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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 08-026

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT
ACT COMPREHENSIVE PLAN (GMACP), AMENDING THE ZONING MAP
TO IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE
SOUTHWEST URBAN GROWTH AREA (SW 28 MILLER SHINGLE)

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth
Management Act (GMA) to adopt procedures for interested persons to propose amendments and
revisions to the GMACP or development regulations; and

WHEREAS, the Snohomish County Council adopted chapter 30.74 SCC,
"Growth Management Act Public Participation Program Docketing," to comply with the
requirements of RCW 36.70A.130 and .470; and

WHEREAS, the Snohomish County Council has determined that the consideration of the
proposed amendments and revisions to the GMACP and development regulations would promote
a county purpose as established under RCW 36.70A.130, RCW 36.70A.470 and chapter 30.74
SCC; and

WHEREAS, on May 21, 2007, and May 29, 2007, the Snohomish County Council held
public hearings to receive public testimony on proposed county and non-county initiated
amendments to the GMACP for consideration on the 2007 Final Docket XII; and

WHEREAS, the Snohomish County Council, on June 25, 2007, approved, by Motion No.
07-182, a list of proposed comprehensive plan amendments for inclusion on Final Docket XII
and authorized the County Executive, through the Department of Planning and Development
Services (PDS), to process Final Docket XII consistent with chapters 30.73 and 30.74 SCC; and

WHEREAS, Final Docket XII, including the proposals to amend the map and text of the
GMACP were presented to the Planning Advisory Committee (PAC) of Snohomish County
Tomorrow (SCT); and

WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and evaluation
of Final Docket XII, including the proposals to amend the map and text of the GMACP, and
forwarded recommendations to the Snohomish County Planning Commission; and

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AND REVISING THE SOUTHWEST URBAN GROWTH AREA (SW28 MILLER SHINGLE)

1 WHEREAS, the Snohomish County Planning Commission held a public hearing and
2 received public testimony on Final Docket XII on January 22, 2008, and January 29, 2008; and
3

4 WHEREAS, on January 29, 2008, the Snohomish County Planning Commission
5 deliberated on Final Docket XII at the conclusion of the public hearing and voted to recommend
6 adoption of the proposed GMACP and regulatory amendments, with certain modifications as
7 enumerated in its recommendation letter of February 26, 2008; and
8

9 WHEREAS, the Snohomish County Council held a public hearing on April 30, 2008,
10 continued to May 12 and June 3, 2008 to consider the entire record, including the Planning
11 Commission recommendations on Final Docket XII, and to hear public testimony on this
12 Amended Ordinance No. 08-026.
13

14 NOW, THEREFORE, BE IT ORDAINED:
15

16 **Section 1.** The county council makes the following findings:
17

18 A. The county council adopts and incorporates the foregoing recitals as findings as if set forth
19 fully herein.

20 B. Miller Shingle (SW 28) proposes the following:

- 21 1. Redesignate on the Future Land Use (FLU) map 64 acres from Riverway Commercial
22 Farmland (RCF) and 36 acres from Rural Industrial (RI) to Urban Industrial (UI);
- 23 2. Rezone 64 acres from Agriculture-10 Acres (A-10) and 36 acres from Rural Industrial
24 (RI) to Light Industrial (LI);
- 25 3. Revise the Southwest UGA (SWUGA) to add 600 acres to the SWUGA, including 500
26 acres of tidelands; and

27 C. The proposal site is located on the western tip of Smith Island between the Snohomish River
28 and Steamboat Slough with a portion of the site adjacent to the City of Everett.

29 D. The proposal to expand the SWUGA is consistent with General Policy Plan (GPP) Policy LU
30 1.A.11 which requires that the proposed UGA expansion be supported by a land capacity
31 analysis adopted by the County Council pursuant to RCW 36.70A.110 and otherwise
32 complies with the Growth Management Act. The County Council adopted that land capacity
33 analysis by Motion 08-380 on June 3, 2008. The proposal meets Condition 9 of Policy LU
34 1.A.11 for expansion of an individual UGA as the site no longer meets the designation
35 criteria for continued use as agricultural lands of long term commercial farmland significance
36 according to GPP Policy LU 7.A.3 and state minimum guidelines. The proposal to
37 redesignate the site to Urban Industrial would allow continued economic use as a log sorting
38 and storage facility or the potential transitioning to other appropriate low employment
39 waterfront industrial uses that will not create a significant increase in total employment
40 capacity for the SW UGA.

