

MEMORANDUM

TO: Snohomish County Council

FROM: Dave Somers, Snohomish County Executive

DATE: December 12, 2024

RE: Veto of Amended Ordinance 24-100 and Amended Ordinance 24-101

Amended Ordinance 24-100 and Amended Ordinance 24-101 have been vetoed. Please see below for the written objections.

Ordinance No. 24-100 (SWUGA Expansion Sunset Road)

I am vetoing Amended Ordinance No. 24-100 (SWUGA Expansion Road). This larger expansion of the Southwest UGA is an example of the type of urban sprawl that the GMA was designed to prevent and is unnecessary to accommodate projected growth through 2044. There would be irreversible impacts to the natural environment once the area's current designation as rural residential land is removed and it is developed at urban densities. Based on testimony from members of the public and local organizations, there is a high likelihood that such an expansion of the UGA would face legal challenges. It also is not supported by the Growth Management Act (GMA), the Multi-County Planning Policies (MPPs), the Countywide Planning Policies (CPPs), and Growth Management Act Comprehensive Plan (GMACP) policies.

This larger Southwest UGA expansion is not necessary to accommodate projected growth as required under GMA in RCW 36.70A.110(2). The UGA Land Capacity Analysis for the Executive Recommended Plan, forwarded with Executive Amendment Sheet 4 to Ordinance No. 24-033 and dated August 7, 2024, documents that there is sufficient capacity in the composite UGA. Cities, towns, and unincorporated UGAs can accommodate the recommended population, housing, and employment targets with a UGA sizing safety factor of 5.8% for population growth.

The proposal does not further GMA Goal 12 for Public Facilities and Services or Goal 14 for Climate Change and Resilience (RCW 36.70A.020(12) and (14)). This growth would be planned for an area that lacks nearby commercial services and existing or planned bus service. This would put more traffic on heavily congested roads, including 35th Ave SE which is designated at ultimate capacity. With more vehicles traveling further distances, there would be significant additional greenhouse gas emissions. Furthermore, the northern portion lies near the headwaters of Little Bear Creek. The County and many organizations have invested considerably in projects designed to improve water quality and fish habitat in Little Bear Creek, and further development jeopardizes these investments.

This larger Southwest UGA expansion does not further the MPPs in VISION 2050. Importantly, MPP RGS-5 states, “Ensure long-term stability and sustainability of the urban growth area consistent with the regional vision.” The Regional Growth Strategy in VISION 2050 envisions only minor adjustments to UGA boundaries. This expansion for urban development can no longer be considered a minor UGA adjustment, and a smaller expansion is sufficient to accommodate the projected growth. Since the larger expansion is not necessary to accommodate growth, it does not meet the CPP DP-2 requirements.

Ordinance No. 24-101 (Maltby UGA)

I am vetoing Amended Ordinance No. 24-101 (Maltby UGA Expansion). This expansion of the Maltby UGA is unnecessary to accommodate projected growth through 2044. There would be irreversible impacts to the natural environment and the rural community in the proximity once it is developed with urban uses. The expansion would likely face legal challenge. Meanwhile, it is not supported by the GMA, the MPPs, CPPs, and GMACP policies.

The proposal does not further GMA Goal 10 for Natural Environment (RCW 36.70A.020(10)). The Environmental Impact Statement (EIS) documents that a tributary to Little Bear Creek runs through the northern part of this UGA expansion area. Redesignation of some properties in this area for Urban Industrial and Urban Commercial uses would result in more intensive development that could impact surface water quality and fish habitat. Cutthroat Creek is fish bearing, with sockeye salmon, coho salmon, and cutthroat trout believed to use the stream.

The Maltby UGA expansion is not necessary to accommodate projected growth as required under GMA in RCW 36.70A.110(2). This proposal is primarily for employment uses and public uses, with an estimated additional capacity of 671 jobs. The public uses in the expansion area do not require expansion of the UGA. The UGA Land Capacity Analysis for the Executive Recommended Plan, forwarded with Executive Amendment Sheet 4 to Ordinance 24-033 and dated August 7, 2024, documents that the existing Maltby UGA has an additional employment capacity of 4,936 jobs, compared to a growth target of 1,013 additional jobs, through 2044. The composite countywide UGA as proposed in the Executive Recommended Plan has a surplus of employment capacity of 7,322 jobs, a good share of which is provided in the existing Maltby UGA. Under RCW 36.70A.130(3), UGA expansions that are part of the 2024 Update and are not necessary to accommodate projected growth require a UGA swap consistent with the provisions of RCW 36.70A.130(3)(c).

Note that the Urban Commercial future land use designation with Planned Community Business zoning proposed at the intersection of SR 524 and SR 9, a neighborhood known as Turner Corner, also allows multifamily residential construction. The EIS assumed that if added to the UGA, only a small amount of the development in that proximity would be multifamily construction, with a conservative additional capacity estimate of 86 population. Even a small amount of new apartment construction could transform this existing rural business area dramatically.

The proposal does not further GMA Goal 12 Public Facilities and Services (RCW 36.70A.020(12)). The proposal would put more traffic on roads that are already heavily congested, including Snohomish-Woodinville Road which is designated at ultimate capacity, and SR 9 and SR 522 which are already at capacity. Furthermore, the desire to include property owned by Northshore School District in the UGA is laudable, although not needed as state law allows sanitary sewer connections outside of UGAs for schools (RCW 26.70A.213). In addition, county code and state law require safe walking routes to schools whether inside or outside UGAs.

The Maltby UGA expansion proposal is inconsistent with the MPPs in VISION 2050. MPP RGS-12 states, “Avoid increasing development capacity inconsistent with the Regional Growth Strategy in regional geographies not served by high-capacity transit.” The Maltby UGA is part of the Unincorporated Urban Area’s regional geography, not served by high-capacity transit. Since the Maltby UGA expansion is not necessary to accommodate growth, it also does not meet the CPP DP-2 requirements for a UGA expansion.