Campbell, Busted*)

0 Abstention

Motion **FAILED**

A **motion** to amend the main motion to remove Sunnyside Road and include the landfill area and rural business area was made by Commissioner Campbell and seconded by Commissioner Busted.

Vote (Motion)

5 In favor (*Sievers, Sheldon, Larsen, Campbell, Busted*)

4 Opposed (*Niemela, James, Brown, Ash*)

0 Abstention

Motion **FAILED**

For further information, please review the following:

1. [Motion No. 22-095](#)
2. [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

The Commission took a brief break and 7:10 pm and reconvened at 7:20 pm.

iv. Motion No. 22-098 Referring a Proposed Expansion of the Maltby UGA

This proposal contains three separate areas for a total of 255 acres plus additional right of way. Area one is to the northwest of Maltby, the existing Maltby UGA, 142 acres plus additional right of way. Area 2 is to the South and would add 112 acres to the Southeast extending down to the county line. The third area is 0.87 acres west of State Route 9 and would redesignate that to urban industrial. That property already has an overlapping building that goes across the UGA boundary at that location.

Prior to the motions, there was discussion around how many acres would remain if the properties for the school district were excluded and how the 9 million transportation component would be added in. Commissioner Ash requested further clarification on what the designation of the first area was. It's actually 215 acres that are proposed for public/institutional use and 24 acres that would go to industrial uses.

A **motion** recommending approval for motion 22-098 was made by Commissioner Ash and was seconded by Commissioner Niemela.



Vote (motion)

9 In favor (*Ash, Brown, Busteded, Campbell, James, Niemela, Larsen, Sheldon, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

For further information, please review the following:

1. [Motion No. 22-098](#)
2. [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

v. Amended Motion No. 22-099 Referring a Proposed Expansion of the Monroe UGA

This proposal is on the west side of the Monroe UGA, North of US 2, and this would expand the UGA by 68 acres between US 2 and Roosevelt Road. It would be redesignated from rural residential within the rural urban transition area.

There was some discussion regarding the goal and motivation of the expansion as well as growth targets. Commissioner Campbell discussed concerns that the site was problematic.

A **motion** to recommend approval of motion 22-099 was made by Commissioner Sheldon and was seconded by Commissioner Sievers.

Vote (motion)

5 In favor (*Ash, Brown, James, Niemela, Sievers*)

4 Opposed (*Busteded, Campbell, Larsen, Sheldon*)

Motion **FAILED**

For further information, please review the following:

1. [Motion No. 22-099](#)
2. [Future Land Use and Zoning Map Amendments Staff Report dated September 11, 2023](#)

c. Final Docket XXI (links from Hearing agenda)

i. City of Darrington (DR1)

This docket proposal would remove 262 acres to the west of the Darrington UGA and add 160 acres to the north for a mix of uses. The staff recommendation for this proposal is to deny due to it also includes the area within the flood plain which is not allowed under GMA to be included in the urban growth area.

Prior to a motion being made there was discussion about what could be amended on the proposal to get it approved. Commissioner Sheldon did note



that the Sauk-Suiattle Tribe submitted verbal and written testimony against the proposal.

A **motion** was made by Commissioner Campbell recommending the Town of Darrington continue to work with County staff on docket application that can meet final approval and was seconded by Commissioner Ash.

Vote (motion)

9 In favor (*Sievers, Sheldon, Niemela, Larsen, James, Campbell, Busted, Brown, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

1. [DR1 – PDS Staff Recommendation](#)

ii. **City of Lake Stevens No. 2 (LS2)**

This proposal would add 3.4 2 acres to the east part of the UGA boundary for urban industrial use, would add 6 jobs of capacity to the UGA, and was studied under Alternative 3. Staff recommendation is to deny the proposal.

There was discussion around the issues in the proposal including the site being in critical areas within a shoreline designation of Rural conservancy, which is inconsistent with being added to the AGA therefore, less than a third of the site would be developable, but it would help meet shortfall capacity. There was discussion around protections of the wetlands and streams with Commissioner Sheldon expressing concerns that there could be more proactive protections with Commissioner Campbell echoing the statement.

A **motion** was made to approve Lake Stevens LS2 application was made by Commissioner Ash and was seconded by Commissioner James.

Vote (motion)

5 In favor (*Ash, Brown, James, Niemela, Sievers*)

4 Opposed (*Busted, Campbell, larsen, Sheldon*)

0 Abstention

Motion **FAILED**

1. [LS2 – PDS Staff Recommendation](#)

iii. **Vangemert (MALT1)**

This proposal overlaps with Council Motion 22-098 and would add 10.7 acres of urban industrial to the southeast part of the Maltby UGA and was studied under Alternative 3. While it would add 73 jobs to the UGA the staff recommendation is to deny due to Vision 2050 direction to avoid adding additional capacity to urban unincorporated areas.

Commissioner Ash inquired as to what kind of business currently existed on the property which prompted a discussion on demand for recycling of construction



debris. Commissioner Busted also prompted discussion on the differences between this docket proposal and council motion 22-098.

A **motion** to approve MALT1 application was made by Commissioner Busted and was seconded by Commissioner Ash.

Vote (motion)

9 In favor (*Ash, Busted, Brown, Campbell, James, Larsen, Niemela, Sheldon, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

1. [MALT1 – PDS Staff Recommendation](#)

iv. **Davis-Johnson (MON2)**

This proposal would add 22 acres to the north part of the urban growth area boundary for urban low density residential use. The proposed zoning is R-9,600 at this location. The recommendation from staff on this proposal is to deny due to the large excess of residential capacity within the existing Monroe UGA and under the Vision 2050 the direction is to avoid increasing capacity within urban unincorporated areas, regional geography.

A **motion** to deny MON2 application was made by Commissioner Campbell and was seconded by Commissioner Busted.

4 In favor (*Busted, Campbell, Larsen, Sheldon*)

5 Oppose, (*Ash, Brown, James, Niemela, Sievers*)

Motion **FAILED**

1. [MON2 – PDS Staff Recommendation](#)

v. **Northpoint Development, LLC (MV2)**

This proposal would add roughly 183 acres to the east part of the Marysville UGA for urban industrial uses and it would also propose deleting an objective and a policy in the Land Use Element that would remove policy direction to maintain the Rural Residential-10 designation for 1,200 acres. Staff recommendation is to deny.

Commissioner James stated that it seemed to be common sense to add it and let growth happen naturally there. Commissioner Ash stated that both the city of Arlington and city of Marysville have this cascade industrial center and there is a lot of industrial commercial type businesses coming into the area already. Commissioner Busted referenced written comments received that were against the proposal citing multiple fish streams and most of the property looking to be covered in potential wetlands. Commissioner Campbell echoed the sentiment, feeling that this would be adding before it was needed. There was additional discussion around the existing uses on the land. Commissioner James asked for the proposal to be re-summarized and then read into the



Snohomish County
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Planning and Development Services

record a letter from the Community Development Director. Commissioner James also expressed that the decisions should be made locally.

A **motion** was made to deny MV2 was made by Commissioner Sheldon and was seconded by Commissioner Campbell.

Vote (motion)

3 In favor (*Busteed, Campbell, Sheldon*)

6 Opposed (*Ash, Brown, James, Larsen, Niemela, Sievers*)

0 Abstention

Motion **FAILED**

Prior to voting on the second main motion, Commissioner Sheldon expressed concerns for approving this proposal as it would extend beyond the docket proposal by deleting the objective and the policy that is part of the Land Use element.

A **motion** to approve MV2 was made by Commissioner Ash and was seconded by Commissioner Sievers.

6 In favor (*Ash, Brown, James, Larsen, Niemela, Sievers*)

3 Opposed (*Busteed, Campbell, Sheldon*)

0 Abstention

Motion **PASSED**

1. [MV2 – PDS Staff Recommendation](#)

vi. CS Real Estate Development, LLC (SW10)

This proposal would redesignate 14 acres along Bothell Everett Highway from urban industrial to urban center. Staff recommendation is to approve as it does meet the requirement that there is a need for additional capacity within the Mill Creek UGA to accommodate the adopted initial target for the Mill Creek municipal urban growth area.

A **motion** to approve SW10 was made by Commissioner Campbell and seconded by Commissioner Ash.

9 In favor (*Ash, Brown, Busteed, Campbell, James, Niemela, Larsen, Sheldon, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

1. [SW10 – PDS Staff Recommendation](#)

vii. Mietzner (SW12)

This proposal is a proposed code amendment and not a map amendment. The proposal is to change the number 800 to the number 2,000 in the bulk matrix in the development code title 30 of the Snohomish County Code and correct a typo of a missing word in the existing code provision. The effect of this policy is



to expand the area along Highway 99 within the urban core of the southwest UGA where there is an increased maximum height limit for multifamily development.

A **motion** to approve SW12 was made by Commissioner Campbell and was seconded by Commissioner Ash.

