

1 ADOPTED: 10/06/21  
2 EFFECTIVE: 10/22/21

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6 SNOHOMISH COUNTY COUNCIL  
7 SNOHOMISH COUNTY, WASHINGTON

8  
9 ORDINANCE NO. 21-055

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 AND AMENDING THE ZONING MAP TO IMPLEMENT  
14 CHANGES TO THE FUTURE LAND USE MAP (SW7 – MARV THOMAS)  
15

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

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

26  
27 WHEREAS, the Department of Planning and Development Services (PDS)  
28 compiled a list of non-county initiated amendments and revisions received by the  
29 October 31, 2019, deadline for Docket XX applications and evaluated these proposed  
30 amendments, including the SW7 – Marv Thomas docket proposal, for consistency with  
31 the initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

32  
33 WHEREAS, on July 22, 2020, the County Council approved, by Amended Motion  
34 No. 20-116, a list of proposed non-county initiated comprehensive plan amendments,  
35 including SW7 – Marv Thomas, to be included on Final Docket XX and authorized the  
36 County Executive, through PDS, to further process the proposed minor docket  
37 amendments consistent with Chapters 30.73 and 30.74 SCC, including environmental  
38 review under the State Environmental Policy Act (SEPA), for final consideration in 2021;  
39 and

40  
41 WHEREAS, the Snohomish County Planning Commission (“Planning  
42 Commission”) was briefed on the SW7 – Marv Thomas proposal on May 25, 2021; and  
43

1 WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and  
2 evaluation of the SW7 – Marv Thomas proposal and forwarded a recommendation to  
3 approve the proposal to the Planning Commission; and  
4

5 WHEREAS, the Planning Commission held a public hearing on June 22, 2021, to  
6 receive public testimony on the SW7 – Marv Thomas proposal, and recommended  
7 adoption of the amendments contained in this ordinance, as described in its  
8 recommendation letter of July 9, 2021; and  
9

10 WHEREAS, on October 6, 2021, the County Council held a public hearing, after  
11 proper notice, to receive public testimony and consider the entire record related to the  
12 SW7 – Marv Thomas proposed amendments contained in this ordinance; and  
13

14 WHEREAS, following the public hearing, the County Council deliberated on the  
15 proposed amendments contained in this ordinance;  
16

17 NOW, THEREFORE, BE IT ORDAINED:  
18

19 Section 1. The County Council adopts the following findings to support this ordinance:  
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
22
- 23 B. The SW7 – Marv Thomas proposal would amend the Future Land Use (FLU) Map of  
24 the General Policy Plan (GPP) by redesignating 6.61 acres in the Southwest Urban  
25 Growth Area (SWUGA) from Urban Low Density Residential (ULDR) to Urban  
26 Commercial (UC) with a concurrent rezone from R-7,200 to Community Business  
27 (CB). The SW7 proposal is located at 7216 E. Lowell-Larimer Road (State Route  
28 96), southeast of Seattle Hill Road/Marsh Road and northwest of State Route 9.  
29
- 30 C. The SW7 proposal is consistent with RCW 36.70A.110(3) requirements for the  
31 location of future urban employment growth as the SW7 proposal would provide  
32 increased employment capacity in a portion of the SWUGA that is already  
33 characterized by urban growth. The SW7 proposal site can accommodate  
34 employment capacity as it has direct access to Lowell-Larimer Road, an urban minor  
35 arterial, and can be served by public water and sanitary sewer.  
36
- 37 D. The SW7 proposal was analyzed for consistency with RCW 36.70A.130(1)(d), which  
38 requires that proposed comprehensive plan amendments be consistent with the  
39 GMA. The proposed amendments are consistent with the GMA requirements for  
40 accommodating additional employment capacity. The proposal is consistent with  
41 RCW 36.70A.130(2)(a), which requires that proposed comprehensive plan  
42 amendments be considered no more frequently than once every year. The proposed  
43

