

1 Adopted: December 4, 2024
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON
6

7 AMENDED ORDINANCE NO. 24-101
8

9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP
10 AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT
11 COMPREHENSIVE PLAN, REVISING THE MALTBY URBAN GROWTH AREA AND
12 AMENDING THE FUTURE LAND USE AND OFFICIAL ZONING MAPS AND THE
13 TRANSPORTATION ELEMENT
14

15 WHEREAS, Snohomish County ("the county") adopted the Snohomish County
16 Growth Management Act Comprehensive Plan (GMACP) on June 28, 1995, through
17 passage of Amended Ordinance No. 94-125; and
18

19 WHEREAS, the county has amended the GMACP several times since its
20 adoption, most recently by Amended Ordinance No. 22-028 on September 14, 2022;
21 and
22

23 WHEREAS, the county must conduct a periodic review of its GMACP pursuant to
24 Revised Code of Washington (RCW) 36.70A.130(3), which directs counties planning
25 under the Growth Management Act (GMA) to take legislative action to review and, if
26 needed, revise their comprehensive plans and development regulations to ensure that
27 population, employment, and housing growth for the succeeding 20-year period can be
28 accommodated; and
29

30 WHEREAS, on November 1, 2021, the county began the State Environmental
31 Policy Act (SEPA) scoping period, and held two virtual public meetings on November 9
32 and November 15, 2021, to kick off the review of the GMACP and to seek comments on
33 a scope for an Environmental Impact Statement (EIS); and
34

35 WHEREAS, the county published the SEPA scoping public notice in English,
36 Spanish, and Korean in the Everett Herald, sent it to agencies and interested parties as
37 contained in the Planning and Development Services (PDS) SEPA Distribution List, and
38 posted it to the Snohomish County website; and
39

40 WHEREAS, on March 2, 2022, the County Council approved Amended Motion
41 21-147 (Motion No. 21-147) setting the final Docket of privately-initiated plan
42 amendments review, including environmental review under SEPA, consideration, and

1 recommendation by the Snohomish County Planning Commission ("Planning
2 Commission"), for final consideration in 2024; and
3

4 WHEREAS, Motion No. 21-147 included a docket proposal known as Malt1
5 which proposed an 11.75-acre expansion of the Maltby Urban Growth Area; and
6

7 WHEREAS, on March 23, 2022, the County Council approved Motion No. 22-098
8 referring potential expansion of the Maltby Urban Growth Area (UGA) by approximately
9 255 acres for review, including environmental review under SEPA, consideration, and
10 recommendation by the Snohomish County Planning Commission ("Planning
11 Commission"), for final consideration in 2024; and
12

13 WHEREAS, the area proposed for expansion under Motion No. 22-098 includes
14 the Malt1 area from Motion No. 21-147; and
15

16 WHEREAS, the Planning Commission was briefed on the amendments in
17 Motions Nos. 21-147 and 22-098 on September 12, 2023; and
18

19 WHEREAS, the county issued the Draft Environmental Impact Statement (DEIS)
20 on September 6, 2023, and the 45-day public comment period ended on October 23,
21 2023; and
22

23 WHEREAS, the county created an online interactive mapping tool for the public
24 to review the zoning and Future Land Use (FLU) Maps studied for each of the three
25 land use alternatives and make site specific comments during the DEIS comment
26 period, including proposed amendments to the Maltby UGA as part of Alternative 3; and
27

28 WHEREAS, county staff held in-person public open houses on September 12
29 and September 23, 2023, to provide the public an opportunity to obtain information and
30 comment on the DEIS and amendments to the GMACP FLU Map and zoning, including
31 Maltby UGA amendments; and
32

33 WHEREAS, the Planning Commission held a public hearing on October 24,
34 2023, to receive public testimony concerning the amendments contained in this
35 ordinance; and
36

37 WHEREAS, the notice of the public open houses and Planning Commission
38 public hearing was mailed to over 38,554 addresses in Snohomish County (including
39 those potentially affected by proposed changes and those within 500 feet of a proposed
40 change located within an urban growth area and 1,000 feet of a proposed change
41 outside of an urban growth area), published in the Everett Herald, and posted to the
42 project website; and
43

1 WHEREAS, after the conclusion of its public hearing, the Planning Commission
2 deliberated on November 14 and 15, 2023, and voted to approve the Motion No. 22-098
3 amendments, which includes the Malt1 proposal under Motion No. 21-147, and to
4 approve the Malt1 proposal, as set forth in the Planning Commission recommendation
5 letters dated January 16, 2024; and
6

7 WHEREAS, in its hearings related to the 2024 GMACP update on August 19,
8 and September 11, 2024, the County Council held a public hearing after proper notice
9 and considered public comment and the entire record related to the amendments
10 contained in this ordinance; and
11

12 WHEREAS, in its hearing on September 11, 2024, the County Council directed
13 staff to prepare the specific amendments contained in this ordinance as a stand-alone
14 ordinance rather than as an amendment to other ordinances before the County Council
15 for consideration; and
16

17 WHEREAS, the County Council continued its hearing from September 11, 2024,
18 to October 2, 2024, for continued public comment, deliberation, and discussion of
19 various GMACP ordinances; and
20

21 WHEREAS, the County Council continued its hearing from October 2, 2024, to
22 December 4, 2024, in part to allow proper notice for this ordinance, and for
23 consideration of public comment and the entire record related to amendments contained
24 in this ordinance; and
25

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

29 NOW, THEREFORE, BE IT ORDAINED:
30

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

- 34 A. The foregoing recitals are adopted as findings as if set forth in full herein.
35
36 B. This Ordinance would expand the Maltby UGA by approximately 255 acres in total at
37 three locations adjacent to the current UGA (two locations along SR-9 and one at
38 240th Street SE). These locations would be redesignated on the FLU Map from Rural
39 Residential to Urban Industrial, Urban Commercial, and Public/Institutional Use.
40 Rezoning to implement these plan designations would be to Light Industrial,
41 Community Business, and Residential 9,600 (R-9,600) respectively.
42

1 C. These proposed amendments to UGA boundaries, FLU map designations, and
2 zoning in this ordinance result in small UGA sizing safety factors for residential and
3 employment capacity within the composite county UGA including cities in addition to
4 the projected 20-year land area needs. Despite testimony in opposition to the Maltby
5 UGA expansion from the City of Monroe, the County Council finds that consistent
6 with CPP DP-2.d it is in the overall public interest to approve the expansion of the
7 Maltby UGA for a variety of site-specific reasons as described below.

8
9 1. For residential capacity within newly designated Urban Commercial area, these
10 amendments help assure adequate housing availability and choices during the
11 planning period, as documented in the 2024 UGA Land Capacity Analysis. This
12 residential capacity increase will not cause the residential capacity in the
13 composite UGA to exceed the 20-year forecasted growth by more than 15
14 percent (CPP DP-2.b). Any new residential development will provide a significant
15 public benefit because residential development in the newly designated Urban
16 Commercial area will require use of Transfer of Development Rights (CPP DP-
17 2.e.8 and SCC 30.35A.080 and 30.35A.100). There is no new residential
18 capacity in areas newly designated as Urban Industrial or Public/Institutional
19 Use. The small number of existing residential units in the industrial areas may
20 gradually redevelop to other uses consistent with the new plan designation.