9 In favor (*Ash, Brown, Busted, Campbell, James, Larsen, Niemela, Sheldon, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

1. [SW12 – PDS Staff Recommendation](#)

viii. **Petrie (SW14)**

This proposal would add 10.75 acres to the southwest UGA and would redesignate this urban medium density residential with low density multiple residential. The staff recommendation is to deny as directed by Vision 2050 to avoid adding capacity to the urban unincorporated areas.

A **motion** to deny the SW14 application was made by Commissioner Campbell and was seconded by Commissioner Sheldon.

9 In favor (*Ash, Brown, Busted, Campbell, James, Larsen, Niemela, Sheldon, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

1. [SW14 – PDS Staff Recommendation](#)

ix. **Town of Woodway (SW17)**

This proposal is to add to an area that is within the existing town limits that extends into Puget Sound, out to the county border to the UGA and also to add the pier that extends from within the UGA but is currently located just outside of the UGA include those within the Woodway municipal urban growth area. The recommendation from staff is to approve as this does not add any development capacity, but it does bring the existing town into the UGA and would minimize the number of jurisdictions for the pier and would allow Woodway to annex in the future, potentially to also bring the entire pier structure into its jurisdiction, which would make it easier to make repairs if desired to the pier in the future.

Commissioner Sheldon stressed the importance of how votes went on these dockets as it may affect the voting as elements were addressed. Chair Larsen also prompted some discussion on pollution discharge regulations and wanting to see jurisdiction clean up.

A **motion** to approve SW17 was made by Commissioner Campbell and



seconded by Commissioner Ash.
8 In favor (Ash, Brown, Busteded, Campbell, James, Larsen, Niemela, Sievers)
1 Opposed (Sheldon)
0 Abstention
Motion **PASSED**

1. [SW17 – PDS Staff Recommendation](#)

A **motion** to continue deliberation was made by Commissioner Campbell and was seconded by Commissioner Busteded.

E. ADJOURN

A **Motion** to adjourn was made by Commissioner Campbell and seconded by Commissioner Busteded.

The meeting adjourned at 8:41 pm.

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

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AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

Merle Ash, District 1	Tom Campbell, District 4
Mark James, District 1	Neil Pedersen, District 4
Kimberly Busteded, District 2	Rosanna Brown, District 5
Raymond Sheldon, Jr., District 2	Karl Niemela, District 5
Robert Larsen, District 3	Angie Sievers, Executive Appointee
Vacant, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Taylor Twiford, Commission Clerk
------------------------------------	----------------------------------



Snohomish County

Planning Commission

Planning and Development Services

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201

Clerk Email: Taylor.Twiford@snoco.org

SPECIAL SESSION
NOVEMBER 15, 2023
MINUTES

For access to supporting documents reviewed by the Planning Commission, visit the Snohomish County Planning Commission webpage at <https://snohomishcountywa.gov/164>

A. CALL TO ORDER AND ROLL CALL

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:33 p.m.

Of the ten (10) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members:

Commissioners Present

Kimberly Busteed
Robert Larsen
Ray Sheldon
Rosanna Brown
Tom Campbell
Karl Niemela
Angie Sievers
Merle ash @ 6:02 pm

Commissioners Absent

Neil Pedersen
Mark James

David Killingstad, Planning and Development Services Manager, served as the Planning Commission Secretary for this meeting.

B. CHAIRPERSON'S REPORT

No report.

C. UNFINISHED BUSINESS

1. Comprehensive Plan Update: Deliberations

David Killingstad, Long Range Planning Manager, David.Killingstad@snoco.org
Long Range Planning Division Staff
Department of Public Works Staff
Department of Conservation and Natural Resources Staff



The Planning Commission continued their deliberations (which began on November 14th, 2023) on the proposed amendments to the Snohomish County Comprehensive Plan in compliance with Growth Management Act requirements in RCW 36.70A.130(3) and made several recommendations to the County Council. Recommendations include Future Land Use Map amendments (infill, County Council Motions, Final Docket XXI as well as Zoning) and Text Amendments (Element Narratives, Goals, Objectives, Policies, and Appendices).

a. Comprehensive Plan Element Text and Map Amendments

i. **Transportation Element**

Nathan Howard gave an overview of the Transportation Element which included the reorganization of the element and bringing policies from the general policy plan to Transportation. He also touched on public comments received and addressed the role Transportation plays in addressing congestion issues. Following the overview, the Commissioners had some discussion regarding speed control.

A **motion** to approve the Transportation Element as presented by staff was made by Commissioner Campbell and was seconded by Commissioner Sheldon

Vote (motion)

7 In favor (*Busteed, Larsen, Sheldon, Brown, Campbell, Niemela, Sievers*)

0 Opposed

0 Abstention

Motion **PASSED**

A motion to amend the main motion to review the road safety plan including speed limits using TR policy 2.b.3 to be reviewed every two years was made by Commissioner Sheldon and was seconded by Commissioner Campbell.

Vote (motion)

6 In favor (*Busteed, Larsen, Sheldon, Brown, Campbell, Sievers*)

1 Opposed (*Niemela*)

0 Abstention

Motion **PASSED**

- [PW Staff Memo dated Nov 7, 2023](#)

ii. **Park and Recreation Element**

Carol Ohlfs gave an overview of the Parks and Recreation Element. Changes to the element included reorganizing the narrative content around nine goals and updating the level of service methodology, including adding and new level of service for urban open space and preserve acres.

Following the overview, there was discussion on how the Urban Tree Canopy Policies would work under the element now that Parks and Recreation are now part of DNRC. Commissioner Sheldon prompted some discussion on definitions of specific words found in the element.

A **motion** to approve the Parks and Recreation element was made by



Commissioner Sheldon and was seconded by Commissioner Campbell.

Vote (motion)

8 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

iii. **Capital Facilities and Utilities Element (including broadband policies)**

Eileen Canola gave an overview of the Capital Facilities and Utilities Element. The element is a proposed repeal and replacement from 2015 with policies for the capital facilities, utilities, and essential public facilities migrating from the general policy plan into the element and focusing on consistency with Vision 2050. The purpose is really to ensure that the County has the public facilities and utilities necessary to support development.

Following the overview, the Commissioners had some discussion on recycling services and how community transit relates to the element.

A **motion** made to approve the Capital Facilities Element including broadband policies was made by Commissioner Campbell and seconded by Commissioner Ash.

Vote (motion)

8 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [Capital Facilities and Utilities Element Presentations dated Nov 15, 2023](#)

iv. **Population and Employment Element**

Steve Toy gave an overview of the Population and Employment Element purpose and changes to the element. The purpose of the element is to establish the goals, objectives, and policies for allocating future growth to different parts of the county. The prioritization of the allocation of growth is to areas with or near centers and high capacity transit that are affiliated for annexation, urban areas being the primary emphasis.

Following the overview, Commissioner Campbell prompted some discussion on the reconciliation process and the struggle to get the appropriate level of densities within some cities. Commissioner Campbell also expressed concerns about whether there were consequences for Cities not meeting targets or ways to coax them to meet levels.

A **motion** to approve the Population and Employment Element was made by Commissioner Sheldon and seconded by Commissioner Campbell.



Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [Population and Employment Element Flyer](#)

v. Economic Development Element

Michael Saponaro gave an overview of the Economic Development Element. The proposed amendments would provide consistency with CPPS, Vision 2050, and MPPs. The amendments were based around the following themes: comparative advantage, specialization, freight issues, creative place, making an innovation, sustainability, the emerging green industries, economic resiliency, regulatory reform, workforce training, human services and child care opportunities, displacement mitigation, and diversity, equity, and inclusion.

A motion to approve the economic development element was made by Commissioner Sheldon and was seconded by Commissioner Ash.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [2024 Update Eco Dev and IC Summary Presentation](#)

vi. Interjurisdictional Coordination Element

Michael Saponaro gave an overview of the Interjurisdictional Coordination Element. There were eight total updates, but the vast majority were minor ward changes, such as changing language, like stakeholder to parties or residents. There was another change related to the removal of the Snohomish Health District as they are longer considered a separate jurisdiction. There are three policy updates that are slightly more substantial including adding a minimum residential density requirement to the list of inner jurisdictional issues that can be addressed with interlocal agreements and policy word changes that allow for County discretion.

Following the overview, Commissioner Sheldon had some questions regarding how Tribes were addressed in the element and which ones were recognized in the element. Commissioner Campbell had some questions regarding the softening of the language around the process by which Cities provide urban



level of services and the use of may vs shall.

A **motion** to approve the Interjurisdictional Coordination Element was made by Commissioner Sheldon and was seconded by Commissioner Brown.

Vote (motion)

8 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

vii. Land Use

Sarah Titcomb gave an overview of the Land Use Element. Major changes included a new equity sub element, a change in how growth targets are addressed emphasizing urban infill and reducing growth in rural areas, new agricultural policies to allow for more conservation and restoration, and new Countywide objectives and policies. It was also noted that with the recommended approval of docket MV2 from the day prior, that Objective 6.D has been repealed.

