



Committee of the Whole

Ryan Countryman

Council Initiated:

Yes

No

ECAF: 2024-2834

Ord.: 24-101

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 – Maltby Urban Growth Area (UGA)

Scope: Ordinance 24-101 would expand the Maltby UGA by approximately 255 acres

Duration: N/A

Fiscal Impact: Current Year Multi-Year N/A

Authority Granted: None

Background: The Environmental Impact Statement (EIS) for the 2024 Comprehensive Plan Update (2024 Update) studied three alternatives. Alternative 1 included only baseline housekeeping changes. Alternative 2 studied several potential changes but none in the Maltby area. Alternative 3 included the same 255 acres of expansion of the Maltby UGA proposed in this ordinance. The Executive Recommendation does not include any expansion of the Maltby UGA expansion. A September 10, 2024, memo provides the County Executive’s reasons for opposing expansion of the Maltby UGA.

Councilmember Mead asked council staff to prepare this ordinance to expand the Maltby UGA. These proposed changes are the same as those proposed by Councilmember Low in Motion No. 22-098 and which became the basis for the Alternative 3 changes studied for the Maltby area. This ordinance includes findings and conclusions showing how, if adopted, the expansion would meet the requirements applicable to UGA expansions. Appendix A provides maps of the proposed Future Land Use Map changes. Appendix B provides maps of the proposed changes to the zoning map.

To clarify the range of discretion available to the County Council, this staff report makes five points relative interpretations and assertions made in the September 10, 2024 memo.

1. The memo states on page 4:

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 Areas regional geography**, not served by high-capacity transit. (bolding added)

This statement assumes an interpretation of MPP RGS-12 that is inconsistent with some of the County Executive’s own recommendations in other locations to increase development capacity in other areas not recognized by PSRC as a regional geography served by high capacity transit. Like the Maltby UGA, the Lake Stickney area is an Unincorporated Urban Area regional geography not recognized as a High Capacity Transit Community in the regional growth strategy. For Lake Stickney, the Executive is proposing density increases contrary to the interpretation of RGS-12 given in the memo. Thus, the interpretation suggested in the memo does not appear to meet requirements of RCW 36.70A.070 that plans be internally consistent.

2. The interpretation of RGS-12 suggested in the memo would also preclude many towns and cities from adopting infill strategies within their corporate boundaries. This could thwart those jurisdictions from fulfilling their own Growth Management Act obligations to accommodate planned growth. In this way, the interpretation suggested by the memo appears to exceed applicable coordination and consistency requirements in WAC 365-196-510 and Countywide Planning Policy GF-4.

Committee of the Whole

Ryan Countryman

3. The memo cites SCC 30.22.130(88) and suggests its meaning as the County Council cannot add certain public uses to the Maltby UGA. The asserted code conflict does not apply. This code section would only apply to proposed new uses after a property is in the UGA. The publicly owned wetland mitigation areas in the proposed expansion would become non-conforming uses under SCC 30.22.130(88) and be subject to some limitations if added to the UGA, but this code section does not prohibit adding such areas to a UGA.
4. The memo makes a broad assertion that the proposed Maltby UGA expansion does not comply with Countywide Planning Policy DP-2. The proposed UGA expansion includes changes for a variety of specific reasons which are each described in the ordinance findings. Those findings include details explaining how the changes could comply with specific sub-requirements of DP-2. For example, DP-2.e.6 would specifically allow the part of the expansion for future schools.
5. The memo says that “the desire to include property owned by Northshore School District into the UGA is laudable, although not needed as state law allows sanitary sewer connections outside of UGAs for schools (RCW 26.70A.213)” (sic)¹. Although state law does authorize counties to allow extension of sewer to schools outside UGAs, RCW 36.70A.213 is permissive and not mandatory. Snohomish County sewerage regulations in Chapter 30.29 SCC prohibit sewer extensions outside UGAs with limited exceptions in SCC 30.29.110 and .120. Connections for schools are not among the exceptions.