21
22 2. For employment capacity, these amendments will primarily bring existing
23 commercial and existing or planned public uses into the Maltby UGA. These
24 existing and planned uses primarily service the needs of nearby urban growth.
25 The small amount of land added to the UGA not already developed for
26 commercial or industrial uses and newly designated as Urban Industrial is
27 necessary for inclusion in the UGA to create an identifiable physical boundary for
28 the UGA (using SR-9 as a western UGA boundary in this area, consistent with
29 CPP DP-1.g). Consistent with CPP DP-2.d, because including existing
30 commercial and industrial uses and both existing and planned public uses in the
31 UGA is in the public interest; doing so provides a substantial public benefit by
32 allowing these uses to connect to sewer, thus helping to improve and preserve
33 groundwater quality in the Little Bear Creek Watershed.

34
35 a) The addition of the Northshore School District (NSD) property (identified in
36 Motion 22-098 in Figure 3 and Table 2) is consistent with CPP DP-2.e.6 and
37 will allow new public school facilities to be in the UGA. Inclusion of the NSD
38 property in the UGA furthers the public interest in at least three ways and
39 does not conflict with other requirements. First, by making urban standards
40 for safe walking conditions for school children a requirement that will apply to
41 future permits. School children will have sidewalks and other safety features
42 that are part of urban school standards but not of rural school standards.
43 Second, by allowing Snohomish County to apply urban road standards rather

1 than rural road standards thereby further increasing public and student safety.
2 Third, inclusion in the UGA will allow the schools to connect to sewer. Sewer
3 connection rather than reliance on septic drainfields will help protect water
4 quality in Little Bear Creek. Regarding other requirements, there will be no net
5 effect on county employment capacity. The NSD property could develop with
6 schools and associated employment whether inside or outside the UGA.
7 Inclusion would mean that jobs at the schools would count towards urban
8 employment targets rather than rural employment targets. Including the NSD
9 property is therefore consistent with CPP DP-2.e.6.

10
11
12 b) The addition of the Vangemert property (Malt1) is consistent with the CPPs
13 for several reasons.

- 14
15 1. Inclusion of the NSD property requires inclusion of the Vangemert
16 property to create a logical UGA boundary (CPP DP-1.g). This is
17 because the existing Maltby UGA, NSD property, and King County UGA
18 fully surround the Vangemert property.
19
- 20 2. The Vangemert property is owned by the owners of JEV Recycling, a
21 concrete and asphalt recycling business located adjacent to the
22 Vangemert parcel and within the Maltby UGA. JEV Recycling seeks to
23 add the Vangemert parcel to the Maltby UGA to expand its operating
24 footprint to accommodate additional materials for recycling. JEV
25 Recycling is a third-party solid waste provider as recognized in the
26 Snohomish County Comprehensive Solid and Hazardous Waste
27 Management Plan – 2021. As documented in the 2024 UGA Land
28 Capacity Analysis, an increasing share of new development requires
29 redevelopment of existing uses, meaning that demand for such facilities
30 will grow faster than general population growth. CPP PS-10 says that
31 the County “should coordinate with solid waste service providers in
32 order to meet and, if desired, exceed state mandates for the reduction
33 of solid waste and promotion of recycling.” The County Council finds
34 that through its Malt1 docket application, this solid waste service
35 provider could contribute to the reduction of solid waste and promotion
36 of recycling within Snohomish County. Inclusion of the Vangemert
37 property is therefore consistent with CPP PS-10.
38
- 39 3. Including the Vangemert property is consistent with providing
40 adequately zoned land for recycling and material recovery facilities, a
41 type of “other” nonresidential use that RCW 36.70A.110(2) allows for
42 inclusion in the UGA. The County Council finds that material recovery
43 facilities, including third party providers provide a public good. The

1 County Council further finds that material recovery facilities should have
2 urban zoning and be in a UGA because Snohomish County Code does
3 not provide for most recycling or any material recovery facilities outside
4 of UGAs. Since the Vangemert property is adjacent to the existing UGA
5 and has been found to constitute a public good, the County Council
6 further finds that the Malt1 Vangemert use is a type of community
7 facility and that addition to the UGA is consistent with CPP DP-2.e.6.
8

9 c) The addition to include parcels 27053400101000 and 27053400103600 will
10 correct two adjacent mapping errors, consistent with CPP DP-2.e.5.
11

- 12 1. The Maltby UGA surrounds parcel 27053400101000 on three sides.
13 Per Snohomish County Assessor information, the parcel contains a 768
14 square foot house built in 1962 and a 5,600 square foot commercial
15 building built in 1962. The commercial building is non-conforming to the
16 current R-5 zoning. The commercial building would remain non-
17 conforming if rezoned to Rural Business because SCC
18 30.31F.110(1)(b) provides a maximum building footprint for commercial
19 buildings in Rural Business of 4,000 square feet. Since the commercial
20 building is non-conforming in R-5 and would not conform if rezoned to
21 Rural Business, the County Council finds that uses on this parcel in the
22 present setting are more representative of urban development and
23 character than they are of rural development or rural character.
24 Including this parcel in the UGA and rezoning it to LI would make the
25 commercial use conforming, allow the building to connect to sewer, and
26 would make for a more logical UGA boundary without increasing
27 development capacity. These changes will resolve a mapping issue
28 where existing development that is representative of urban
29 development is not part of the UGA.
30
- 31 2. Ownership of parcel 27053400103600 is in common with a much larger
32 parcel (27053400100900) already in the UGA. The condition of both
33 parcels being under common ownership pre-dates the establishment of
34 the Maltby UGA. There is an existing single family dwelling built in 1947
35 that straddles the two parcels, making this building partially inside and
36 partially outside the UGA. Creation of parcel 27053400103600 appears
37 to have been prior to contemporary record keeping, perhaps as a
38 resolution of an ownership issue resulting from construction of the
39 dwelling across an older property line. Addition of parcel
40 27053400103600 to the UGA would have no capacity impact as this
41 parcel is only 16-feet wide at its widest point and its inclusion would
42 resolve a mapping issue where the UGA bisects a building.
43

1 d) The northern addition along State Route 9 serves several purposes. Despite
2 having “residential” in its name, the current future land use map designation
3 of Rural Residential 5-acre basic has two implementing zones. These are
4 Rural 5-acre (R-5) and Rural Business (RB). The County Council finds that
5 circumstances have changed since establishment of the Maltby UGA by
6 Ordinance 96-073 on November 27, 1996. The current designation and
7 implementing zones are not fully reflective of current or future uses. It would
8 be in the public interest to revise them as follows:
9

- 10 1. The addition to include existing commercial uses at Maltby Road (State
11 Route 524) and State Route 9 will bring an area already characterized
12 by urban growth into the Maltby UGA. Although this location has been
13 outside the UGA, both state routes meeting here primarily service urban
14 traffic passing through this area. From 1964 to 1999 the zoning at this
15 intersection was Community Business (CB), a zone now classified as
16 urban. Zoning at the intersection changed to Rural Business (RB) as
17 part of an area wide rezone of urban zones to rural zones outside of
18 UGAs (Ordinance 99-076). Permitting of several older existing
19 commercial buildings was under CB zoning standards. Newer buildings
20 reflect RB zoning standards. Regardless of zoning standards, these
21 commercial uses primarily serve urban populations and pass-by traffic
22 today. Based on this setting and history, the County Council finds that
23 the commercial uses at this intersection and in this setting are more
24 representative of urban development and character than they are of
25 rural development or rural character. Bringing this intersection into the
26 UGA and reverting the zoning to CB will allow connection to sewer lines
27 that already exist in the right-of-way. This will help to protect water
28 quality in the Little Bear Creek watershed, an action that is in the public
29 interest.
30
- 31 2. The addition of parcels to receive a Public/Institutional Use designation
32 between the existing UGA and the commercial uses at the intersection
33 of SR-9 and SR-524 is necessary to make the commercial uses
34 contiguous to the UGA. This linkage helps to create a logical UGA
35 boundary. Including these publicly-owned properties will have no impact
36 on employment capacity. The lack of employment capacity is a result of
37 changes in ownership that have occurred since establishment of the
38 UGA in 1996. At the time of UGA establishment, these now publicly
39 owned lands were under private ownership and would have
40 represented additional capacity within the UGA at that time. The largest
41 public holding is Carousel Ranch, a Snohomish County park purchased
42 by the County in 2015. Including the park in the UGA will allow
43 connection to sewer, thereby helping ensure protection of water quality