Commissioner Campbell prompted some discussion regarding the protection of agricultural and forest lands and the desire for a more serious review. Commissioner Brown requested clarification on what would be considered an important parcel. Commissioner Campbell also asked about transfer of development rights.

A **motion** to approve the land use element was made by Commissioner Sheldon and was seconded by Commissioner Brown.

Vote (motion)

8 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

A **motion** to amend the main motion to conduct a comprehensive review of designated forest and agricultural lands of long-term significance. The review shall identify important parcels of forest and agricultural lands and downzone those parcels that qualify in the property tax codes for such purposes and to reduce the likelihood that these lands will be converted to housing and rural clusters. The review should also recommend measures to reduce the conversion of these lands to non-forest and non-agricultural uses was made by Commissioner Campbell and was seconded by Commissioner Brown.

Vote (motion)

8 In favor (*Brown, Busteed, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed



0 Abstention
Motion **PASSED**

viii. Housing Element

Amber Piona gave an overview of the Housing Element. The Housing Element includes some significant changes due to State law. House Bill 1220 amended both the GMA Goal and requirements for the element. Modifications were made to existing policies to incorporate considerations for moderate, low, very low, and extremely low income households, the role of accessory dwelling units in moderate density housing types to meet the County's housing needs, and policies to undo racially disparate impacts and exclusion in housing caused by past planning. A new anti displacement objective and supporting policies as well as a map showing areas of displacement risk in the county was proposed. There also are two appendices to the housing element which include the housing needs analysis.

Following the overview, Commissioner Sheldon inquired into the definitions of moderate, low, very low, and extremely low income households and how homelessness was addressed. Commissioner Campbell prompted discussion on large developers and market rate housing. Commissioner Ash inquired if these requirements were punitive, or incentive driven.

A **motion** to approve the housing element was made by Commissioner Sheldon and was seconded by Commissioner Campbell.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)
0 Opposed
0 Abstention
Motion **PASSED**

A **secondary motion** to amend the main motion for Snohomish County to develop an incentive driven inclusionary housing and zoning policy in areas of multi-family housing to encourage that a mix of housing is created in areas of infill development and public transit was made by Commissioner Campbell and was seconded by Commissioner Sheldon.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)
0 Opposed
0 Abstention
Motion **PASSED**

The commission took a break at 7:42 pm and returned at 7:57 pm.

ix. Natural Environment Element (including Urban Tree Canopy Policies)



Terri Strandberg gave an overview of the Natural Environment Element. Aside from the Urban Tree Canopy policies, the element does not have a lot of changes to it. A majority of the changes were to the language to increase inclusivity and address equity. Some additional policies were proposed on how to address water quality within the county for both groundwater and surface waters.

Hilary McGowan gave an overview of the Urban Tree Canopy Policies. These policies were referred to PDS by County Council through amended motion 22-096. Some of the changes made to the amended motion included reorganizing and rephrasing the policies based on prior language within existing regulations and policies already in place. The main change in the policies transmitted in Motion No. 22-096 and the policies proposed is instead of the baseline urban canopy established as no net loss, it set a minimum canopy coverage goal for urban unincorporated areas of at least 38%. The main objective is to develop an urban forest management program that would be for urban unincorporated areas and would identify, protect, maintain, and restore forests and plants that have significant environmental habitat, cultural public health, and aesthetic value.

Following the overviews, Chair Larsen shared a comment that was sent in by Commissioner James, who was unable to attend the second night of deliberations and inquired about implementation efforts for Urban Tree Canopy policies. Commissioner Sheldon inquired if these policies could be brought to incorporated areas of the County not just the unincorporated and if the policies were adequate enough and prompted discussion on what was appropriate for County planning policies. Commissioner Sievers had some questions regarding coverage requirements and infill. Commissioner Sheldon addressed public comments received and concerns of land clearing.

A **motion** to adopt the Natural Environment Element including Urban Tree Canopy polices was made by Commissioner Campbell and Commissioner Ash seconded.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [Urban Tree Canopy Memo dated Nov 6,2023](#)

x. Climate Change Element

Eileen Canola gave an overview of the Climate Change Element. While it is still optional at this point, House Bill 1181 set a requirement for it by 2029 and County staff felt it necessary to respond. The element would address climate change which includes reducing greenhouse gas emissions and responding,



adapting, and planning for current and projected impacts of climate change. It consists of two sub elements one being a resiliency sub element and the other being a greenhouse gas emissions reduction and it would also support state, regional, and local efforts for greenhouse gas emission reduction and climate resiliency. The County was able to create a Vulnerability and Risk assessment tool due to a grant from the Washington State Department of Commerce.

Following the overview, Commissioner Campbell inquired as to why the language in Goal CRE2 was changed from “achieve” to “help meet” and where the accountability was for these goals. Commissioner Sheldon had some questions regarding emergency transportation routes.

A **motion** to approve the Climate Changes Element was made by Commissioner Sheldon and seconded by Commissioner Campbell.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [Climate Change Presentation dated Nov 15, 2023](#)

xi. Urban Core Subarea Plan

Mathew Siddons gave an overview of the Urban Core Subarea Plan. The Urban Core Subarea element is specific to the Southwest unincorporated urban area of the County and is a brand new element that's being introduced into the comprehensive plan. It consists of ten subelements each with its own goal and supporting policies.

Following the overview, Vice Chair Campbell prompted some discussion on annexations and the cities' engagement in this process. Chair Larsen expressed some surprise at the lack of public comments submitted to the Commission regarding the element. Commissioner Sheldon had questions regarding where wetlands, streams, and creeks were on the map and policies put in place to protect them in the event of an accident.

A **motion** to adopt the Urban Core Subarea Plan was made by Commissioner Campbell and was seconded by Commissioner Sheldon.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

xii. Tribal Coordination



Henry Jennings gave an overview of the Tribal Coordination Element. It is a new element that recognizes and supports tribal cultures, emphasizes collaboration, to avoid or minimize adverse impacts to cultural and archaeological resources, and aims to build resilience to the effects of climate change in a way that protects tribal, sovereign, and treaty rights and cultural practices.

Following the overview, Vice Chair Campbell had questions about when Tribes have usual and accustomed areas if those were included or specifically identified in sections.

A **motion** to approve the tribal coordination element was made by Commissioner Sheldon and seconded by Commissioner Brown.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

A **secondary motion** to the main motion to encourage future discussion of tribal jurisdiction on tidal lands within the reservation boundaries and refer to applicable tribal law was made by Commissioner Sheldon and seconded by Commissioner Campbell.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

A **second secondary motion** to amend was made by Commissioner Sheldon to encourage future discussion of Tribal jurisdiction over waters, including groundwater, surface water, and public water distribution systems within the reservation boundaries and refer to applicable tribal law and policy over such waters and was seconded by Commissioner Campbell.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

- [Open House Tribal Coordination Element Flyer](#)

xiii. Introduction and Appendices

David Killingstad gave an overview of the Introduction and Appendices for the Comprehensive Plan. The original vision statement has not been updated since 1995 and this new one brings in more equity, diversity, and inclusion as well as



a number of other changes that account for the shift from the General Policy Plan.

A **motion** to approve the Introduction and associated appendices was made by Commissioner Campbell and seconded by Commissioner Brown.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

A motion to instruct staff to compile all amendments into final documents and 1) adjust comprehensive plan elements to match the recommended land use alternative and 2) make necessary changes to ensure internal consistency between individual elements was made by Commissioner Busted and was seconded by Commissioner Sievers.

Vote (motion)

8 In favor (*Brown, Busted, Campbell, Larsen, Niemela, Sheldon, Sievers, Ash*)

0 Opposed

0 Abstention

Motion **PASSED**

For further information, please review the following:

- [Planning Commission Element Briefings Planning Commission Briefings](#)
- [Staff Memorandum dated September 12, 2023](#)
- [Tribal Coordination Element Changes Memo dated October 9, 2023](#)
- [Public Comment Memo dated Nov 9, 2023](#)
- [Public Comments submitted as of 5 p.m. October 31, 2023](#)

***IMPORTANT NOTE:** The November 16 hearing dates/times are reserved if additional time is needed. A determination regarding whether or not to continue the planning commission deliberations will be made at the end of the deliberations on November 15, 2023. To find out if the hearing is continued to November 16, check the Planning Commission page on the county's website or via email at Taylor.Twiford@snoco.org.