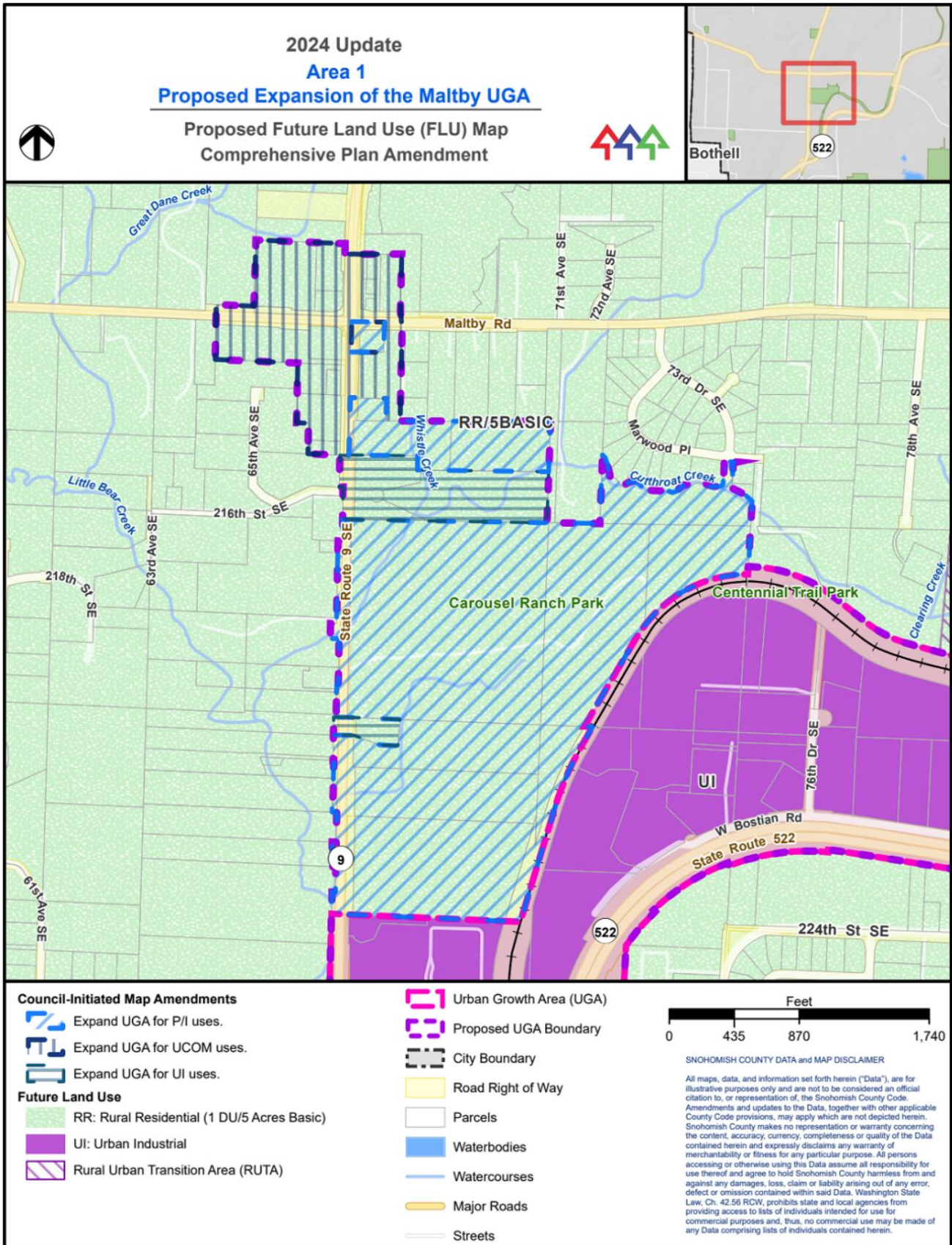
The September 10, 2024, memo is a statement of Executive policy preferences and arguments for those positions. However, the memo does not provide a full accounting of the requirements. The policy preferences expressed in the memo do not describe the only ways that the County Council could reasonably interpret relevant policies and requirements.

The Final Environmental Impact Statement (FEIS) for the 2024 Comprehensive Plan Update estimates that the land uses proposed by this ordinance would add capacity for 86 population (as potential residential infill in the Urban Commercial designation) and 671 additional jobs to the Maltby UGA (FEIS, page 2-48). Council staff notes here that a portion of the additional jobs would be school-related employment that could happen either inside or outside the UGA because zoning permits schools both inside and outside the UGA. The capacity increase related to schools is an increase in what would count in the UGA, but not an increase to countywide employment capacity. Schools outside the UGA would count towards rural employment targets. The information from PDS does not provide a breakdown of how many of the additional jobs could be at the school site. To meet urban road standards, addition of the school site to the UGA would also result in need for an additional road project in the Transportation Element of the comprehensive plan. The cost estimate of this project, upgrading 240th Street SE to urban standards, is \$12,000,000. The road upgrade would occur only due to school construction. DPW did not provide cost estimates for upgrading 240th to current rural standards to support school construction at rural standards were the site to remain outside the UGA. Appendix C identifies the location of the potential new road project.