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1
2 E. The proposal to dedesignate 64 acres from Riverway Commercial Farmland is consistent
3 with the farmland designation criteria in GPP Policy LU 7.A.3 as follows:

- 4 1. (a) SCS classification: The proposal does not contain prime farmland soils as defined by
5 the U.S. Natural Resources Conservation Service. The soils have been altered or
6 obscured over time and are considered in an urban classification according to the NRCS.
- 7 2. (b) Devotion to agriculture: The land is not devoted to agriculture which, by policy, is
8 defined as having been previously identified by the county as suitable for agricultural use.
9 he land was not identified as an important agricultural area in the 1982 agriculture
10 inventory or in subsequent inventories prepared for the GMA comprehensive plan. The
11 landowner's request to redesignate the Riverway Commercial Farmland areas to Urban
12 Industrial is consistent with Policy LU 7.A.2 – "Landowners may request in writing a
13 review of the farmland designations as part of the county's annual GMA comprehensive
14 plan amendment process."
- 15 3. (c) Location in/out of UGA: The area is located outside of a UGA.
- 16 4. (d) Sewer service boundary: The area is located outside of a sewer service boundary.

17
18 F. The proposal does not meet the state's classification criteria for continued designation as
19 agricultural lands of long-term significance (WAC 365-190-050) as determined by the
20 following analysis of the classification criteria:

- 21 1. Availability of public facilities: The City of Everett is the logical provider of public
22 facilities including public water, which would be available to the proposal site if included
23 in the UGA.
- 24 2. Tax status: The parcels are not classified as Farm and Agricultural Land by Snohomish
25 County.
- 26 3. Availability of public services: The City of Everett is the logical provider of public
27 services, which would be available to the proposal site if included in the UGA.
- 28 4. Relationship or proximity to urban growth areas: The land is less than one mile from the
29 Everett city limits. It is functionally connected to Everett by access and utility services.
- 30 5. Land use settlement patterns and compatibility with agricultural practices: The adjacent
31 land uses are urban industrial and are not compatible with agricultural practices.
- 32 6. Predominant parcel size: Predominant parcel sizes are larger than 10 acres but are
33 irregularly shaped, contain tidelands and are not conducive for commercial farming.
- 34 7. Intensity of nearby uses: Adjacent land uses inside the UGA are land consumptive
35 industrial uses including a log storage and sorting yard and a topsoil/composting
36 operation.
- 37 8. History of land development permits issued nearby: A series of shoreline and grading
38 permits have been issued in this area in recent years regarding the closure of the
39 Weyerhaeuser Co. land fill.
- 40 9. Land values under alternative uses: The county assesses the property for use by logging
41 contractors. The applicant states that the land has been in a log sorting use for over 40
42 years and does not appear to have ever been valued for agricultural use.
- 43 10. Proximity of markets: Markets in Everett and Marysville are within close proximity.

1
2 G. The proposal is consistent with the locational factors in RCW 36.70A.110(1) for including
3 lands within a UGA. The proposal area is already characterized by urban growth that will be
4 served adequately by a combination of both existing public facilities and services and
5 additional needed public facilities and services to be provided by public sources. The
6 majority of the proposal site is under continued economic use as a log sorting and storage
7 facility that could potentially be transitioned to other appropriate low-employment waterfront
8 industrial uses. The City of Everett (city) has included the Miller Shingle property in its
9 comprehensive plan since 1994. The city's comprehensive plan designates the proposal site
10 as Mixed Use Industrial. The city expresses a need for this additional industrial land in order
11 to help compensate for nearby city marina land that is no longer available for future industrial
12 use. All major public facilities and services to the proposal site will be provided by the city
13 including fire, police, water, sanitary sewer and local street access.
14

15 H. The proposal is consistent with Countywide Planning Policy (CPP) UG-14(d) which requires
16 that an expansion of an individual UGA may only occur if it is supported by a land capacity
17 analysis adopted by the Snohomish County Council and one of ten conditions of CPP UG-
18 14(d) is met. Of the ten conditions, Condition 10 is the most relevant to determine
19 consistency.

20 *10. The expansion will result in the economic development of lands that no longer*
21 *satisfy the designation criteria for natural resource lands and the lands have been*
22 *redesignated to an appropriate non-resource land use designation. Provided that*
23 *expansions are supported by the majority of the affected cities and towns whose UGA*
24 *or designated MUGA is being expanded and shall not create a significant increase in*
25 *total employment capacity (as represented by permanent jobs) of an individual UGA, as*
26 *reported in the most recent Snohomish County Tomorrow Growth Monitoring Report in*
27 *the year of expansion.*

28 The proposal meets condition 10 for expansion of an individual UGA as the site no longer
29 meets the designation criteria for continued use as agricultural lands of long term commercial
30 farmland significance according to GPP Policy LU 7.A.3 and state minimum guidelines and
31 the proposal will not create a significant increase in total employment capacity for the SW
32 UGA.