D. ADJOURN

The meeting adjourned at 9:10 pm

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

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Snohomish County

Planning Commission

Planning and Development Services

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Snohomish County Planning Commissioners:

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<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Kimberly Busteed, District 2</i>	<i>Rosanna Brown, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Karl Niemela, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Angie Sievers, Executive Appointee</i>
<i>Vacant, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Taylor Twiford, Commission Clerk</i>
---	---

ECAF:
RECEIVED:

SNOHOMISH COUNTY COUNCIL

ORDINANCE INTRODUCTION SLIP

EXHIBIT # 5.1.006

TO: Clerk of the Council

FILE Ord 24-028

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N Nehring
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

___ Move to Council to schedule public hearing on: _____

___ Other _____

Regular Agenda _____ **Administrative Matters** _____

Public Hearing Date _____ **at** _____

N Nehring
Committee Chair



Planning and Community Development

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 5.2.001

FILE ORD 24-028

Ryan Countryman

ECAF: 2024-0423

Ordinance: 24-028
And
Substitute 24-028

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 – Substitute Ordinance 24-028

Scope: Ordinance 24-028 Concerning Maximum Building Heights, Amending SCC 30.23.040 (consistent with Comprehensive Plan Update Docket Request SW12–Mietzner)

Substitute Ordinance 24-028 Concerning Bulk Regulations, Amending SCC 30.23.040 (including additional changes beyond SW12–Mietzner)

Duration: N/A

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted: None

Background: Through the docketing process, applicant Mike Mietzner requested code amendments to expand an area with a maximum 75-foot building height in certain zones in the vicinity of State Route 99. This became Ord. 24-028 which is under consideration as part of the 2024 Comprehensive Plan Update. The Planning Commission and Executive branch both recommended approval of Ord. 24-028 to the County Council. Ord. 24-028 would change SCC 30.23.040(14) as follows:

(14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the western edge of the right-of-way of State Route 99 or within ((800)) 2,000 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525.

PDS has been providing briefings to the County Council on the plan update, including on Ord. 24-028. In discussion during those briefings, Councilmember Megan Dunn suggested that the area with the 75-foot height might expand to include the whole SR-99 corridor. There was also discussion of removing the density limit in the area where code allows the 75-foot buildings. This latter idea would involve amendments to SCC 30.23.040(5). Subsequently, council staff realized that Subsection (9), which provides relief from lot area, width, and maximum coverage in the same area would be out-of-step with changes to Subsections (5) and (14) if the Subsection (9) does not change too.

Council staff has prepared a Substitute Ord. 24-028 for discussion in committee. The proposed amendments and analysis appear in Appendix A.

Staff seeks direction on two questions:

1. Does Substitute Ord. 24-028 accurately reflect the discussion and direction that Council intended?

2. If yes, does Council prefer to have one or both versions of Ord. 24-028 to consider during the plan update hearing which is likely to being on August 19?

Answers to these questions are necessary to finalize the legal notice and other materials for the hearing.

Request: Continue Ord. 24-028 in committee and, meanwhile, provide direction to staff on what to include in the notice for the plan update hearing.

Appendix A: Analysis of Substitute Ordinance 24-028

Sections 1 to 3 of the proposed ordinance provide findings and conclusions to support the substantive changes in Section 4.

Section 4 amends SCC 30.23.040(5), (9) and (14). Collectively, these changes would increase the capacity for residential development along the State Route 99 corridor more than would be the case if the changes Ordinance 24-028 were to pass instead.

Amendments in .040(5) would revise the geographic boundaries and remove density limits. Removing “June 11, 2020” is simply because that date is now in the past and the phrasing is no longer necessary.

(5) In the MR zone the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit, except that:

(a) Existing dwelling units may be retained as part of new development in the MR zone without counting towards the maximum density.

(b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of ~~((the western))~~ edge of the right-of-way of State Route 99 ~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is east of State Route 525, the))~~ there is no maximum density ~~((shall be calculated based on 750 square feet of land per dwelling unit)),~~ provided that either:

(i) One or more transfer of development rights (TDR) credits must be used to realize the additional density under subsection (5)(b) of this section according to the requirements of chapter 30.35A SCC; or

(ii) ~~((After June 11, 2020, developments))~~ Developments for which the applicant provides documentation to the director showing that the entire project has been granted a property tax exemption by the Washington State Department of Revenue under RCW 84.36.041, 84.36.042, 84.36.043, or 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC ~~((and development may be permitted up to a maximum density of 750 square feet of land per dwelling unit without using TDR credits)).~~

Amendments in .040(9) would allow the bulk requirements provided in that section to apply to the entire SR-99 corridor, not just the part northeast of State Route 525 (Mukilteo Speedway).

(9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of the site is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99 ~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the site is east of State Route 525,))~~ are exempt from minimum lot area, minimum lot width, and maximum lot coverage requirements.

Amendments in .040(14) related to where the 75 foot height limit applies. They increase the area east of SR-99 in the same way as proposed in the Mietzner docket application and they also extend that area southward to include the entire SR-99 corridor.

(14) The maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99~~((or within 800 feet of the eastern edge of the right of way of State Route 99, and the site is east of State Route 525))~~. Subject to the requirements in SCC 30.22.100, non-residential uses are allowed on the first floor of multifamily structures on sites zoned NB, PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within 2,000 feet of the edge of the right-of-way of State Route 99~~((and the site is east of State Route 525))~~.

Section 5 is a standard severability and savings clause.

From: Titcomb, Sarah
Sent: Tuesday, July 2, 2024 8:02 AM
To: Hickey, Lisa
Subject: FW: Briefing on Potential Substitute version of SW12 Docket Request
Attachments: 070224 Planning and Community Development Committee Agenda.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning,

Below is Comprehensive Plan related correspondence with he public.

Best,
Sarah

Sarah Titcomb | *Principal Planner*

[Snohomish County Planning and Development Services](#) | Long Range Planning Division
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2128 | Sarah.Titcomb@snoco.org
she/her/hers

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

From: Slusser, Frank <frank.slusser@co.snohomish.wa.us>
Sent: Friday, June 28, 2024 4:30 PM
To: mikem@mietznergroupp.com
Cc: Titcomb, Sarah <Sarah.Titcomb@co.snohomish.wa.us>
Subject: Briefing on Potential Substitute version of SW12 Docket Request

This is a heads up that on July 2, 2024, at 11 AM at the Snohomish County Council Planning Committee meeting, there is a scheduled briefing on a potential Substitute Ordinance from Council that would modify the SW12 – Mietzner docket request. This would potentially replace the ordinance forwarded by the Executive to approve the SW12 docket request.

The revised proposal would amend SCC 30.23.040(5), (9) and (14) to cover all unincorporated areas within 2,000 feet of SR 99, and to eliminate residential density limits, provide relief from the bulk requirements, and increase height limits to 75 feet, for multifamily development for that entire corridor.

The agenda for Tuesday's briefing is attached. The revisions are discussed in the Council staff report here:

<https://snohomish.legistar.com/View.ashx?M=F&ID=13063470&GUID=7EDFA837-EECF-472B-8731-F1D340A62FF2>

Note that PDS staff have been directed include an analysis of these revisions in the FEIS for the 2024 Update and Final Docket XXI.

Sincerely,

Frank Slusser | *Senior Planner*
[Snohomish County Planning and Development Services](#) | Long Range Planning
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2944 | frank.slusser@snoco.org

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

From: Slusser, Frank
Sent: Monday, April 1, 2024 11:21 AM
To: mikem@mietznergroupp.com
Cc: Titcomb, Sarah <Sarah.Titcomb@co.snohomish.wa.us>
Subject: SW12 Final Docket Recommendation transmitted to Council

The Snohomish County Planning Commission and Executive Recommendation for the SW12 – Mietzner Final Docket XXI proposal has been forwarded to the Snohomish County Council. The attached memorandum describes the recommendations.

The first briefing of the County Council, which will be an overview of the 2024 Update of the Snohomish County Comprehensive Plan, will be tomorrow, April 2, 2024, at 11 AM at the Planning and Community Development Committee. The agenda, which includes links to the SW12 ordinance material, can be found here:

<https://snohomish.legistar.com/View.ashx?M=A&ID=1135173&GUID=15BCD475-93CB-45DE-9207-C6ACC866EBFD>

The Planning Commission recommended approval of the SW12 proposal and it is included in the Executive Recommendation.

Sincerely,

Frank Slusser | *Senior Planner*
[Snohomish County Planning and Development Services](#) | Long Range Planning
3000 Rockefeller Avenue M/S 604 | Everett, WA 98201
425-262-2944 | frank.slusser@snoco.org

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

From: Slusser, Frank
Sent: Friday, September 22, 2023 3:17 PM
To: mikem@mietznergroupp.com
Cc: Titcomb, Sarah <Sarah.Titcomb@co.snohomish.wa.us>
Subject: SW12 Final Docket Recommendation

The staff recommendation on the SW12 Final Docket proposal was forwarded to the Snohomish County Planning Commission. Here is a link to that report:

https://www.snohomishcountywa.gov/DocumentCenter/View/110588/Final-Docket-XXI_SW12_Mike-Mietzner_PC_hearing_staff-rec_090723

The staff recommendation for the SW12 docket proposal is to “approve.” This is based on a number of criteria as detailed in the report. The SW12 proposal was studied in Alternatives 2 and 3 in the draft environmental impact statement (DEIS) for the County’s 2024 Update of our comprehensive plan. That DEIS was issued September 6, 2023. The planning commission briefing on the 2024 Update Map Alternatives and Final Docket XXI proposals, including the

SW12 proposal, was on September 12, 2023. The comment period on the DEIS and the map alternatives runs through October 23, 2023. The Planning Commission Hearing on the docket and future land use map will be October 24, with the 25th and 26th held if necessary. That is an opportunity to provide verbal testimony in person or by Zoom as well as to submit written testimony. Planning Commission deliberations will be held in November. That will be followed by the County Council consideration in 2024 with the deadline for action being December 31, 2024. More information can be found here: <https://snohomishcountywa.gov/5597/2024-Update>.