Request: Set time and date for a public hearing. Suggested: Wednesday December 4, 2024, at 10:30 am (the continued hearing date for the other 2024 Update ordinances).

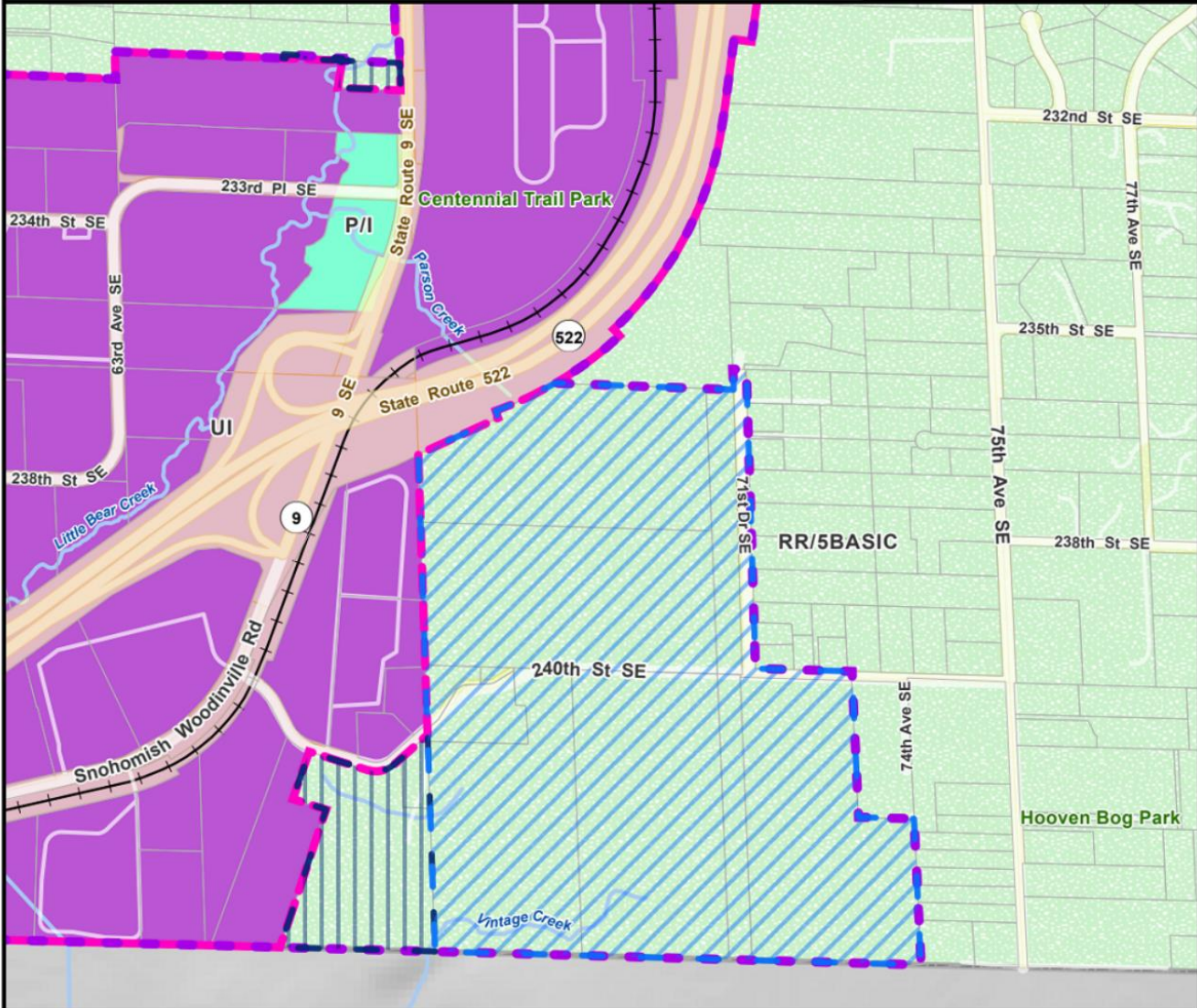
¹ The correct citation is RCW 36.270A.213.

Appendix A: Amendments to the Future Land Use Map



2024 Update
Areas 2 & 3
Proposed Expansion of the Maltby UGA

Proposed Future Land Use (FLU) Map
 Comprehensive Plan Amendment



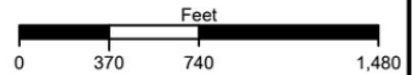
Council-Initiated Map Amendments

- Expand UGA for P/I uses.
- Expand UGA for UI uses.