1 in the Little Bear Creek watershed, which is in the public interest.
2 Property owned and purchased by King County in 2003 is a wetland
3 mitigation area containing constructed wetlands that mitigate for
4 wetlands filled during construction of the adjacent Brightwater sewage
5 treatment plant in the Maltby UGA. Property owned and purchased by
6 the Washington State Department of Transportation in 2004 includes
7 both natural wetlands and constructed wetlands that mitigate for
8 impacts of past widening of State Route 9 on other wetlands. There is
9 no development capacity on either wetland mitigation area; their
10 inclusion in the UGA is solely to create an identifiable UGA boundary
11 with SR-9 as the western edge in this area.
12

- 13 3. The addition of parcels 27052600201300, 27052600201600,
14 27052600202600, 27052600203100, and 27052600300600, is also
15 necessary to create an identifiable UGA boundary with SR-9 as the
16 western edge in this area. Inclusion of these parcels would bring
17 several existing residences, home occupations, and other businesses
18 permitted in R-5 zoning into the UGA. The higher potential for
19 development under the new LI zoning will create some additional
20 employment capacity on these parcels. The County Council finds that
21 including these parcels creates two public benefits: one being an
22 identifiable UGA boundary with SR-9 as the western edge in this area
23 and the other being the allowance for sewer connection and associated
24 protection of Little Bear Creek. The additional capacity has been found
25 to be created during a periodic review of the GMACP.
26
27

- 28 D. The proposed amendments are consistent with RCW 36.70A.070. RCW 36.70A.070
29 requires internal consistency between elements of a comprehensive plan including
30 the future land use map and the official zoning map. The proposed zones are
31 implementing zones for the proposed comprehensive plan designations.
32
33 E. The proposed amendments are consistent with RCW 36.70A.110(3) requirements
34 for the location of future urban employment and population growth. The expansion of
35 the Maltby UGA will occur in areas already characterized by urban growth and that
36 have adequate public facilities to serve urban development. These expansions are in
37 areas that have adequate access to urban public facilities and services consistent
38 with the 2024 Transportation Element, Parks and Recreation Element, and Capital
39 Facilities and Utilities Element of the GMACP. Chapter 3.2 of the EIS provides
40 documentation on impacts and mitigation. Further, the proposed expansion areas
41 are adjacent to the current UGA boundary. Some of these areas are existing
42 commercial and industrial uses that serve both urban and rural demand, and where
43 the new Future Land Use Map designations of Urban Commercial and Urban

1 Industrial are more representative of the current and future use than the former
2 Future Land Use Map designation of Rural Residential. Other parts of the expansion
3 areas are for existing or planned public uses that serve primarily urban demand
4 (e.g., Carousel Ranch Park, a planned community park facility; Northshore School
5 District property, serving primarily urban residential growth in the adjacent King
6 County UGA; and wetland mitigation areas owned and developed by King County
7 and Washington State Department of Transportation to serve infrastructure needs
8 that are primarily the result of urban growth). Thus, the expansion areas proposed
9 by Motion 22-098 and by the Malt1 proposal are in locations already characterized
10 by urban growth.

11
12 F. The proposed amendments are consistent with RCW 36.70A.130(1)(e), which
13 requires that comprehensive plan amendments be consistent with the GMA. The
14 amendments are consistent with the GMA requirement for accommodating
15 additional residential and employment capacity in RCW 36.70A.110(2). The
16 additional residential capacity will help assure adequate housing availability and
17 choices during the planning period, as documented in the 2024 UGA Land Capacity
18 Analysis. This residential capacity increase will not cause the residential capacity in
19 the composite UGA to exceed the 20-year forecasted growth by more than 15
20 percent (CPP DP-2(b)). The additional employment capacity will help accommodate
21 the projected governmental growth (schools and parks) as well as material recovery
22 facilities which are a type of other nonresidential use that can be considered for UGA
23 sizing under RCW 36.70A.110(2). The proposed amendments are consistent with
24 RCW 36.70A.130(2)(a), which requires that comprehensive plan amendments be
25 considered no more frequently than once every year. The county-initiated
26 amendments are scheduled for final consideration by the County Council according
27 to the requirements in chapter 30.74 SCC and are considered together with county-
28 initiated comprehensive plan amendments for final action no more frequently than
29 once per year.

30
31 G. The proposed amendments are consistent with RCW 36.70A.100 and 36.70A.210,
32 which require that a comprehensive plan be consistent with the Puget Sound
33 Regional Council (PSRC) Multicounty Planning Policies (MPPs) and the CPPs. The
34 amendments are consistent with the MPPs and the CPPs as analyzed and
35 described the DEIS, in the September 11, 2023, and October 10, 2023, PDS staff
36 reports to the Planning Commission, and in the additional findings below.

- 37
38 1. The amendments are consistent with the goals of the GMA. Consistent with Goal
39 10 because the amendments allow existing non-residential uses and existing and
40 planned public uses to connect to sewer, thereby increasing protection to water
41 quality. Consistent with Goal 12 because inclusion of community parks, public
42 schools, and other community facilities in the UGA will help ensure adequate
43 levels of service consistent with adopted plans and policies.

2. The amendments are consistent with RCW 36.70A.110(2) because they provide for the projected urban employment growth, including institutional (schools and parks) uses, and other non-residential uses such as material recovery facilities which are relied on as part of solid waste planning. Schools, parks, and solid waste facilities are all examples of uses necessary to accommodate urban growth.

H. The proposed amendments are consistent with the MPPs.

1. The amendments maintain consistency with MPPs RGS-4 and RGS-5 by amending the GMACP FLU Map and the area-wide zoning map for a minor expansion of the Maltby UGA to provide additional capacity for population and employment growth and to locate planned schools inside the UGA. Consistent with MPP RGS-4, this minor UGA adjustment would accommodate urban growth in a UGA. Consistent with MPP RGS-5, this minor UGA adjustment would ensure a stable and sustainable UGA by ensuring adequate land capacity within the UGA sufficient to accommodate the 2044 residential and employment growth targets.
2. The amendments maintain consistency with MPPs RGS-3 and RGS-12. Consistent with RGS-3 which provides flexibility in establishing modifying growth targets within the framework of the Countywide Planning Policies (see findings below), provided that the growth targets support the Regional Growth Strategy (of overall regional growth targets). Consistent with RGS-12 because the amendments do not cause need to adjust regional growth targets.

I. The proposed amendments are consistent with the CPPs by expanding the Maltby UGA as part of the periodic update of the GMACP that results in a net increase in residential, commercial or industrial land capacity. The amendments are consistent with CPP DP-2.

1. The amendments are consistent with CPP DP-2.a because a land capacity analysis has been adopted by the County Council and other requirements of CPP DP-2 have been met as described below.
2. The amendments are consistent with CPP DP-2.b because the resulting total addition population capacity within the composite UGA does not exceed the 20-year forecasted UGA growth by more than 15 percent.
3. The amendments are consistent with CPP DP-2.c because they are in compliance with the GMA.