Thank you,

Frank Slusser | *Senior Planner*

[Snohomish County Planning and Development Services](#) | Long Range Planning

3000 Rockefeller Avenue M/S 604 | Everett, WA 98201

425-262-2944 | frank.slusser@snoco.org

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)



Snohomish County Council
Planning and Community Development Committee
Agenda

Nate Nehring, Committee Chair
Megan Dunn, Committee Vice-Chair
Committee Members: Sam Low, Jared Mead, Strom Peterson

Ryan Countryman, Senior Legislative Analyst
Russell Wiita, Legislative Aide
Lisa Hickey, Assistant Clerk of the Council

Tuesday, July 2, 2024	11:00 AM	Jackson Board Room - 8th Floor Robert J. Drewel Building & Remote Meeting
------------------------------	-----------------	--

Webinar Link: <https://zoom.us/j/94846850772>

Join by Phone: 1-253-215-8782 or 1-206-337-9723
Enter Meeting ID: 948 4685 0772

The public may participate in person at
3000 Rockefeller Ave, Robert J. Drewel Building, 8th Floor, Jackson Board Room, Everett, WA
or remotely by using the Zoom link above.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

DISCUSSION ITEMS

1. Ordinance 24-057, relating to Growth Management; allowing Warehouse as a permitted use in the PCB zone; amending Section 30.22.100 and 30.22.130 of the Snohomish County Code [2024-1390](#)

2. Ordinance 24-028, relating to the Growth Management Act, concerning maximum building heights; amending Section 30.23.040 of the Snohomish County Code (SW12 - Mietzner) [2024-0423](#)

ACTION ITEMS

1. Ordinance 24-044, relating to Growth Management and Updates to Development Regulations Pursuant to RCW 36.70A.130; Supporting the Development of Permanent Supportive, Emergency Housing, Emergency Shelters, and Affordable Housing; Amending Chapters 30.22, 30.28, and 30.91 of the Snohomish County Code [2024-0942](#)

Proposed Action: Move to General Legislative Session on July 10th to set time and date for a public hearing.

2. Motion 24-266, referring a proposed ordinance revising accessory dwelling unit regulations to County departments and the Snohomish County Planning Commission. [2024-1363](#)

****Pending assignment to Committee.***

Proposed Action: Move to General Legislative Session on July 10th for consideration.

3. Ordinance 24-058, relating to Growth Management; revising provisions for Lot Size Averaging; amending Sections 30.23.210, 30.41A.240 and 30.41B.200 of and adding a new Section 30.23.215 to the Snohomish County Code [2024-1411](#)

****Pending assignment to Committee.***

Proposed Action: Move to General Legislative Session on July 10th to set time and date for a public hearing.

4. Ordinance 24-059, relating to Growth Management; increasing flexibility regarding location of parking; amending Section 30.26.020 of the Snohomish County Code [2024-1412](#)

****Pending assignment to Committee.***

Proposed Action: Move to General Legislative Session on July 10th to set time and date for a public hearing.

5. Ordinance 24-060, relating to Growth Management; reducing [2024-1413](#) minimum lot size requirements in the LDMR and MR Zones; amending Section 30.23.032 of the Snohomish County Code

**Pending assignment to Committee.*

Proposed Action: Move to General Legislative Session on July 10th to set time and date for a public hearing.

6. Ordinance 24-061, relating to Growth Management; facilitating [2024-1414](#) attached single-family housing; adding a new Section 30.23.270 to and amending Sections 30.41A.240, 30.41B.200, and 30.91D.515 of the Snohomish County Code

**Pending assignment to Committee.*

Proposed Action: Move to General Legislative Session on July 10th to set time and date for a public hearing.

DISCUSSION ITEMS CONT.

3. Surface Water Utility Service Charge Updates [2024-1274](#)

Gregg Farris, Surface Water Management

4. Planning and Community Development Committee upcoming agendas and hearings

Ryan Countryman, Council Staff

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on Monday, August 19, 2024, at the hour of 6:00 p.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 24-028, titled: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING MAXIMUM BUILDING HEIGHTS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER). Council will also consider Substitute Ordinance No. 24-028, titled RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BULK REGULATIONS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER). At the hearing, the Council may also consider alternatives and amendments to the proposed ordinance or the substitute.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance is part of the 2024 Comprehensive Plan Update and Final Docket XXI. Pursuant to RCW 36.70A.130 and .470, interested persons may propose amendments and revisions to the Snohomish County Growth Management Act Comprehensive Plan (GMACP) or development regulations. Currently under SCC 30.23.040(14) the maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest Urban Growth Area (UGA) when the site is east of SR 525 and when either: (1) any portion of the site is within 2,000 feet of the western edge of the right-of-way of SR 99; or (2) any portion of the site is within 800 feet of the eastern edge of the right-of-way of SR 99. The SW12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR99 right-of-way from 800 feet to 2,000 feet.

A summary of the proposed ordinances is as follows:

PROPOSED ORDINANCE NO. 24-028

Sections 1-3. Adopts recitals, findings of fact, and conclusions, and states that the Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council.

Section 4. The SW 12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for

multifamily residential development, and to correct a grammatical error by inserting a missing word in the existing subsection.

Section 5. Provides a standard severability and savings clause.

Proposed Substitute Ordinance No. 24-028 makes the same amendments as the original ordinance. In addition, it would amend SCC 30.23.040(5) to (1) expand the area eligible for higher density to the properties with eligible zoning within 2,000 feet along the entire SR 99 corridor, (2) remove the density limit within this expanded area, and (3) amend SCC 30.23.040(9) exempt development in this same area from lot size and lot coverage requirements.

=====

State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through the completion of a Draft Environmental Impact Statement (EIS) issued on September 6, 2023, and a Final EIS to be issued at least seven days prior to final action on the ordinance. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the County Council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailing contact.council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.


Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Hickey at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by e-mailing lisa.hickey@snoco.org .

QUESTIONS: For additional information or specific questions on the proposed ordinance please call Frank Slusser in the Department of Planning and Development Services at 425-262-2944.

DATED this 2nd day of August 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

PUBLISH: August 7, 2024

Send Affidavit to: County Council
Send Invoice to: Planning #107010

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1000420 ORD 24-028 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 08/07/2024 and ending on 08/07/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$182.90.

[Signature]

Subscribed and sworn before me on this 7th day of August, 2024.

[Signature]



Notary Public in and for the State of Washington.

Snohomish County Planning | 14107010
LISA HICKEY

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF INTRODUCTION OF ORDINANCE
AND

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a public hearing on Monday, August 19, 2024, at the hour of 6:00 p.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider proposed Ordinance No. 24-028, titled: RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING MAXIMUM BUILDING HEIGHTS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER). Council will also consider Substitute Ordinance No. 24-028, titled RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BULK REGULATIONS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER). At the hearing, the Council may also consider alternatives and amendments to the proposed ordinance or the substitute.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>

or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance is part of the 2024 Comprehensive Plan Update and Final Docket XXI. Pursuant to RCW 36.70A.130 and .470, interested persons may propose amendments and revisions to the Snohomish County Growth Management Act Comprehensive Plan (GMACP) or development regulations. Currently under SCC 30.23.040(14) the maximum building height is 75 feet for multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the Southwest Urban Growth Area (UGA) when the site is east of SR 525 and when either: (1) any portion of the site is within 2,000 feet of the western edge of the right-of-way of SR 99; or (2) any portion of the site is within 800 feet of the eastern edge of the right-of-way of SR 99. The SW12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR99 right-of-way from 800 feet to 2,000 feet.

A summary of the proposed ordinance is as follows:

PROPOSED ORDINANCE NO. 24-028

Sections 1-3. Adopts recitals, findings of fact, and conclusions, and states that the Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council.

Section 4. The SW 12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for multifamily residential development, and to correct a grammatical error by inserting a missing word in the existing subsection.

Section 5. Provides a standard severability and savings clause.

Proposed Substitute Ordinance No. 24-028 makes the same amendments as the original ordinance. In addition, it would amend SCC 30.23.040(5) to (1) expand the area eligible for higher density to the properties with eligible zoning within 2,000 feet along the entire SR 99 corridor, (2) remove the density limit within this expanded area, and (3) amend SCC 30.23.040(9) exempt development in this same area from lot size and lot coverage requirements.

State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through the completion of a Draft Environmental Impact Statement (EIS) issued on September 6, 2023, and a Final EIS to be issued at least seven days prior to final action on the ordinance. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by emailing contact.council@snoce.org.

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accessed through the Council websites at:
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<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above-described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailing contact.council@sno.co.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Lisa Hickey at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by e-mailing lisa.hickey@sno.co.org.