1 non-county initiated amendments are scheduled for final consideration by the  
2 County Council according to the requirements in Chapter 30.74 SCC and are  
3 considered together with county-initiated comprehensive plan amendments for final  
4 action no more frequently than once per year. The proposal is consistent with RCW  
5 36.70A.070, which requires internal consistency within a comprehensive plan  
6 because the proposed amendments maintain internal consistency between the GPP  
7 FLU map and the area-wide zoning map. The proposal is consistent with RCW  
8 36.70A.210, which requires that a comprehensive plan be consistent with the  
9 Countywide Planning Policies (CPP). The proposed amendments are consistent with  
10 the CPPs as analyzed and described in the June 4, 2021, PDS staff report to the  
11 Planning Commission.  
12

13 E. The SW7 proposal was analyzed for consistency with the Puget Sound Regional  
14 Council (PSRC) Multicounty Planning Policies (MPP) found in Vision 2050. The SW7  
15 proposal maintains consistency with the MPP including Regional Growth Strategy  
16 Policy RGS-13 and Economy Policy EC-1, by amending the GPP FLU map and the  
17 area-wide zoning map to add urban employment capacity within the SWUGA that  
18 could support nearby urban residential and rural areas. The SW7 proposal will allow  
19 the opportunity for the commercial processing of agricultural products from nearby  
20 farms to support the county's economy and provide living wage jobs.  
21

22 F. The SW7 proposal was analyzed for consistency with the CPP. The SW7 maintains  
23 consistency with the CPP, including CPP Development Patterns Policy DP-7, by  
24 amending the GPP FLU Map and the official zoning maps to provide future  
25 employment opportunities in close proximity to urban and rural residential areas  
26 which can maximize transportation choices and minimize vehicle miles traveled.  
27

28 G. The SW7 proposal was analyzed for consistency with the GPP. The SW7 proposal  
29 maintains consistency with the GPP, including Land Use Objective LU 1.A, by  
30 encouraging more employment opportunities within the SWUGA that can support  
31 planned population growth.  
32

33 H. Procedural requirements.  
34

- 35 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
36
- 37 2. The environmental impacts of this proposal are within the range of impacts  
38 analyzed by the draft environmental impact statement (DEIS) and final  
39 environmental impact statement (FEIS) during the Update to the GMACP in  
40 2015. No new probable significant adverse environmental impacts from this  
41 proposal have been identified. Therefore, State Environmental Policy Act  
42 (SEPA) requirements with respect to this non-project action have been met

1 through issuance on June 7, 2021, of Addendum No. 22 to the FEIS for the  
2 2015 Update to the GMACP.

- 3
- 4 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
5 was transmitted to the Washington State Department of Commerce for  
6 distribution to state agencies on May 28, 2021.
- 7
- 8 4. The public participation process used in the adoption of this ordinance  
9 complied with all applicable requirements of the GMA and the SCC.
- 10
- 11 5. The Washington State Attorney General last issued an advisory  
12 memorandum, as required by RCW 36.70A.370, in September of 2018  
13 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
14 Property" to help local governments avoid the unconstitutional taking of  
15 private property. The process outlined in the State Attorney General's 2018  
16 advisory memorandum was used by Snohomish County in objectively  
17 evaluating the amendments proposed by this ordinance.
- 18
- 19 I. The ordinance is consistent with the record as set forth in the PDS staff reports to  
20 the Planning Commission dated May 7, 2021, and June 4, 2021. In its staff report  
21 dated June 4, 2021, PDS concluded the proposal met the criteria found in SCC  
22 30.74.060 and, therefore, recommended the proposal be approved.

23

24 Section 2. The County Council makes the following conclusions:

- 25
- 26 A. This proposal complies with all requirements of Washington State law and county  
27 code.
- 28
- 29 B. This proposal is consistent with the MPP.
- 30
- 31 C. This proposal is consistent with the CPP.
- 32
- 33 D. This proposal is consistent with the goals, objectives, and policies of the GPP.
- 34
- 35 E. All SEPA requirements with respect to this non-project action have been satisfied.
- 36
- 37 F. This proposal does not result in an unconstitutional taking of private property for a  
38 public purpose and does not violate substantive due process guarantees.
- 39

