

1 Adopted:
2 Effective:

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4
5
6 SNOHOMISH COUNTY COUNCIL
7 SNOHOMISH COUNTY, WASHINGTON

8
9 ORDINANCE NO. 21-058

10
11 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
12 MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT
13 ACT COMPREHENSIVE PLAN (SW6 – TOM WINDE)

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

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

25
26 WHEREAS, the Department of Planning and Development Services (PDS)
27 compiled a list of non-county initiated amendments and revisions received by the
28 October 31, 2019, deadline for Docket XX applications and evaluated these proposed
29 amendments, including the SW6 – Tom Winde docket proposal, for consistency with the
30 initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

31
32 WHEREAS, the SW6 – Winde docket application proposed two options to amend
33 the County’s GMACP; and

34
35 WHEREAS, the first option proposed redesignating the site from Urban Low
36 Density Residential (ULDR) to Urban High Density Residential (UHDR) with a
37 concurrent rezone from R-7,200 to Multiple Residential (MR); and

38
39 WHEREAS, the second option proposed redesignating the site from ULDR to
40 Urban Medium Density Residential (UMDR) with a concurrent rezone from R-7,200 to
41 Low Density Multiple Residential (LDMR); and

1 WHEREAS, on July 22, 2020, the County Council approved, by Amended Motion
2 No. 20-116, a list of proposed non-county initiated comprehensive plan amendments,
3 including SW6 – Tom Winde, to be included on Final Docket XX and authorized the
4 County Executive, through PDS, to further process the proposed minor docket
5 amendments consistent with Chapters 30.73 and 30.74 SCC, including environmental
6 review under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, for
7 final consideration in 2021; and
8

9 WHEREAS, the Snohomish County Planning Commission (“Planning
10 Commission”) was briefed on the SW6 – Tom Winde proposal on May 25, 2021, and
11

12 WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed a final review and
13 evaluation of the SW6 – Tom Winde proposal and forwarded a recommendation to deny
14 the proposal to the Planning Commission; and
15

16 WHEREAS, the Planning Commission held a public hearing on June 22, 2021, to
17 receive public testimony on the SW6 – Tom Winde proposal and after a lengthy
18 discussion and receiving extensive public testimony, recommended adoption of a
19 modified Option 2 proposal which would redesignate the Winde property without a
20 concurrent rezone as described in its recommendation letter of July 9, 2021; and
21

22 WHEREAS, on _____, 2021, the County Council held a public
23 hearing, after proper notice, to receive public testimony and consider the entire record
24 related to the SW6 – Tom Winde proposal as modified and recommended by the
25 Planning Commission and contained in this ordinance; and
26

27 WHEREAS, following the public hearing, the County Council deliberated on the
28 proposed amendments contained in this ordinance;
29

30 NOW, THEREFORE, BE IT ORDAINED:
31

32 Section 1. The County Council adopts the following findings to support this ordinance:
33

- 34 A. The foregoing recitals are adopted as findings as if set forth in full herein.
35
36 B. The SW6 – Tom Winde proposal, as modified and recommended by the Planning
37 Commission, would amend the Future Land Use (FLU) map of the General Policy
38 Plan (GPP) by redesignating 19.96 acres in the Southwest Urban Growth Area
39 (SWUGA) from ULDR to UMDR with no concurrent rezone. The zoning on the site
40 would remain R-7,200 which is an implementing zone for the UMDR FLU map
41 designation. The SW6 – Tom Winde proposal is located north of Cathcart Way, east
42 of 70th Drive SE, south of the plat of Glacier View, and west of 134th St. SE.
43