QUESTIONS: For additional information or specific questions on the proposed ordinance please call Frank Slusser in the Department of Planning and Development Services at 425-262-2944.

DATED this 2nd day of August 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Jared Mead
Council Chair

ATTEST:
/s/ Lisa Hickey
Asst. Clerk of the Council
107010
Published: August 7, 2024.

EDH1000420

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on December 4, 2024, the Snohomish County Council adopted Amended Ordinance No. 24-028, which shall be effective December 22, 2024. This notice complies with RCW 36.70A.290.

A summary of the amended ordinance is as follows:

AMENDED ORDINANCE NO. 24-028

RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BULK REGULATIONS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 – MIETZNER)

Sections 1-3. Adopts recitals, findings of fact, and conclusions, and states that the Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council.

Section 4. The SW 12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for multifamily residential development, and to correct a grammatical error by inserting a missing word in the existing subsection. Amends SCC 30.23.040(5) to (1) expand the area eligible for higher density to the properties with eligible zoning within 2,000 feet along the entire SR 99 corridor, (2) remove the density limit within this expanded area, and (3) amend SCC 30.23.040(9) exempt development in this same area from lot size and lot coverage requirements.

Section 5. Provides a standard severability and savings clause.

=====

State Environmental Policy Act: Requirements with respect to this non-project action have been satisfied through the completion of a Draft Environmental Impact Statement (EIS) issued on September 6, 2023, and a Final EIS issued on August 27, 2024. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Amended Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx>

DATED this 27th day of January 2025.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

/s/Lisa Hickey
Asst. Clerk of the Council

PUBLISH: January 29, 2025

Send Affidavit to: County Council
Send Invoice to: Planning #107010

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1008407 NOE ORD NO. 24-028 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 01/29/2025 and ending on 01/29/2025 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$79.05.

[Signature]

Subscribed and sworn before me on this 29th day of January, 2025.

[Signature: Randie Pospical]



Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on December 4, 2024, the Snohomish County Council adopted Amended Ordinance No. 24-028, which shall be effective December 22, 2024. This notice complies with RCW 36.70A.290.

A summary of the ordinance is as follows:

AMENDED ORDINANCE NO. 24-028

RELATING TO THE GROWTH MANAGEMENT ACT,
CONCERNING BULK REGULATIONS; AMENDING SECTION
30.23.040 OF THE SNOHOMISH COUNTY CODE (SW12 –
MIETZNER)

Sections 1-3. Adopts recitals, findings of fact, and conclusions, and states that the Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council.

Section 4. The SW 12 – Mietzner docket proposal amends SCC 30.23.040(14) to expand the area east of SR 99 right-of-way and north of SR 525 and south of the City of Everett, from 800 feet to 2,000 feet, in which maximum height limits of 75 feet apply for multifamily residential development, and to correct a grammatical error by inserting a missing word in the existing subsection. Amends SCC 30.23.040(5) to (1) expand the area eligible for higher density to the properties with eligible zoning within 2,000 feet along the entire SR 99 corridor, (2) remove the density limit within this expanded area, and (3) amend SCC 30.23.040(9) exempt development in this same area from lot size and lot coverage requirements.

Section 5. Provides a standard severability and savings clause.
State Environmental Policy Act. Requirements with respect to this non-project action have been satisfied through the completion of a Draft Environmental Impact Statement (EIS) issued on September 6, 2023, and a Final EIS issued on August 27, 2024. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing contact.council@snoco.org.

Website Access: This ordinance and other documents can be accessed through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx>
DATED this 27th day of January 2025.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/Lisa Hickey
Asst. Clerk of the Council

107010

Published: January 29, 2025.

EDH1008407

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 PROPOSED SUBSTITUTE ORDINANCE NO. 24-028

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, CONCERNING BULK
10 REGULATIONS; AMENDING SECTION 30.23.040 OF THE SNOHOMISH COUNTY
11 CODE (SW12 – MIETZNER)
12

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

18
19 WHEREAS, the Snohomish County Council (“County Council”) adopted chapter
20 30.74 of the Snohomish County Code (SCC), “Growth Management Act Public
21 Participation Program Docketing,” to comply with the requirements of RCW 36.70A.130
22 and .470; and

23
24 WHEREAS, the Department of Planning and Development Services (PDS)
25 compiled a list of non-county initiated amendments and revisions received by the
26 October 31, 2020, deadline for Docket XXI applications and evaluated these proposed
27 amendments, including the SW12 – Mietzner docket proposal, for consistency with the
28 initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

29
30 WHEREAS, on March 9, 2022, the County Council approved, by Amended
31 Motion No. 21-147, a list of proposed non-county initiated comprehensive plan
32 amendments, including SW12 – Mietzner, to be included on Final Docket XXI and
33 authorized the County Executive, through PDS, to further process the proposed major
34 docket amendments consistent with chapters 30.73 and 30.74 SCC, including
35 environmental review under the State Environmental Policy Act (SEPA), for final
36 consideration in 2024; and

37
38 WHEREAS, the Snohomish County Planning Commission (“Planning
39 Commission”) was briefed on the SW12 – Mietzner docket proposal on September 12,
40 2023; and

41
42 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed a final review and
43 evaluation of the SW12 – Mietzner docket proposal and forwarded a recommendation to
44 approve the proposal to the Planning Commission; and

1 WHEREAS, the Planning Commission held a public hearing on October 24,
2 2023, to receive public testimony on the SW12 – Mietzner docket proposal; and
3

4 WHEREAS, after the conclusion of its public hearing, the Planning Commission
5 deliberated on November 14 and 15, 2023, and voted to recommend adoption of the
6 SW12 – Mietzner docket proposal, as shown in its recommendation letter dated January
7 16, 2024; and
8

9 WHEREAS, on _____, 2024, the County Council held a public
10 hearing, after proper notice, to receive public testimony and consider the entire record
11 related to the SW12 – Mietzner proposed amendments contained in this ordinance; and
12

13 WHEREAS, following the public hearing, the County Council deliberated on the
14 proposed amendments contained in this ordinance;
15

16 NOW, THEREFORE, BE IT ORDAINED:
17

18 Section 1. The County Council adopts the following findings to support this
19 ordinance:
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22
- 23 B. Currently under SCC 30.23.040(14) the maximum building height is 75 feet for
24 multifamily structures on sites zoned MR, NB, PCB, CB and GC that are in the
25 Southwest UGA when the site is east of State Route (SR) 525 and when either:
26 (1) any portion of the site is within 2,000 feet of the western edge of the right-of-way
27 of SR 99; or (2) any portion of the site is within 800 feet of the eastern edge of the
28 right-of-way of SR 99. The SW12 – Mietzner docket proposal amends
29 SCC 30.23.040(14) to expand the area east of SR 99 right-of-way from 800 feet to
30 2,000 feet. The amendments also correct a grammatical error by inserting a missing
31 word in the existing subsection.
32
- 33 C. SCC 30.23.040 contains several reference notes that relate to bulk regulations of
34 multifamily structures on sites zoned MR, NB, PCB, CB, and GC, in the vicinity of
35 SR 99. The County Council finds that further amendment to Reference Note (14) of
36 SCC 30.23.040 and related amendments to other reference notes, in addition to the
37 amendments contained in the SW12 – Mietzner docket proposal, would increase the
38 benefits to housing production proposed under SW12 and described in greater detail
39 below. Findings to support additional changes proposed in this substitute ordinance
40 are as follows:
41
- 42 1. Reference Note (5) currently provides a maximum density of one unit per 750
43 square feet of land (approximately 58 units per acre) in the same areas where
44 there is currently a 75-foot maximum building height. In areas where the
45 maximum building height is less than 75 feet, the base maximum density is one

1 unit per 2,000 square feet (approximately 22 units per acre). 75-foot multifamily
2 structures can contain over 150 units per acre depending on variables such as
3 parking, size of the units, access, and design of open space and landscaping
4 areas. Compliance with these variables and similar other existing requirements
5 rather than density can ensure that new development is compatible in scale and
6 form with surrounding uses.

7
8 (a) The SW12 – Mietzner proposal would increase the building maximum building
9 height in an area east of SR-99 without also increasing the maximum density
10 in the same area.

11
12 (b) This ordinance should allow higher densities in the same areas that it
13 increases maximum building heights.

14
15 (c) Compliance with provisions other than density is sufficient to ensure
16 compatibility with adjacent uses if there is no maximum density for multifamily
17 structures in the vicinity of SR 99, including both the areas with existing
18 bonuses and those areas proposed for expanded bonuses by the SW12 –
19 Mietzner proposal and this substitute ordinance.

20
21 2. Reference Notes (5), (9), and (14) contain bulk regulations for multifamily
22 structures in the vicinity of SR 99 but currently only provide bonuses when the
23 site is east of SR 525.

24
25 (a) SR 99 southwest of SR 525 is a Transit Emphasis Corridor served by
26 Community Transit with bus rapid transit, which is a form of high-capacity
27 transit, and frequent local service.