- 1
- 2 4. The amendments are consistent with CPP DP-2.d because although the City of
- 3 Monroe does not support the Maltby UGA expansion, the County Council has
- 4 found that it is in the public interest to expand the UGA for the reasons given
- 5 above.
- 6
- 7 5. The amendments are consistent with CPP DP-2.e which requires that at least
- 8 one of several possible conditions has been met. Consistent with Condition 2.e.2
- 9 because the expansion is the result of a periodic review of UGAs as required by
- 10 RCW 36.70A.130(3). Consistent with Condition 2.e.8 because any residential
- 11 capacity created in the Urban Commercial-designated area will require use of
- 12 Transfer of Development Rights for compliance with GMACP Policy LU 14.A.7.d.
- 13

14 Consistent with Condition 2.e.6 because the expansion will include a planned

15 community park and planned school facilities in the UGA. Both are types of

16 community facility that primarily serves urban populations. Consistency with

17 Condition 2.e.6 also requires demonstration that “no site within the UGA can

18 reasonably or logically accommodate the proposed facilities, urban growth area

19 expansions may take place to allow the development of these facilities provided

20 that the expansion area is adjacent to an existing UGA.”

21

22 Carousel Ranch Park is adjacent to the existing UGA and is too large to

23 reasonably find a replacement site within the existing UGA.

24

25 Related to inclusion of the NSD property in the UGA, the County Council

26 recognizes and the following statements in the Wellington Hills Settlement

27 Agreement between Northshore School District and the City of Woodinville

28 (recorded under Auditor File Number 201906210221):

29

30 “The School District intends to develop and use the Site for School Purposes.

31 However, the School District has not developed a plan for the facilities to be

32 constructed on the site and anticipates that such planning and initial Site

33 development will not commence for several years. The facilities at the Site

34 may be constructed in phases or as separate projects over a period of years.

35 [...] Absent changes to the current comprehensive planning and zoning of the

36 Site and surrounding area, the initial planned capacity of School District’s

37 facilities planned on the Site will accommodate enrollment of 1,200 full-time

38 students. Planned capacity may increase to up to 1,500 full-time students if

39 [the] Urban Growth Area is expanded [...]”

40

41 The County Council finds that it is reasonable and logical to include this site in

42 the UGA to allow for extension of public facilities and utilities which may then

1 occur at urban levels of service for schools that primarily serve new urban
2 growth.
3

4 J. The proposed amendments follow a consideration of reasonable measures
5 consistent with CPP GF-7.b. As documented in the 2024 Reasonable Measures
6 Report, reasonable measures adopted since the 2021 Buildable Lands Report
7 analysis, included in the 2024 Update of the GMACP, or recommended as part of
8 separate ordinances to comply with recent changes in state law, account for an
9 additional 29,217 population capacity within the existing UGA, representing 92.7% of
10 the additional population capacity documented in the 2024 UGA Land Capacity
11 Analysis above what was estimated for the No Action alternative in the DEIS.
12

13 K. The proposed amendments are consistent with the GMACP policies. The
14 amendments are consistent with the Snohomish County Land Use Element Policy
15 1.A.1 by including UGA expansions that do not result in total additional population
16 capacity within the Snohomish County composite UGA that would exceed the total
17 20-year forecasted UGA population growth by more than 15 percent. The
18 amendments are consistent with LU Policy 1.A.9 because the expansion complies
19 with the GMA and is consistent with the CPPs, including CPP DP-2, as described
20 herein.
21

22 L. Procedural requirements.
23

24 1. SEPA requirements with respect to this non-project action have been satisfied
25 through the completion of a Draft EIS issued on September 6, 2023, and a
26 Final EIS issued on August 27, 2024.
27

28 2. The amendments are a Type 3 legislative action pursuant to SCC 30.73.010.
29

30 3. The UGA expansion proposed by this ordinance is a subset of what had been
31 proposed as Alternative 3 in the notice to the Washington State Department
32 of Commerce submitted by Planning and Development Services on April 16,
33 2024. That prior notice satisfies the notice requirements of RCW 36.70A.106.
34

35 4. The public participation process used in the adoption of this ordinance
36 complied with all applicable requirements of the GMA and the SCC.
37 Notification was provided in accordance with SCC 30.73.050 and SCC
38 30.73.070.
39

40 5. The Washington State Attorney General last issued an advisory
41 memorandum, as required by RCW 36.70A.370, in September of 2018
42 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
43 Property" to help local governments avoid the unconstitutional taking of

1 private property. The process outlined in the State Attorney General's 2018
2 advisory memorandum was used by Snohomish County in objectively
3 evaluating the amendments in this ordinance.
4

5 M. The ordinance is consistent with the record, including the PDS staff reports to the
6 Planning Commission dated September 11, 2023, and October 10, 2023, and as
7 modified by the finding made by the County Council above.
8

9 N. This ordinance is consistent with RCW 36.70A.067, which requires that the initial
10 effective date of an action that expands an urban growth area designated under
11 RCW 36.70A.110 is after the latest of the following dates: (1) 60 days after the date
12 of publication of notice of adoption of the comprehensive plan, development
13 regulation, or amendment to the plan or regulation, implementing the action, as
14 provided in RCW 36.70A.290(2); or (2) If a petition for review to the growth
15 management hearings board is timely filed, upon issuance of the board's final order.
16

17 Section 2. The County Council makes the following conclusions:
18

19 A. The amendments comply with all requirements of Washington State law and county
20 code.
21

22 B. The amendments are consistent with the MPPs.
23

24 C. The amendments are consistent with the CPPs.
25

26 D. The amendments are consistent with the goals, objectives, and policies of the
27 GMACP.
28

29 E. All SEPA requirements with respect to this non-project action have been satisfied.
30

31 F. The amendments do not result in an unconstitutional taking of private property for a
32 public purpose and does not violate substantive due process guarantees.
33

34 Section 3. The County Council bases its findings and conclusions on the entire
35 record of the Planning Commission and the County Council, including all testimony and
36 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
37 should be deemed a finding, is hereby adopted as such.
38

39 Section 4. LU Map 1 (Future Land Use) of the GMACP Land Use Element, last
40 amended by Amended Ordinance No. 100 on December 4, 2024, is amended as
41 indicated in Exhibit A to this ordinance, which is attached hereto and incorporated by
42 reference into this ordinance.
43

1 Section 5. The official zoning maps maintained pursuant to SCC 30.21.030 shall
2 be revised to reflect the zoning change adopted by the County Council as indicated in
3 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into
4 this ordinance.

5
6 Section 6. Section XX of the Snohomish County GMACP Transportation
7 Element, last amendment by Amended Ordinance No. 24-033 on December 4, 2024, is
8 amended as indicated in Exhibit C to this ordinance, which is attached hereto and
9 incorporated by reference into this ordinance.

10
11 Section 7. All comprehensive plan maps that reflect UGA boundaries, last
12 amended by Amended Ordinance No. 24-100 on December 4, 2024, are amended to
13 reflect and be consistent with LU Map 1 as amended in Section 4 of this ordinance.

14
15 Section 8. The residential and urban growth area land capacity analyses
16 (Exhibits Q and V to Amended Ordinance No. 24-033) are amended to reflect and be
17 consistent with LU Map 1 as amended in Section 4 of this ordinance.

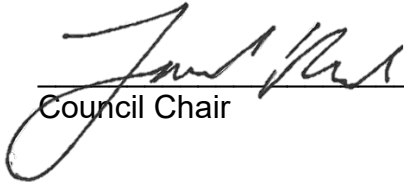
18
19 Section 9. The County Council directs the code reviser to update SCC 30.10.060
20 pursuant to SCC 1.02.020(3).

21
22 Section 10. Consistent with RCW 36.70A.067, the effective date of this ordinance
23 is after the latest of the following dates: (1) 60 days after the date of publication of notice
24 of adoption of this ordinance, as provided in RCW 36.70A.290(2); or (2) if a petition for
25 review to the Growth Management Hearings Board is timely filed, upon issuance of the
26 Board's final order affirming the ordinance or a decision by a court of law concluding the
27 ordinance complies with the GMA.