- 1 C. The SW6 proposal as modified and recommended by the Planning Commission
2 would allow for future urban population growth in a portion of the SWUGA that is
3 already characterized by urban growth.
4
- 5 D. The SW6 proposal as modified and recommended by the Planning Commission is
6 consistent with RCW 36.70A.130(2)(a), which requires that proposed
7 comprehensive plan amendments be considered no more frequently than once
8 every year. The proposed non-county initiated amendments were scheduled for final
9 consideration by the County Council according to the requirements in Chapter 30.74
10 SCC and are considered together with county-initiated comprehensive plan
11 amendments for final action no more frequently than once per year.
12
- 13 E. The SW6 proposal as modified and recommended by the Planning Commission
14 maintains internal consistency between the GPP FLU map and the official zoning
15 map.
16
- 17 F. The SW6 proposal was analyzed for consistency with the Puget Sound Regional
18 Council (PSRC) Multicounty Planning Policies (MPP).
19
- 20 G. The SW6 proposal was analyzed for consistency with the Countywide Planning
21 Policies (CPP).
22
- 23 H. The SW6 proposal was analyzed for consistency with the GPP.
24
- 25 I. The SW6 proposal is consistent with GPP LU Policy 2.A.4 because it amends the
26 GPP FLU map to provide opportunities for a mix of affordable housing types within
27 designated urban residential areas.
28
- 29 J. PDS, with assistance from the Snohomish County Department of Public Works,
30 prepared a Draft Supplemental Environmental Impact Statement (DSEIS) to analyze
31 potential transportation impacts related to the changes proposed to the GPP FLU
32 map. The DSEIS, issued on June 7, 2021, evaluated three alternatives which
33 included a high density alternative, a medium density alternative, and a no action
34 alternative.
35
- 36 K. Procedural requirements.
37
- 38 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
39
- 40 2. State Environmental Policy Act (SEPA) requirements with respect to this non-
41 project action have been met through the completion of a Draft SEIS issued
42 on June 7, 2021, and a Final SEIS issued on _____.
43

- 1 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
2 was transmitted to the Washington State Department of Commerce for
3 distribution to state agencies on May 28, 2021.
4
5 4. The public participation process used in the adoption of this ordinance
6 complied with all applicable requirements of the GMA and the SCC.
7
8 5. The Washington State Attorney General last issued an advisory
9 memorandum, as required by RCW 36.70A.370, in September of 2018,
10 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
11 Property" to help local governments avoid the unconstitutional taking of
12 private property. The process outlined in the State Attorney General's 2018
13 advisory memorandum was used by Snohomish County in objectively
14 evaluating the amendments proposed by this ordinance.
15

16 Section 2. The County Council makes the following conclusions.

- 17
18 A. This proposal complies with all requirements of Washington State law and county
19 code.
20
21 B. This proposal is consistent with the MPP.
22
23 C. This proposal is consistent with the CPP.
24
25 D. This proposal is consistent with the goals, objectives, and policies of the GPP.
26
27 E. All SEPA requirements with respect to this non-project action have been satisfied.
28
29 F. This proposal does not result in an unconstitutional taking of private property for a
30 public purpose and does not violate substantive due process guarantees.
31

32 Section 3. The County Council bases its findings and conclusions on the entire record
33 of the Planning Commission and the County Council, including all testimony and
34 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
35 should be deemed a finding, is hereby adopted as such.
36

37 Section 4. Map 1 (Future Land Use) of the GPP, last amended by Ordinance No.
38 _____, is amended as indicated in Exhibit A to this
39 ordinance, which is attached hereto and incorporated by reference into this ordinance.
40

41 Section 5. The County Council directs the code reviser to update SCC 30.10.060
42 pursuant to SCC 1.02.020(3).
43

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

10
11
12
13 PASSED this _____ day of _____, 2021.