28
29 (b) Existing policies in the GMACP, such as Objective LU 2.A, encourage
30 expanding the geographic area in reference notes (5), (9) and (14) to include
31 additional areas in the vicinity of SR 99 southwest of SR 525. Objective LU
32 2.A provides: “Increase residential densities within UGAs by concentrating
33 and intensifying development in appropriate locations, particularly within
34 designated centers and along identified transit emphasis corridors.”

35
36 (c) Existing policy supports expanding the geographic area of bulk regulation
37 bonuses provided by Reference Notes (5), (9) and (14).

38
39 D. The SW12 proposal and additional amendments in this substitute ordinance further
40 the GMA goals in RCW 36.70A.020, particularly RCW 36.70A.020(1) (Urban
41 Growth), RCW 36.70A.020(2) (Reduce Sprawl), RCW 36.70A.020(3)
42 (Transportation), RCW 36.70A.020(4) (Housing), RCW 36.70A.020(5) (Economic
43 Development), and RCW 36.70A.020(9) (Open Space and Recreation), by
44 encouraging multifamily development within the existing boundaries of the
45 Southwest Urban Growth Area (UGA) along a corridor that is served by high-

1 capacity transit, while providing more efficient use of urban land and reducing the
2 need to convert open space and wildlife habitat to housing and related infrastructure.

- 3
- 4 E. The SW12 proposal and additional amendments in this substitute ordinance are
5 consistent with the Multicounty Planning Policies (MPP), including RGS-6, HO-2,
6 HO-7, and HO-8, by encouraging multifamily development within the existing
7 boundaries of the Southwest UGA along a corridor that is served by high-capacity
8 transit.
- 9
- 10 F. The SW12 proposal and additional amendments in this substitute ordinance are
11 consistent with Countywide Planning Policy (CPP) DP-11 by encouraging multifamily
12 development within the existing boundaries of the Southwest UGA along a corridor
13 that is served by high-capacity transit.
- 14
- 15 G. The SW12 proposal and additional amendments in this substitute ordinance are
16 consistent with Snohomish County GMA Comprehensive Plan policies LU 2.B.2 and
17 2.B.3 by encouraging multifamily development along a corridor that is served by
18 high-capacity transit.
- 19
- 20 H. Procedural requirements.
- 21
- 22 1. SEPA requirements with respect to this non-project action have been satisfied
23 through the completion of a Draft Environmental Impact Statement (EIS)
24 issued on September 6, 2023, and a Final EIS issued on _____, 2024.
- 25
- 26 2. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- 27
- 28 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
29 was transmitted to the Washington State Department of Commerce for
30 distribution to state agencies on _____, 2024.
- 31
- 32 4. The public participation process used in the adoption of this ordinance
33 complied with all applicable requirements of the GMA and the SCC.
34 Notification was provided in accordance with SCC 30.73.050.
- 35
- 36 5. The Washington State Attorney General last issued an advisory
37 memorandum, as required by RCW 36.70A.370, in September of 2018
38 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private
39 Property” to help local governments avoid the unconstitutional taking of
40 private property. The process outlined in the State Attorney General’s 2018
41 advisory memorandum was used by Snohomish County in objectively
42 evaluating the amendments proposed by this ordinance.
- 43
- 44 I. The ordinance is consistent with the record, including the PDS staff report to the
45 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. This proposal complies with all requirements of Washington State law and county
7 code.
8
9 B. This proposal is consistent with the MPPs.
10
11 C. This proposal is consistent with the CPPs.
12
13 D. This proposal is consistent with the goals, objectives, and policies of the GMACP.
14
15 E. All SEPA requirements with respect to this non-project action have been satisfied.
16
17 F. This proposal does not result in an unconstitutional taking of private property for a
18 public purpose and does not violate substantive due process guarantees.
19

20 Section 3. The County Council bases its findings and conclusions on the entire
21 record of the Planning Commission and the County Council, including all testimony and
22 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
23 should be deemed a finding, is hereby adopted as such.
24

25 Section 4. Snohomish County Code Section 30.23.040, last amended by
26 Amended Ordinance No. 23-033 on June 7, 2023, is amended to read:

27 **30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.**

- 28
29 (1) MR bulk requirements shall apply for all residential development permitted in the
30 NB, PCB, CB, GC and BP zones.
31 (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
32 (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
33 (4) In the LDMR zone, the maximum density shall be calculated based on 4,000
34 square feet of land per dwelling unit, except that existing dwelling units may be retained
35 as part of new development in the LDMR zone without counting towards the maximum
36 density.
37 (5) In the MR zone the maximum density shall be calculated based on 2,000 square
38 feet of land per dwelling unit, except that:
39 (a) Existing dwelling units may be retained as part of new development in the MR
40 zone without counting towards the maximum density.
41 (b) For sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any
42 portion of the site is within 2,000 feet of the (~~western~~) edge of the right-of-way of
43 State Route 99 (~~or within 800 feet of the eastern edge of the right-of-way of State~~
44 ~~Route 99, and the site is east of State Route 525, the~~) there is no maximum density

1 ~~((shall be calculated based on 750 square feet of land per dwelling unit)),~~ provided
2 that either:

3 (i) One or more transfer of development rights (TDR) credits must be used to
4 realize the additional density under subsection (5)(b) of this section according to
5 the requirements of chapter 30.35A SCC; or

6 (ii) ~~((After June 11, 2020, developments))~~ Developments for which the
7 applicant provides documentation to the director showing that the entire project
8 has been granted a property tax exemption by the Washington State
9 Department of Revenue under RCW 84.36.041, 84.36.042, 84.36.043, or
10 84.36.560 shall be exempt from the requirements of chapter 30.35A SCC ~~((and
11 development may be permitted up to a maximum density of 750 square feet of
12 land per dwelling unit without using TDR credits))~~.

13 (6) Commercial forestry structures shall not exceed 65 feet in height.

14 (7) Non-residential structures shall not exceed 45 feet in height.

15 (8) Lot coverage includes all buildings on the given lot.

16 (9) Sites zoned MR, NB, PCB, CB, or GC in the Southwest UGA where any portion of
17 the site is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99
18 ~~((or within 800 feet of the eastern edge of the right-of-way of State Route 99; and the
19 site is east of State Route 525;))~~ are exempt from minimum lot area, minimum lot width,
20 and maximum lot coverage requirements.

21 (10) RESERVED for future use.

22 (11) These setbacks shall be measured from the property line.

23 (12) Greater setbacks than those listed may apply to areas subject to Shoreline
24 Management Program jurisdiction or critical areas regulations in chapters 30.62A,
25 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC
26 30.23.110.

27 (13) The listed setbacks apply where the adjacent property is zoned F. In all other
28 cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for
29 residential structures on 10 acres or less which were legally created prior to being
30 zoned to F shall be the same as in the R-8,400 zone.

31 (14) The maximum building height is 75 feet for multifamily structures on sites zoned
32 MR, NB, PCB, CB and GC that are in the Southwest UGA where any portion of the site
33 is within 2,000 feet of the ~~((western))~~ edge of the right-of-way of State Route 99 ~~((or
34 within 800 feet of the eastern edge of the right-of-way of State Route 99, and the site is
35 east of State Route 525))~~. Subject to the requirements in SCC 30.22.100, non-
36 residential uses are allowed on the first floor of multifamily structures on sites zoned NB,
37 PCB, CB, and GC that are in the Southwest UGA where any portion of the site is within
38 2,000 feet of the edge of the right-of-way of State Route 99 ~~((and the site is east of
39 State Route 525))~~.

40 (15) See SCC 30.23.300.

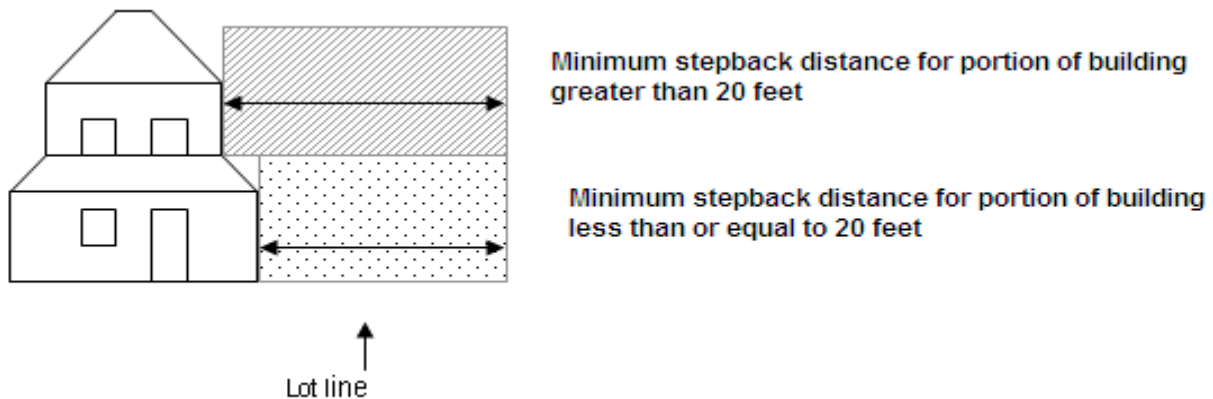
41 (16) The maximum building height is increased an additional five feet when the
42 building includes a daylight basement, except under conditions that would violate any
43 other applicable requirements of Title 30 SCC, including the height limit requirements of
44 the Shoreline Management Program (SCC 30.67.460), airport compatibility regulations
45 (SCC 30.32E.060), and urban residential design standards (chapter 30.23A SCC).