28
29 Section 11. 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 4th day of December 2024.

2
3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington
5

6
7 
8 Council Chair

9 ATTEST:

10
11 
12 Asst. Clerk of the Council

13
14 () APPROVED
15 () EMERGENCY
16 (X) VETOED

17 DATE: December 12, 2024

18
19 
20 County Executive

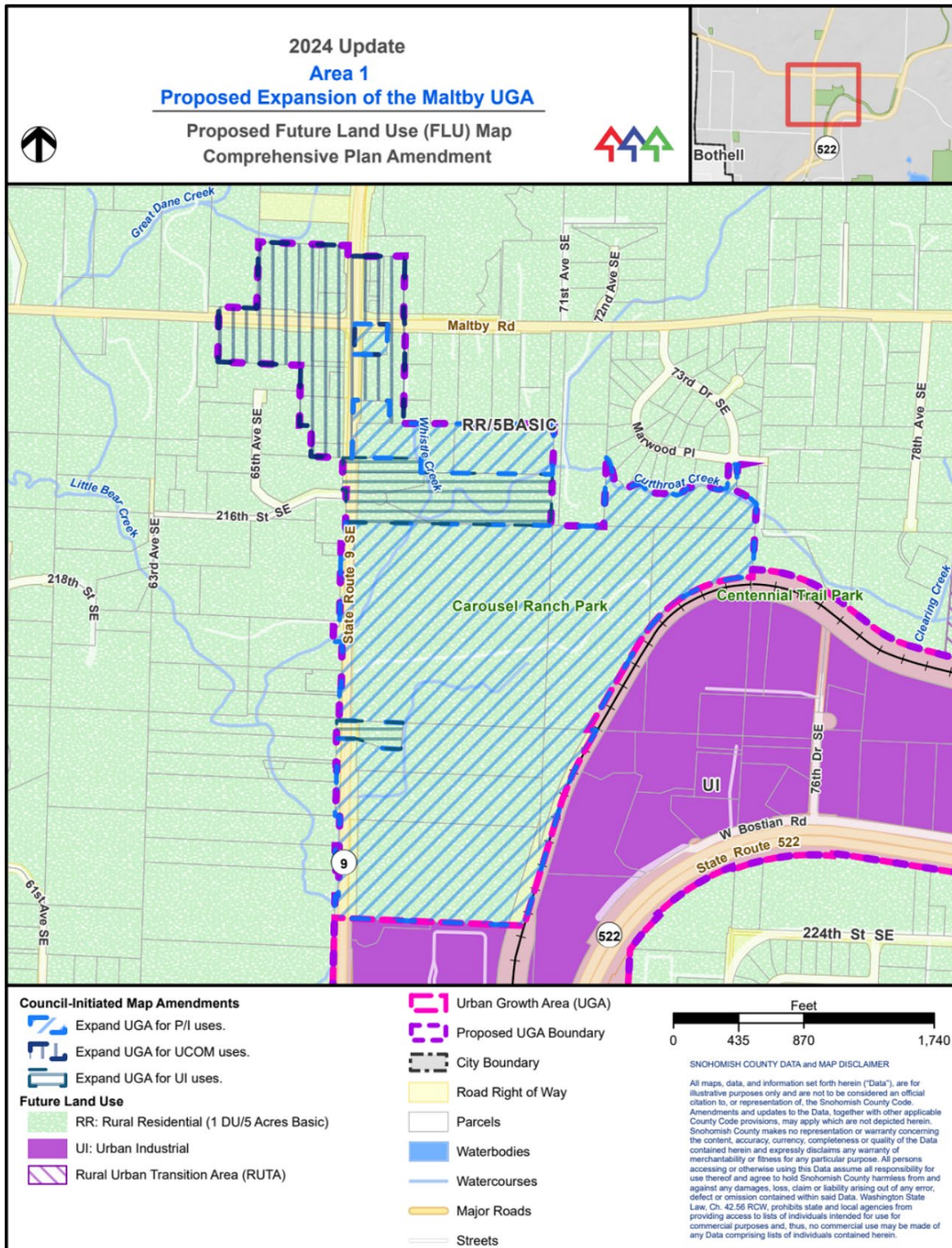
21 ATTEST:

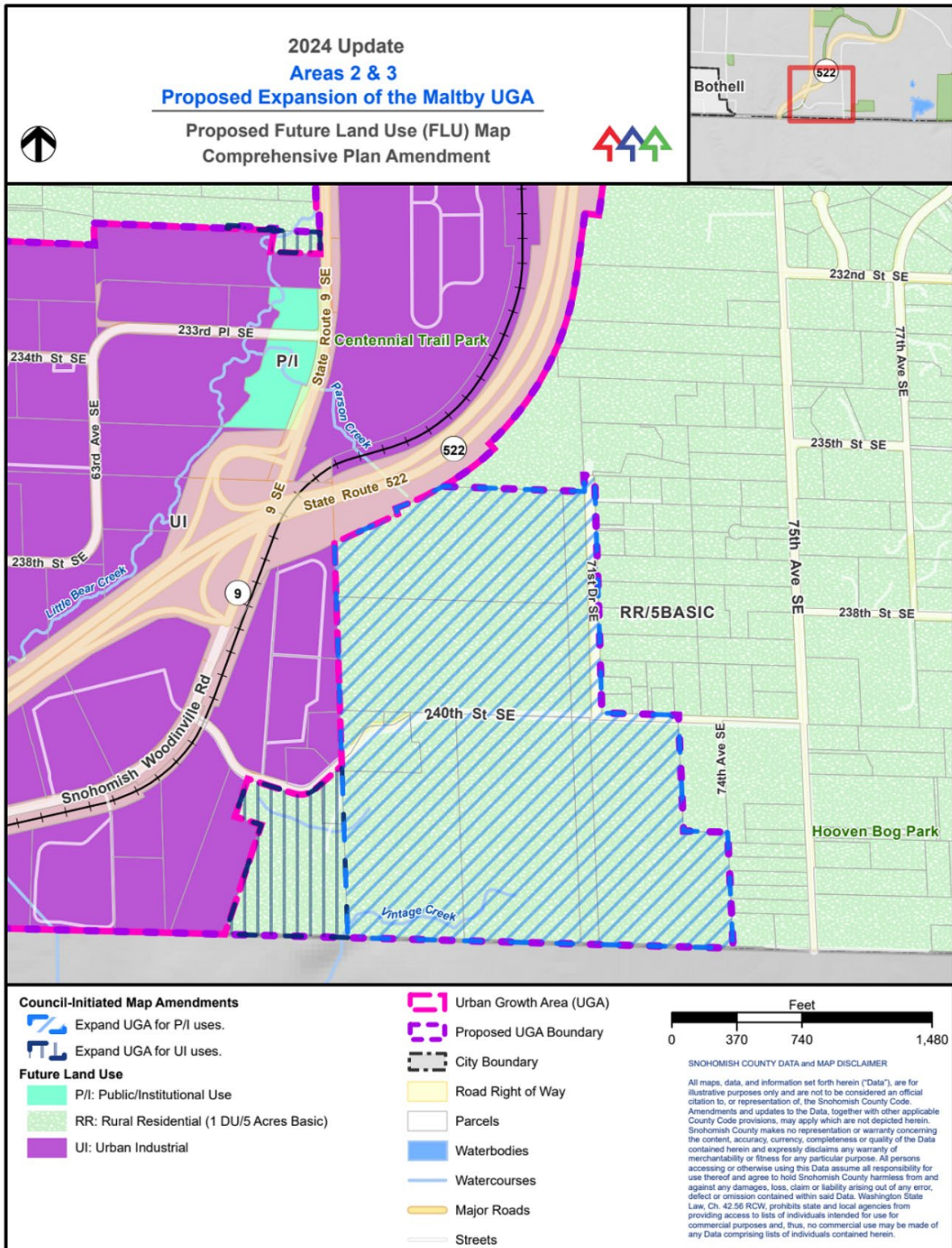
22
23 
24

25 Approved as to form only:
26

27
28
29 Deputy Prosecuting Attorney
30

Exhibit A **Amended Ordinance No. 24-101** **Amendments to the FLU Map of the GMACP**