14
15 SNOHOMISH COUNTY COUNCIL
16 Snohomish County, Washington

17
18 _____
19 Council Chair

20 ATTEST:

21 _____
22
23
24
25

- 26
27 () APPROVED
28 () EMERGENCY
29 () VETOED

30 DATE: _____
31
32

33 _____
34 County Executive

35 ATTEST:

36 _____
37
38

39 Approved as to form only:

40 _____
41

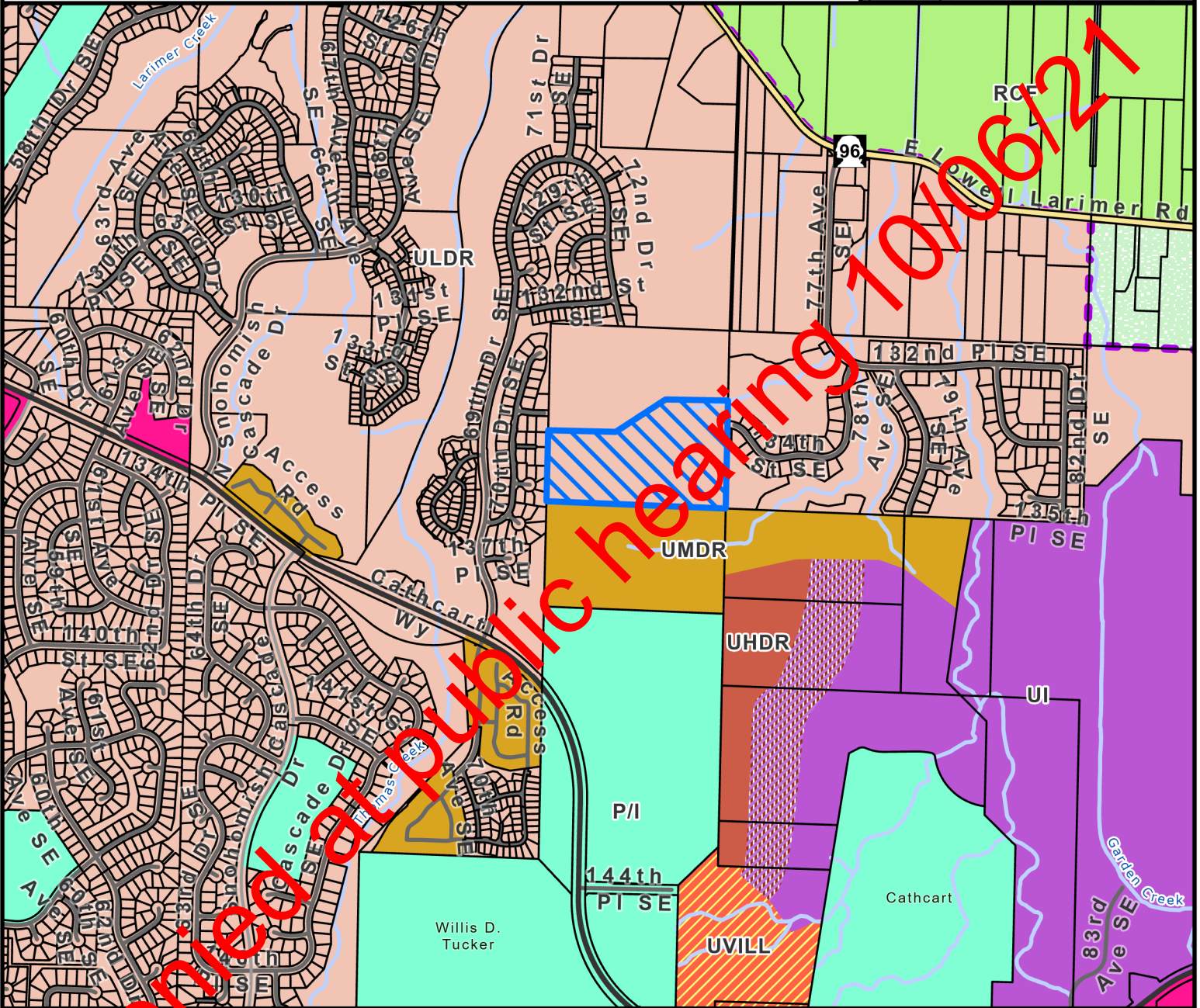
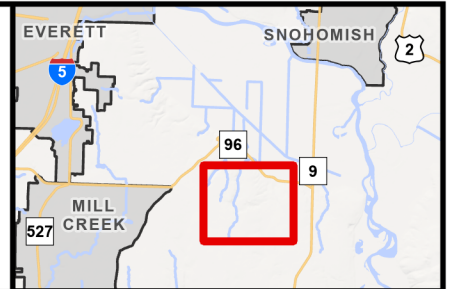
42 Deputy Prosecuting Attorney

**Exhibit A
Ordinance No. 21-058
Final Docket XX
SW6 – Tom Winde
Amendments to Map 1 of the GPP**

Denied at public hearing 10/06/21

Final Docket XX
Winde - (SW6) - (Option 2)

Proposed FLU Map Adjustments



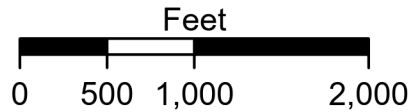
Denied at Public Hearing 10/10/21

Proposed Future Land Use

- Reassignate Urban Low Density Residential (ULDR) to Urban Medium Density Residential (UMDR)
- Urban Growth Area Boundary
- Parcels
- Watercourse
- Major Roads
- Streets

Future Land Use

- P/I (Public/Institutional Use)
- RCF (Riverway Commercial Farmland)
- RR/5BASIC (Rural Residential (1 DU/5 Acres Basic))
- UCOM (Urban Commercial)
- UHDR (Urban High Density Residential)
- UHDR/UI (Urban High Density Residential/Urban Industrial (overlapping designations))
- UI (Urban Industrial)
- ULDR (Urban Low Density Residential)
- UMDR (Urban Medium Density Residential)
- UVILL (Urban Village)



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All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data.