- 1 (17) In the IP zone there shall be an additional one foot setback for every one foot of
2 building height over 45 feet.
- 3 (18) RESERVED for future use.
- 4 (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land
5 necessary for PCB or BP zoning.
- 6 (20) See additional setback provisions for dwellings located along the boundaries of
7 designated farmland contained in SCC 30.32B.130.
- 8 (21) See additional setback provisions for structures located adjacent to forest lands,
9 and/or on lands designated local forest or commercial forest contained in SCC
10 30.32A.110.
- 11 (22) The minimum lot size for properties designated Rural Residential (RR)--10
12 (Resource Transition) on the comprehensive plan shall be 10 acres.
- 13 (23) Minimum lot area requirements may be modified within UGAs in accordance with
14 SCC 30.23.020.
- 15 (24) In rural cluster subdivisions approved in accordance with the provisions of chapter
16 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The
17 maximum lot area shall be 20,000 square feet or less when located in rural/urban
18 transition areas.
- 19 (25) RESERVED for future use.
- 20 (26) RESERVED for future use.
- 21 (27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for
22 height limit requirements within shoreline jurisdiction.
- 23 (28) RESERVED for future use.
- 24 (29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.
- 25 (30) SCC 30.32A.120 (Siting of new structures: Commercial forest land) requires an
26 application for a new structure on parcels designated commercial forest, but not within a
27 designated commercial forest--forest transition area, to provide a minimum 500-foot
28 setback, which shall be a resource protection area, from the property boundaries of
29 adjacent commercial forest lands except that if the size, shape, and/or physical site
30 constraints of an existing legal lot do not allow a setback of 500 feet, the new structure
31 shall maintain the maximum setback possible, as determined by the department.
- 32 (31) Setback requirements for mineral excavation and processing are in SCC
33 30.23.110(27). Performance standards and permit requirements are in chapter 30.32C
34 SCC.
- 35 (32) For mineral excavation and processing: The site shall be a contiguous geographic
36 area and have a size of not less than 10 acres, except in the case of subsurface shaft
37 excavations, no minimum acreage is required, pursuant to SCC 30.32C.020(1).
- 38 (33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing
39 a home occupation.
- 40 (34) RESERVED for future use.
- 41 (35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone
42 height, setback, and lot coverage requirements.
- 43 (36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094,
44 effective September 29, 2005).

- 1 (37) *Agriculture*. All structures used for housing or feeding animals, not including
2 household pets, shall be located at least 30 feet from all property lines.
- 3 (38) There shall be no subdivision of land designated commercial forest in the
4 comprehensive plan except to allow installation of communication and utility facilities if
5 all the following requirements are met:
- 6 (a) The facility cannot suitably be located on undesignated land;
 - 7 (b) The installation cannot be accomplished without subdivision;
 - 8 (c) The facility is to be located on the lowest feasible grade of forest land; and
 - 9 (d) The facility removes as little land as possible from timber production.
- 10 (39) On parcels designated commercial forest, but not within a designated commercial
11 forest--forest transition area, establish and maintain a minimum 500-foot setback, which
12 shall be a resource protection area, from the property boundaries of adjacent
13 commercial forest lands except when the size, shape, and/or physical site constraints of
14 an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain
15 the maximum setback possible as provided in SCC 30.32A.120.
- 16 (40) Land designated local commercial farmland shall not be divided into lots of less
17 than 10 acres unless a properly executed deed restriction which runs with the land and
18 which provides that the land divided is to be used exclusively for agricultural purposes
19 and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.
- 20 (41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone
21 identified as the implementing zone by the comprehensive plan for the plan designation
22 applied to the subject property. Where more than one implementing zone is identified
23 for the same designation, the minimum lot size shall be that of the zone allowing the
24 smallest lot size.
- 25 (42) RESERVED for future use.
- 26 (43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and
27 30.31F.140.
- 28 (44) The 50 percent maximum lot coverage limitation applies solely to the portion of
29 the area within the CRC comprehensive plan designation and zone that is centered at
30 180th Street SE and SR 9, generally extending between the intersection of 172nd
31 Street/SR 9 to just south of 184th Street/SR 9, as indicated on the county's FLUM and
32 zoning map.
- 33 (45) The 30 percent maximum lot coverage limitation applies solely to the portion area
34 located within the CRC comprehensive plan designation and zone that is centered at
35 State Route (SR) 9 and 164th Street SE, as indicated on the county's Future Land Use
36 Map (FLUM) and zoning map.
- 37 (46) Additional setbacks may apply to development within a rural cluster subdivision.
38 Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC
39 30.32C.050. Uses are restricted where the R-5 zone coincides with the Mineral
40 Resource Overlay (MRO) to prevent development which would preclude future access
41 to the mineral resources.
- 42 (47) RESERVED for future use.
- 43 (48) RESERVED for future use.
- 44 (49) RESERVED for future use.
- 45 (50) RESERVED for future use.

- 1 (51) RESERVED for future use.
- 2 (52) RESERVED for future use.
- 3 (53) RESERVED for future use.
- 4 (54) A split parcel may be subdivided along the UGA boundary line using one of three
- 5 methods. First, a split parcel may be subdivided along the UGA boundary line into two
- 6 lots, whereby one lot remains within the UGA and the other lot remains outside the
- 7 UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part
- 8 of a short plat application, pursuant to SCC 30.41B.010(8). Finally, a split parcel may be
- 9 subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).
- 10 (55) See SCC 30.42E.100(9)(c).
- 11 (56) RESERVED for future use.
- 12 (57) RESERVED for future use.
- 13 (58) RESERVED for future use.
- 14 (59) Relationship of setback to building height:
- 15 The minimum setback requirements are dependent on the heights of the building as
- 16 specified in this column. To meet the setback requirements, buildings over 20 feet in
- 17 height must either:
- 18 (a) Set the entire building back the minimum setback distance; or
- 19 (b) Stepback those portions of the building exceeding 20 feet in height to the
- 20 minimum setback distance, as illustrated in Figure 30.23.040(59).

21 **Figure 30.23.040(59). Example of relationship of building height to setback**



- 23
- 24 (60) Stepback those portions of the building exceeding 45 feet in height from the
- 25 minimum side and rear yard setbacks by one additional foot for each additional two feet
- 26 of building height.
- 27 (61) Single-family detached, single-family attached and duplex structures shall comply
- 28 with the minimum setbacks required in the R-8,400 zone.
- 29 (62) Fencing between single-family detached, single-family attached and duplex
- 30 structures shall be:
- 31 (a) Prohibited in the area that is within five feet of a third story ingress/egress
- 32 window so ladder access to the third floor window is not impeded; or

1 (b) Limited to either vegetative, wood, block, concrete or metal that does not
2 exceed 42 inches in height.

3 (63) Additional building height up to a maximum of 125 feet may be allowed under
4 certain circumstances as provided for in SCC 30.34A.040(1).

5 (64) If located within an airport compatibility area, building height is subject to the
6 requirements of SCC 30.32E.060.

7 (65) Townhouse and mixed townhouse development may achieve the following
8 density:

9 (a) For the R-7,200 zone, the maximum density shall be calculated based on 7,200
10 square feet of land per dwelling unit, but the maximum density may be increased up
11 to 50 percent. Existing dwelling units may be retained as part of new development
12 without counting towards the maximum density.

13 (b) For the LDMR and MR zones, the maximum density established under
14 subsections (4) and (5) of this section may be increased up to 50 percent.

15 (c) Maximum density shall be determined by rounding up to the next whole unit
16 when a fraction of a unit is equal to five-tenths or greater.

17 (66) The maximum lot coverage in townhouse and mixed townhouse developments is
18 50 percent in the LDMR zone and 50 percent in the MR zone except sites zoned MR
19 where any portion of the site is within 2,000 feet of the western edge of the right-of-way
20 of State Route 99 or within 800 feet of the eastern edge of the right-of-way of State
21 Route 99, and the site is east of State Route 525 are exempt from maximum lot
22 coverage requirements consistent with SCC 30.23.040(9).

23 (67) See SCC 30.23.310.

24
25 Section 5. 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.

1 PASSED this _____ day of _____, 2024.

2

3

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

4

5

6

Council Chair

7

8

9 ATTEST:

10

11

12

13

14 () APPROVED

15 () EMERGENCY

16 () VETOED

DATE: _____

17

18

19

County Executive

20

21

22 ATTEST:

23

24

25

26 Approved as to form only:

27

28  7/12/24

29 Deputy Prosecuting Attorney