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

1  
2 Section 4. Map 1 (Future Land Use) of the GPP, last amended by Ordinance No. 20-  
3 080 on December 16, 2020, is amended as indicated in Exhibit A to this ordinance,  
4 which is attached hereto and incorporated by reference into this ordinance.  
5

6 Section 5. The official zoning maps maintained pursuant to SCC 30.21.030 shall be  
7 revised to reflect the zoning change adopted by the County Council as indicated in  
8 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into  
9 this ordinance.  
10

11 Section 6. The County Council directs the code reviser to update SCC 30.10.060  
12 pursuant to SCC 1.02.020(3).  
13

14 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this  
15 ordinance shall be held to be invalid by the Growth Management Hearings Board  
16 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or  
17 unconstitutionality shall not affect the validity or constitutionality of any other section,  
18 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,  
19 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court  
20 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to  
21 the effective date of this ordinance shall be in full force and effect for that individual  
22 section, sentence, clause, or phrase as if this ordinance had never been adopted.  
23

24 PASSED this 6<sup>th</sup> day of October, 2021.  
25

26 SNOHOMISH COUNTY COUNCIL  
27 Snohomish County, Washington

28   
29 \_\_\_\_\_  
30 Council Chair

31 ATTEST:

32   
33 \_\_\_\_\_  
34 Clerk of the Council  
35

36 ( X ) APPROVED  
37 ( ) EMERGENCY  
38 ( ) VETOED

39 DATE: 10/12/2021  
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County Executive

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ATTEST:

*Melissa Geraghty*

Approved as to form only:

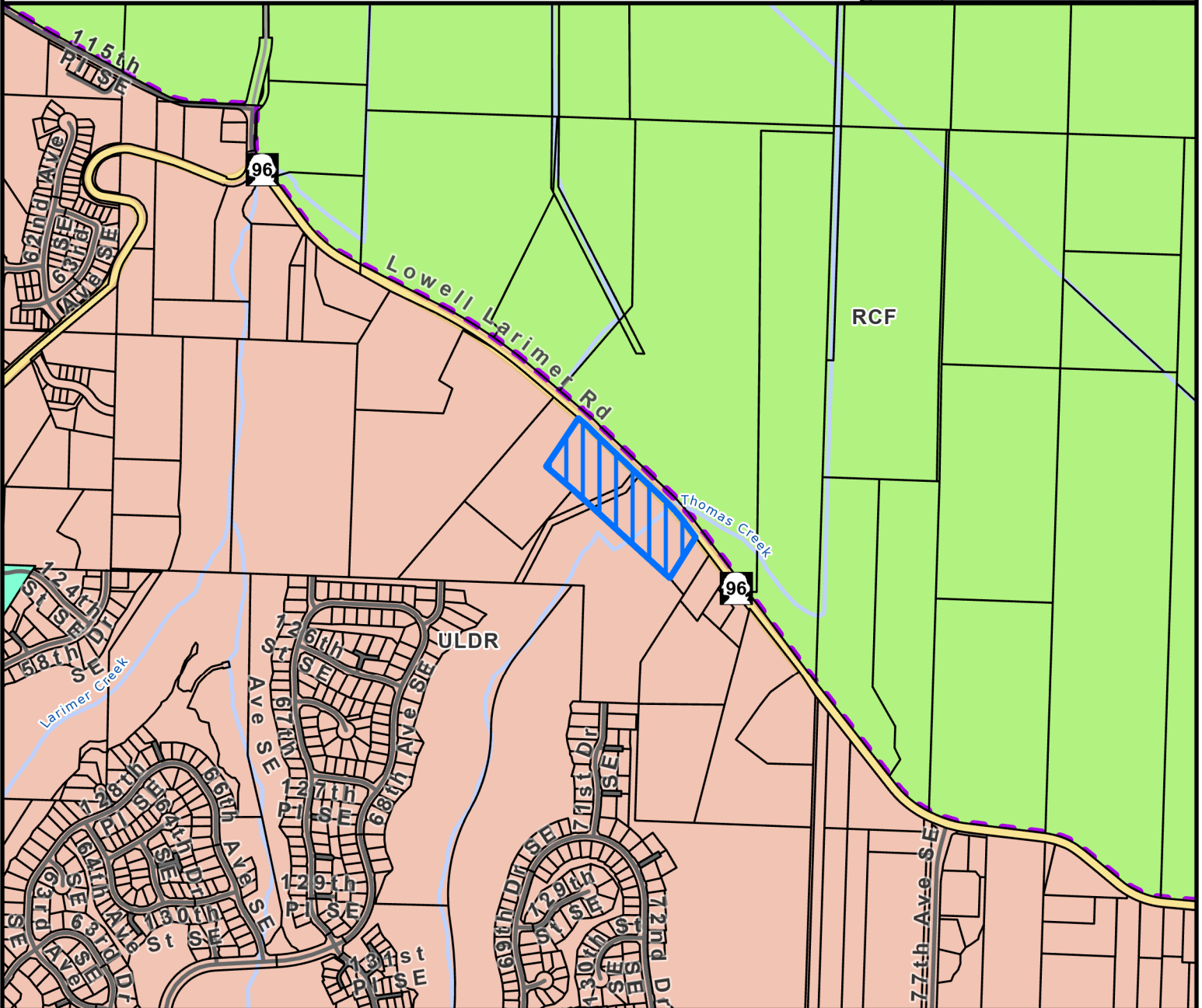
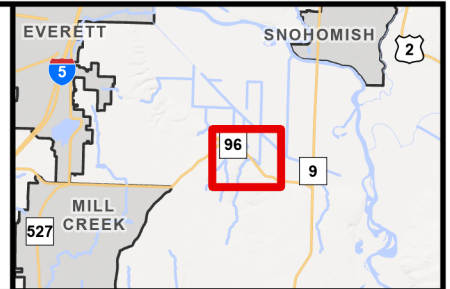
/s/ Justin Kasting 08/04/21  
Deputy Prosecuting Attorney