Future Land Use

- P/I: Public/Institutional Use
- RR: Rural Residential (1 DU/5 Acres Basic)
- UI: Urban Industrial

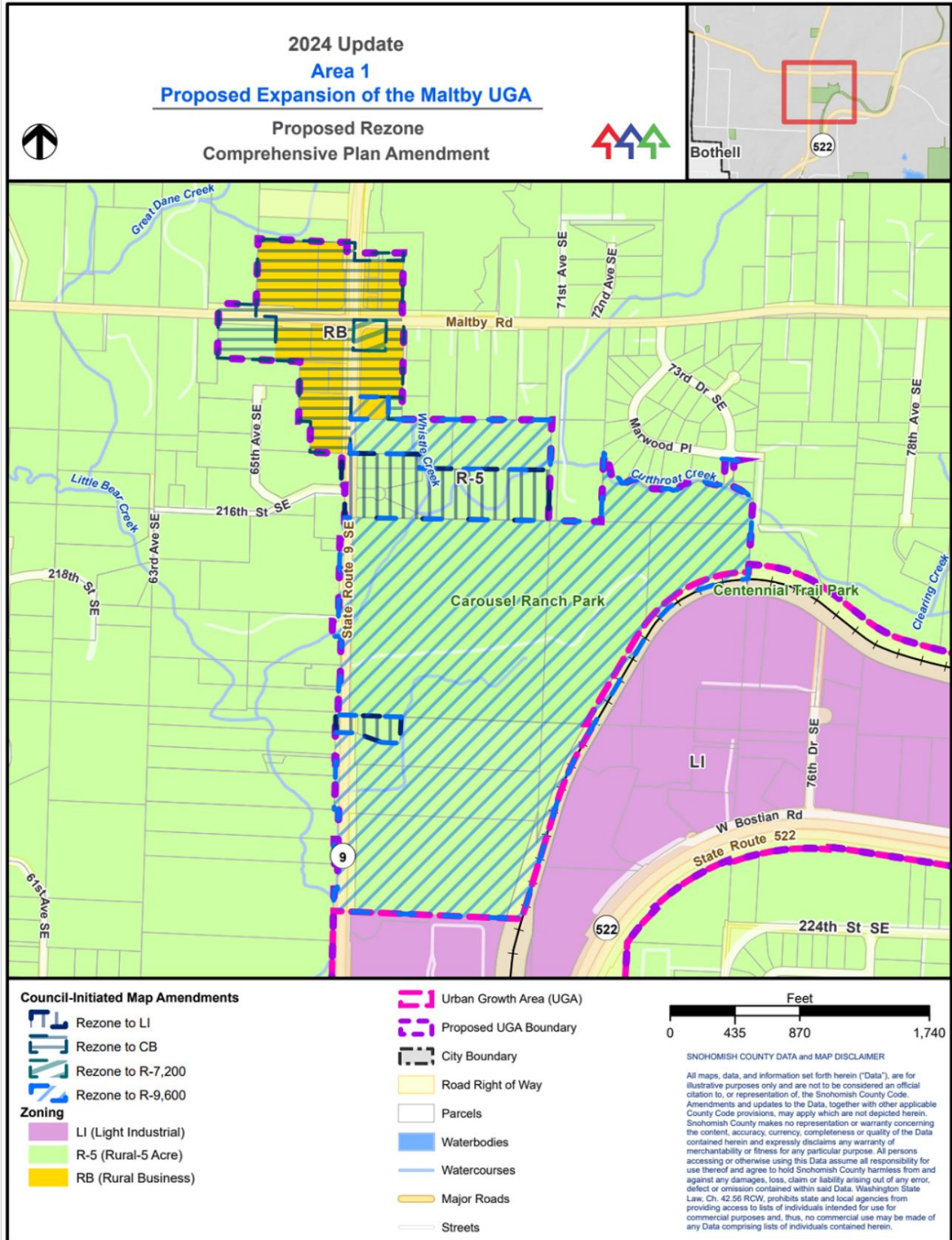
- Urban Growth Area (UGA)
- Proposed UGA Boundary
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets