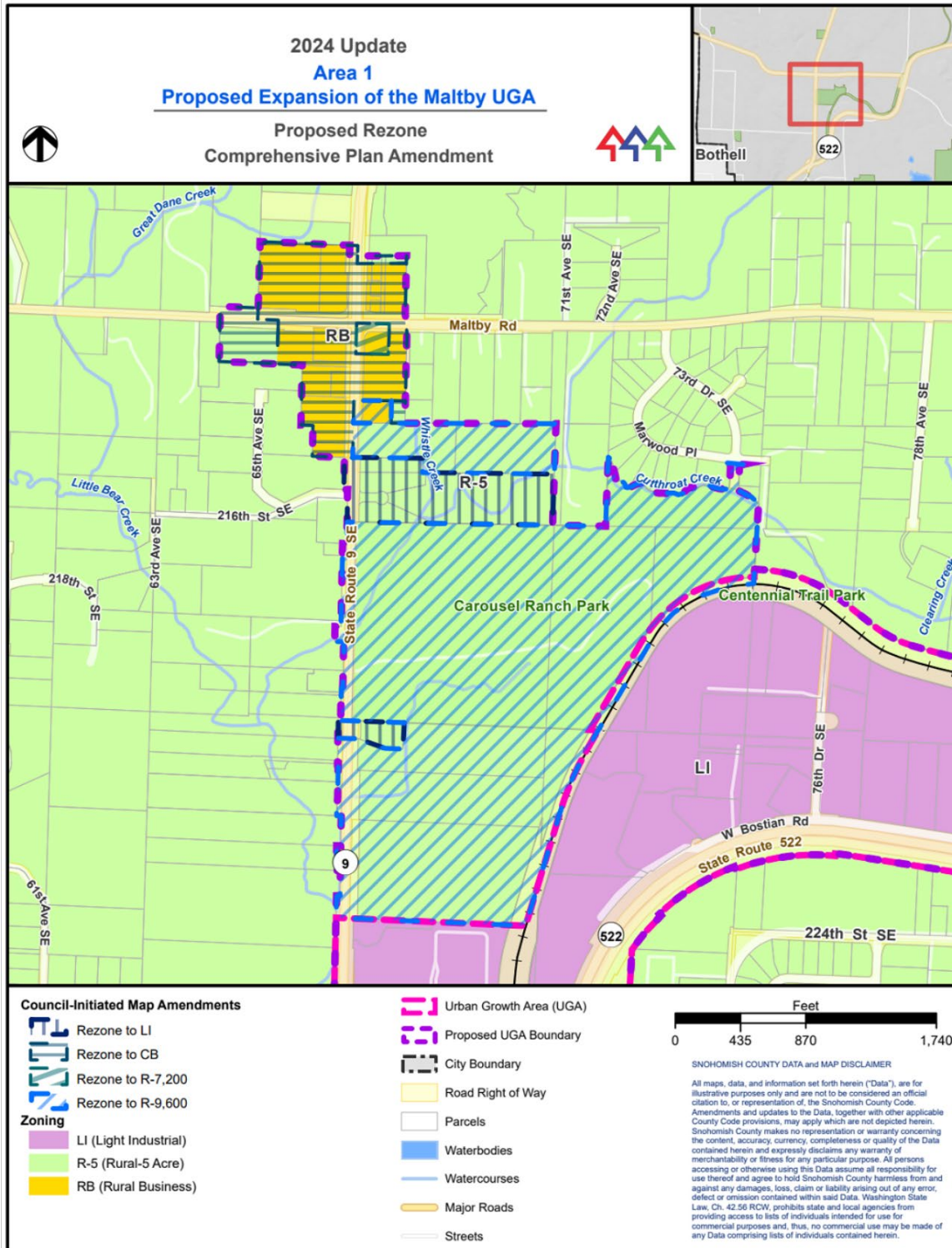


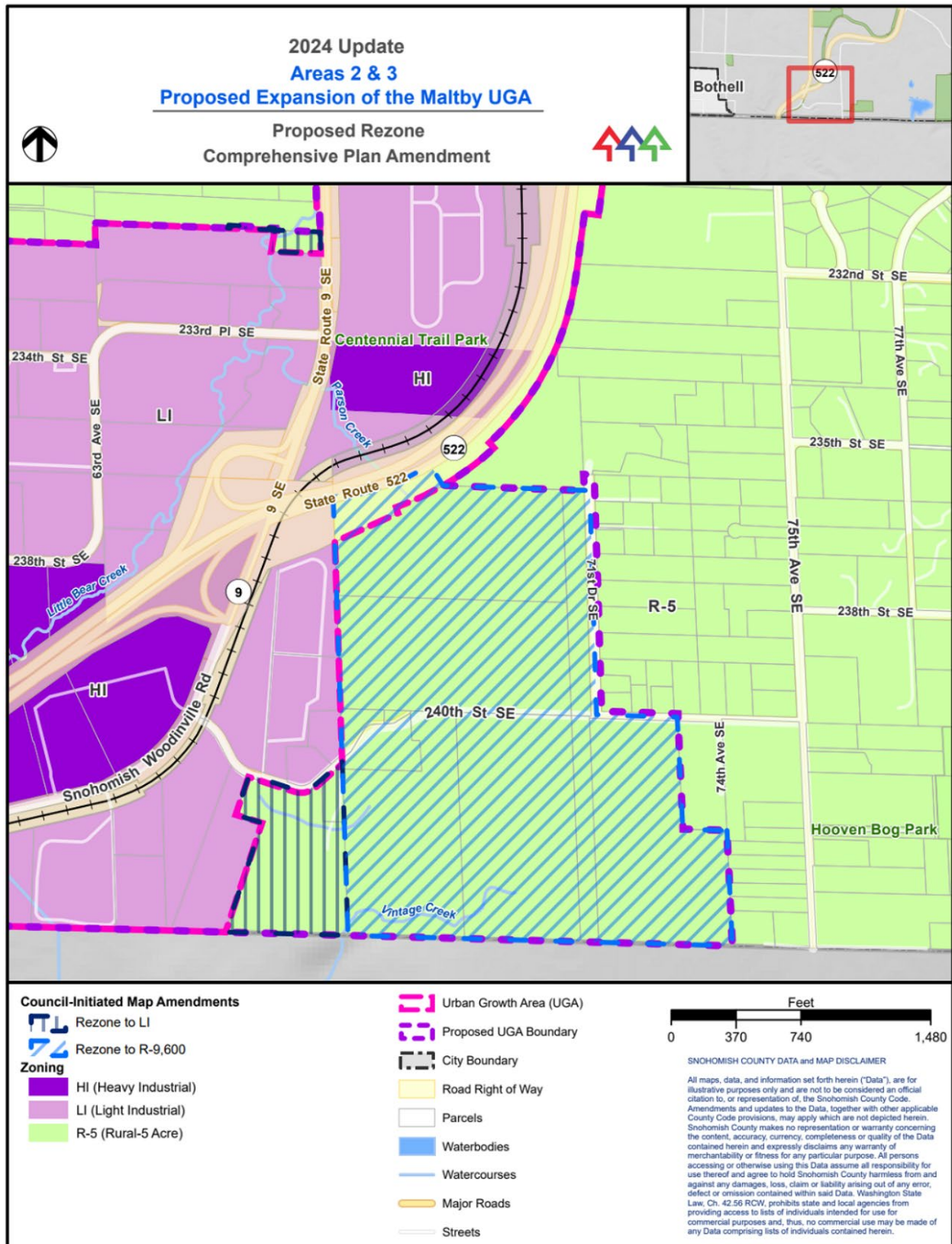
AMENDED ORDINANCE NO. 24-101

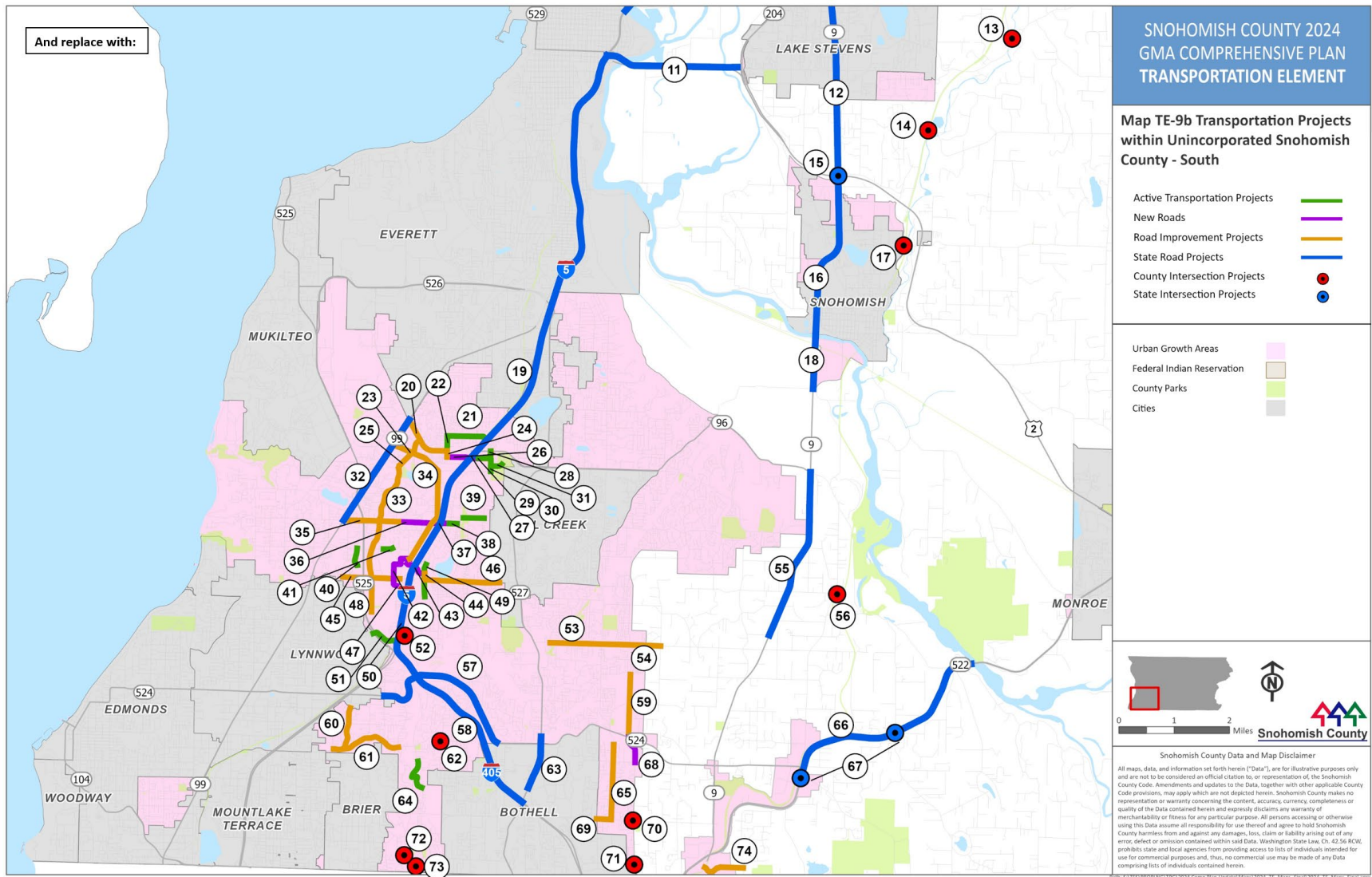
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, REVISING THE MALTBY URBAN GROWTH AREA AND AMENDING THE FUTURE LAND USE AND OFFICIAL ZONING MAPS AND THE TRANSPORTATION ELEMENT

PAGE A-2

Exhibit B **Amended Ordinance No. 24-101** **Amendments to the Official Zoning Maps**







And replace with:

Project #	Map #	Term	TSA	Project Name	From	To	Description	Project Benefits							
								Concurrency		Supports Transit	Bicycle	Pedestrian	Safety	Freight	Centers Connectivity
								Congestion	Multimodal Corridors						
RI-020	7	Short	A	88th St NE Road Improvement	44 Dr NE	61 Dr NE	Urban 3-lane standards and shared-use paths	X			X	X			
RI-001	20	Long	D	128th St SW/Airport Rd BAT Lanes	SR 99	8th Ave W	Adds BAT lanes on both sides of the road		X	X			X	X	X
RI-014	23	Short	D	Gibson Rd Improvements	SR 99	Ash Way	Urban 3-lane standards with bicycle and pedestrian facilities	X	X		X	X	X		X
RI-019	24	Medium	D	8th Ave W BAT Lanes	130th St	128th St	Adds BAT lanes on both sides of the road		X	X	X				X
RI-011	25	Medium	D	Admiralty Way Improvements	Manor Way	Airport Rd	Urban 3-lane standards with bicycle & pedestrian facilities	X	X		X	X			X
RI-002	29	Medium	D	130th & 3rd BAT Lanes	Meridian Ave	SR 96	Adds transit lanes on both sides of the road		X	X					X
RI-016	33	Medium	D	Manor Way Improvements	164th St SW	Admiralty Way	Urban 3-lane standards with bicycle & pedestrian facilities	X	X		X	X	X		X
RI-013	34	Medium	D	Ash Way Improvements	18th Ave W	Gibson Rd	Urban 3-lane standards with bicycle & pedestrian facilities	X	X	X	X	X	X		X
RI-003	35	Medium	D	148th St SW Improvements	35th Ave W	Jefferson Way	Urban 3-lane standards with bicycle and pedestrian facilities	X	X	X	X	X	X		
RI-017	44	Medium	D	Meadow Rd BAT Lanes	164th St SW	Ash Way Direct Access	Urban 4 or 5-lane standards		X	X		X			X