**Exhibit A**  
**Ordinance No. 21-055**  
**Final Docket XX**  
**SW7 – Marv Thomas**  
**Amendments to Map 1 of the GPP**


ORDINANCE No. 21-055  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP (SW7 – MARV THOMAS)

# Final Docket XX Thomas - (SW7)

## Proposed FLU Map Adjustments



### Proposed Future Land Use


 Redesignate Urban Low Density Residential (ULDR) to Urban Commercial (UCOM)

 Urban Growth Area Boundary


### Future Land Use

 P/I (Public/Institutional Use)


 Parcels

 RCF (Riverway Commercial Farmland)

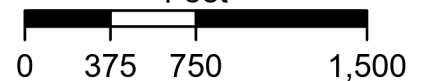
 Watercourse

 ULDR (Urban Low Density Residential)

 Major Roads

 Streets

### Feet



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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.

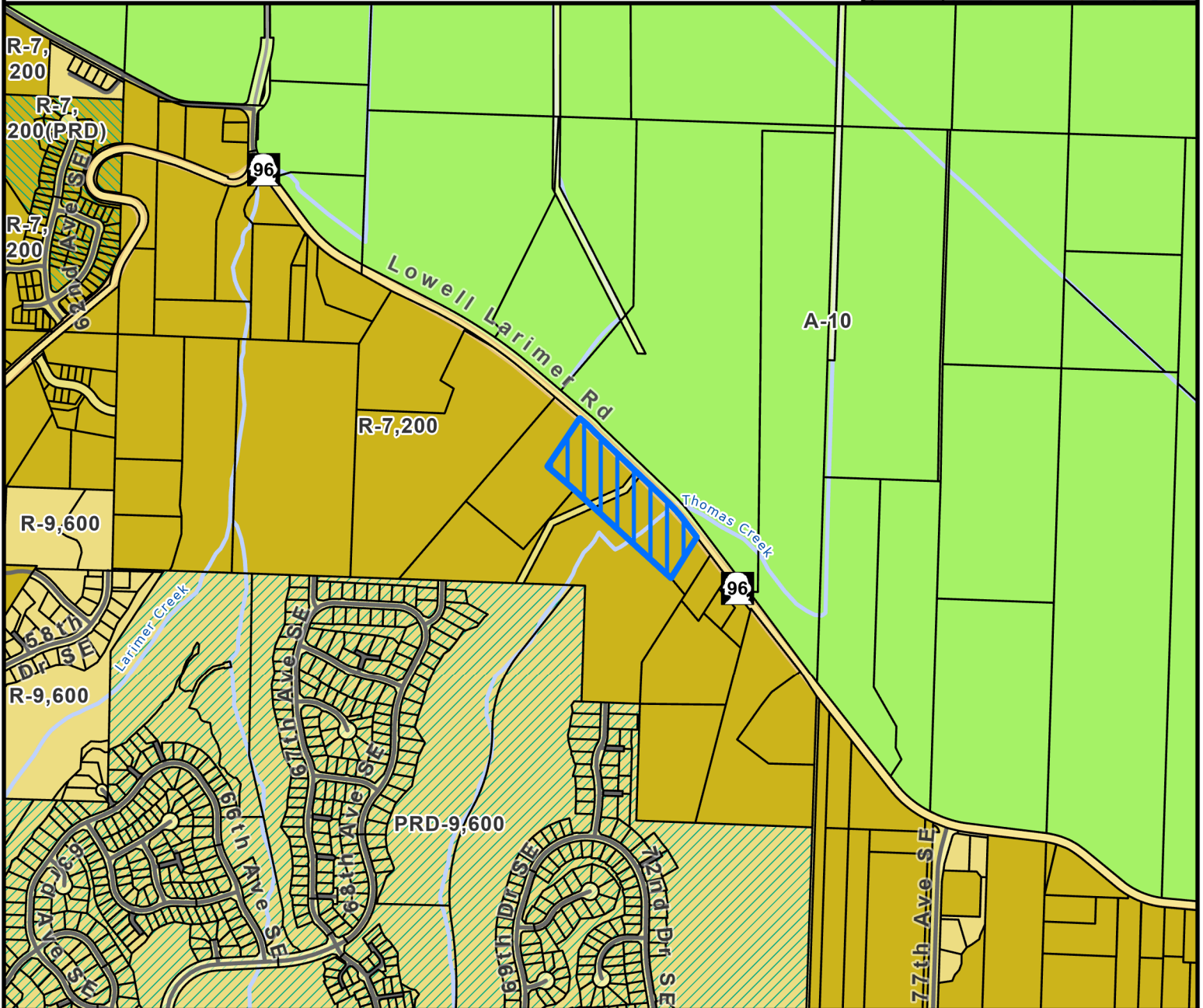