SNOHOMISH COUNTY DATA and MAP DISCLAIMER

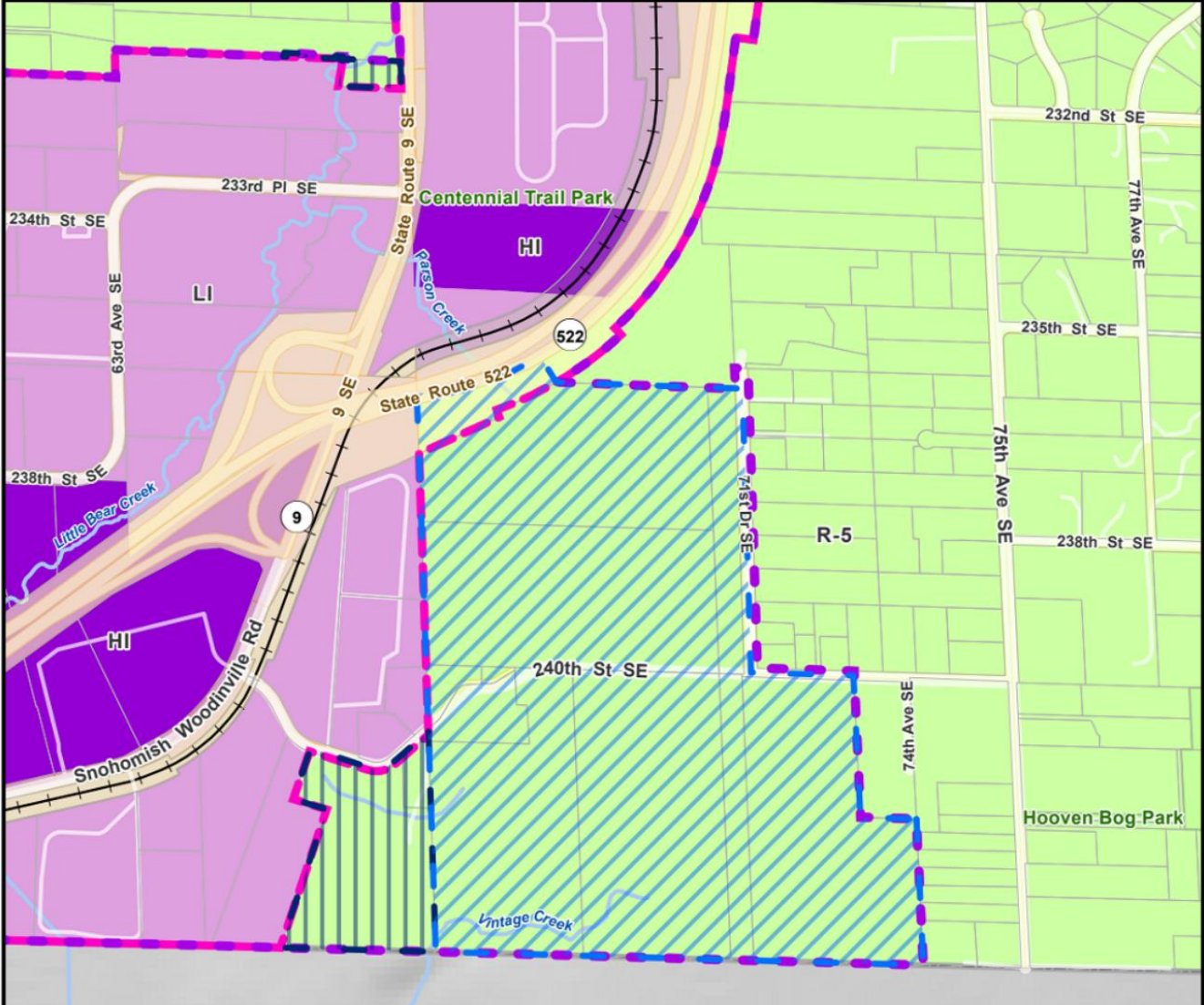
All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which 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. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Appendix B: Amendments to the Official Zoning Map



2024 Update
Areas 2 & 3
Proposed Expansion of the Maltby UGA

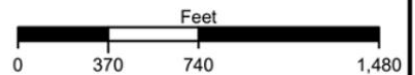
Proposed Rezone
 Comprehensive Plan Amendment



Council-Initiated Map Amendments

- Rezone to LI
- Rezone to R-9,600
- Zoning**
- HI (Heavy Industrial)
- LI (Light Industrial)
- R-5 (Rural-5 Acre)

- Urban Growth Area (UGA)
- Proposed UGA Boundary
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets



SNOHOMISH COUNTY DATA and MAP DISCLAIMER

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. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Appendix C: Proposed Addition of 240th Street SE Transportation Project to Map TE-9b as Project Number 74