RI-004	45	Long	D	164th St BAT Lanes & Trail	36th Ave W	Ash Way	Adds BAT lanes on both sides of the road and a new shared-use path on the north side of 164th St SW		X	X	X	X	X	X	X
RI-005	46	Long	D	164th St BAT Lanes & Trail	Meadow Rd	Mill Creek C/L	Adds BAT lanes on both sides of the road and a new shared-use path on the north side of 164th St SW		X	X	X	X	X	X	X
RI-012	48	Short	D	Alderwood Mall Parkway Improvements	SR 525 Onramp	168th St SW	Urban 5-lane standards with bicycle and pedestrian facilities	X	X	X	X	X	X		X
RI-007	53	Short	D	180th St SE (Brook/35th) Improvements	Brook Blvd	35th Ave SE	Urban 5-lane standards with bicycle and pedestrian facilities	X			X	X	X		
RI-006	54	Long	E	180th St SE Improvements	35th Ave SE	51st Ave SE	Urban 3-lane with bicycle and pedestrian standards from 35th Ave SE to UGA boundary and rural 2-lane standards from UGA boundary to 51st St SE	X			X	X	X		
RI-010	59	Short	E	43rd Ave SE (204th/188th) Improvements	204th St SE	188th Pl SE	Rural 2-lane standards with pedestrian facilities	X				X			
RI-018	60	Short	E/F	Poplar Way Improvements	Larch Way	Lynnwood C/L	Urban 3-lane standards with bicycle & pedestrian facilities	X	X		X	X	X		X
RI-015	61	Medium	F	Larch Way Improvements	212 St SW	Cypress Way	Urban 3-lane standards with bicycle & pedestrian facilities	X	X		X	X	X		X
RI-009	65	Medium	E/F	39th Ave SE Improvements	228th St SE	207th St SE	Urban 3-lane standards with bicycle & pedestrian facilities	X			X	X	X		X
RI-008	69	Short	F	228th St SE Improvements	35 Ave SE	39th Ave SE	Urban 4-Lane Standards with bicycle & pedestrian facilities & intersection improvements at 35 & 39 Ave SE	X			X	X	X		X
RI-021	74	Long	E	240th St SW Improvements	Woodinville Rd	75th Ave SE	Standards improvements to 240th St SW from Woodinville Rd to 75th Ave SE and add shared-use path				X	X	X		
							Estimated Total Cost of Road Improvement Projects							\$478,000,000	