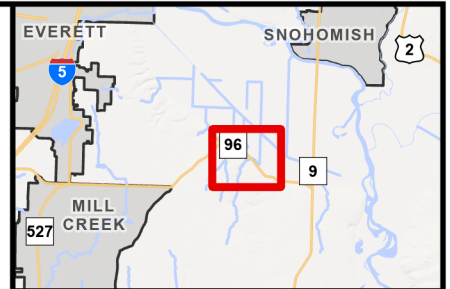


**Exhibit B**  
**Ordinance No. 21-055**  
**Final Docket XX**  
**SW7 – Marv Thomas**  
**Amendments to the Area-Wide Zoning Map**

ORDINANCE No. 21-055  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN AND  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP (SW7 – MARV THOMAS)

Final Docket XX  
**Thomas - (SW7)**

Proposed Rezone



**Proposed Zoning**

Rezone Residential 7,200 sq. ft. (R-7,200) to Community Business (CB)

**Zoning**

- A-10 (Agriculture-10 Acre)
- R-9,600 (Residential 9,600 sq. ft.)
- PRD-9,600
- R-7,200 (Residential 7,200 sq. ft.)
- R-7,200(PRD)

Road Right of Way

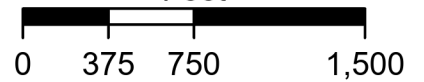
Parcels

Watercourse

Major Roads

Streets

**Feet**



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