



Snohomish County
Planning and Development Services

MEMORANDUM

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TO: Snohomish County Planning Commission

FROM: Frank Slusser, Senior Planner

Dave Somers
County Executive

SUBJECT: Final Docket 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.