AMENDED ORDINANCE NO. 24-101

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, REVISING THE MALTBY URBAN GROWTH AREA AND AMENDING THE FUTURE LAND USE AND OFFICIAL ZONING MAPS AND THE TRANSPORTATION ELEMENT
PAGE C-4

And replace with:

Project #	Map #	Term	TSA	Project Name	From	To	Description	Project Benefits							
								Concurrency		Supports Transit	Bicycle	Pedestrian	Safety	Freight	Centers Connectivity
								Congestion	Multimodal Corridors						
AT-001	21	Medium	D	124th St SW Bike/Ped Improvements	8th St	Interurban Trail	New bicycle and pedestrian facilities				X	X			X
AT-005	22	Medium	D	8th Ave W Bike & Ped Improvements	128th St SW	124th St SW	New bicycle and pedestrian facilities				X	X			X
AT-007	28	Medium	D	Interurban Trail - 130th St/3rd Ave	128th St	Meridian Ave S	New shared-use path				X	X			X
AT-004	30	Long	D	3rd Ave SE Greenway	Interurban Trail	End of 3rd Ave SE cul-de-sac	New greenway				X				X
AT-011	31	Medium	D	McCollum Park Connector Trail	3rd Ave SE	McCollum Park West and to 134th St SW	New shared-use path				X	X			X
AT-003	38	Medium	D	148th St SW Trail	Meadow Rd	Martha Lake Airport Park	New shared-use path				X	X			
AT-002	39	Medium	D	146th St SE Ped Improvements	Martha Lake Airport Pk	Cascadian Way	New pedestrian facilities					X			
AT-006	40	Medium	D	Admiralty Way Greenway	156th St	159th Pl	New greenway				X				X
AT-012	41	Long	D	Swamp Creek Bridge Trail	156th St SW	Oak Rd	New shared-use path				X	X			
AT-008	49	Short	D	Interurban Trail - 13th Ave W/Meadow Rd	167th Pl SW	Interurban Trail	New shared-use path on the west side only				X	X			X
AT-009	51	Medium	D/F	Interurban Trail - Maple Rd & Ped Bridge	Ash Way (Lynnwood CL)	Interurban Trail	New bicycle/pedestrian only I-5 bridge overcrossing and a new protected shared-use path				X	X			
AT-010	64	Long	F	Locust to 14th Ave W Bike Improvements	215th Pl SW	14th Ave W	New greenway and a new shared-use path on the east side of Locust Way				X	X			
							Estimated Total Cost of Active Transportation Projects							\$47,000,000	
							Estimated Total of All County Projects							\$962,000,000	

AMENDED ORDINANCE NO. 24-101

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, REVISING THE MALTBY URBAN GROWTH AREA AND AMENDING THE FUTURE LAND USE AND OFFICIAL ZONING MAPS AND THE TRANSPORTATION ELEMENT
PAGE C-6

Exhibit F, on page TE-120, Section III. Current Law Revenue vs. Funding Needs, delete:

Table TE-19 summarizes current law revenue forecasts and compares them with projected funding needs by planning period. While current law revenues are expected to cover operations, maintenance, and core capital expenses, they are insufficient to fund the projects needed to support growth—the result is a \$646 million shortfall over the plan. The following section considers new potential funding sources that may be able to bridge the gap, wholly or in part.

And replace with:

Table TE-19 summarizes current law revenue forecasts and compares them with projected funding needs by planning period. While current law revenues are expected to cover operations, maintenance, and core capital expenses, they are insufficient to fund the projects needed to support growth—the result is a \$658 million shortfall over the plan. The following section considers new potential funding sources that may be able to bridge the gap, wholly or in part.

Exhibit F, on page TE-120, Table TE-19 Funding Needs – 2024 through 2044 (YOE Dollars), delete:

Expenditures Programs	2024 -2030 (\$ Millions)	2031-2037 (\$ Millions)	2038-2044 (\$ Millions)	Total (\$ Millions)
Operations & Maintenance	\$719	\$830	\$969	\$2,518
Core Capital	\$112	\$147	\$194	\$454
GMA Comp Plan System Improvements	\$95	\$476	\$379	\$950
Total	\$926	\$1,453	\$1,542	\$3,922
Current Law Revenues	\$952	\$1,062	\$1,261	\$3,276
Funding Surplus/Shortfall	\$28	(\$391)	(\$281)	(\$646)

And replace with:

Expenditures Programs	2024 -2030 (\$ Millions)	2031-2037 (\$ Millions)	2038-2044 (\$ Millions)	Total (\$ Millions)
Operations & Maintenance	\$719	\$830	\$969	\$2,518
Core Capital	\$112	\$147	\$194	\$454
GMA Comp Plan System Improvements	\$95	\$476	\$391	\$962
Total	\$926	\$1,453	\$1,554	\$3,934
Current Law Revenues	\$952	\$1,062	\$1,261	\$3,276
Funding Surplus/Shortfall	\$28	(\$391)	(\$293)	(\$658)

Exhibit F, on page TE-120, Section IV. Potential Additional Revenue Sources, delete:

Given that the County's current law revenue forecast over the 20-year planning horizon of this plan is \$3.28 billion, with the costs to operate, maintain, and preserve the existing system taking up 91% of that amount, very little remains to pay for improvements to support growth. As noted above, a \$646 million shortfall is expected.

And replace with:

Given that the County's current law revenue forecast over the 20-year planning horizon of this plan is \$3.28 billion, with the costs to operate, maintain, and preserve the existing system taking up 91% of that amount, very little remains to pay for improvements to support growth. As noted above, a \$658 million shortfall is expected.

Exhibit F, on page TE-125, Section V. Financial Plan Summary and Conclusions, delete:

Current law revenues fall short of the level needed to both maintain the existing system and build the infrastructure needed to support growth. However, the County has identified realistic potential new funding sources that total just over \$1 billion, enough to bridge the \$646 million funding gap (Table TE-20).

And replace with:

Current law revenues fall short of the level needed to both maintain the existing system and build the infrastructure needed to support growth. However, the County has identified realistic potential new funding sources that total just over \$1 billion, enough to bridge the \$658 million funding gap (Table TE-20).