33 I. A draft supplemental environmental impact statement (DSEIS) to the EIS issued for the 2005
34 Snohomish County GMACP 10-Year Update was issued on December 26, 2007, for the
35 proposed amendments. A Final SEIS, including response to comments on the DSEIS, was
36 prepared following the 30-day comment period and was issued on April 1, 2008. The
37 purpose of the SEIS was to analyze potential significant adverse environmental impacts of
38 the proposals and any alternatives that were not previously identified in the EIS and to
39 provide supplemental analysis and information relating to the proposed map and text
40 amendments.

41 J. The county council includes in its findings and conclusions the final review and evaluation of
42 the proposal completed by PDS in accordance with chapter 30.74 SCC, which is hereby made
43 a part of this ordinance as if set forth herein.

AMENDED ORDINANCE No. 08-026
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SNOHOMISH COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN (GMACP), ZONING MAP AMENDMENTS,
AND REVISING THE SOUTHWEST URBAN GROWTH AREA (SW28 MILLER SHINGLE)

1
2 **Section 2.** The county council makes the following conclusions:
3

4 A. The following proposal by Miller Shingle (SW 28) more closely meets the goals, objectives
5 and policies of the GPP than the existing plan and zoning designations:

- 6 1. Redesignate on the FLU Map 64 acres from Riverway Commercial Farmland (RCF) and
7 36 acres from Rural Industrial (RI) to Urban Industrial (UI);
- 8 2. Rezone 64 acres from Agriculture-10 Acres (A-10) and 36 acres from Rural Industrial
9 (RI) to Light Industrial (LI); and
- 10 3. Revise the Southwest UGA (SWUGA) to add 600 acres to the SWUGA, including 500
11 acres of tidelands.

12 B. The proposed FLU map, rezone, and UGA revision are consistent with the following final
13 review and evaluation criteria of chapter 30.74 SCC:

- 14 1. The proposed amendments maintain consistency with other elements of the GMACP.
- 15 2. All applicable elements of the GMACP support the proposed amendments.
- 16 3. The proposed amendments meet the goals, objectives, and policies of the GMACP as
17 discussed in the specific findings.
- 18 4. The proposed amendments are consistent with the CPPs.
- 19 5. The proposed amendments comply with the GMA.
- 20 6. New information is available which was not considered at the time the plan or regulation
21 was amended.

22 C. The revisions to the FLU map are consistent with the forecasted population and employment
23 growth for the succeeding 20-year period, consistent with the forecast promulgated by the
24 Washington State Office of Financial Management.

25 D. The amendments are consistent with the GMA requirement that the comprehensive plan of a
26 county or city be an internally consistent document (RCW 36.70A.070).

27 E. The amendments to the GMACP satisfy the procedural and substantive requirements of the
28 GMA.

29 F. The amendments maintain the GMACP's consistency with the CPPs for Snohomish County.

30 G. The proposed amendments meet the goals, objectives and policies of the GMACP as
31 discussed in the specific findings.

32 H. All SEPA requirements with respect to this non-project action have been satisfied.

33 I. The County complied with state and local public participation requirements under the GMA
34 and chapter 30.73 SCC.

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2 **Section 3.** The county council bases its findings and conclusions on the entire record of the
3 county council, including all testimony and exhibits. Any finding, which should be deemed a
4 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.
5

6 **Section 4.** Based on the foregoing findings and conclusions, the Snohomish County GMA
7 Comprehensive Plan – General Policy Plan Future Land Use Map last amended by Ordinance
8 No. 07-139, is amended as indicated in Exhibit A to this ordinance which is attached hereto and
9 incorporated by reference into this ordinance as if set forth in full.
10

11 **Section 5.** Based on the foregoing findings and conclusions, the area-wide zoning map, last
12 amended by Ordinance No. 07-139, is amended as indicated in Exhibit B to this ordinance,
13 which is attached hereto and incorporated by reference into this ordinance as if set forth in full.
14

15 **Section 6.** The county council directs the Code Reviser to update SCC 30.10.060 pursuant to
16 SCC 1.02.020(3).
17

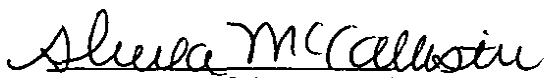
18 **Section 7. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held
19 to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of
20 competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
21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

1
2
3 PASSED this 3rd day of June, 2008.
4
5

6 SNOHOMISH COUNTY COUNCIL
7 Snohomish County, Washington


8
9
10 
11 Council Chair

12 ATTEST:

13 
14 Asst. Clerk of the Council

- 15 APPROVED
16 EMERGENCY
17 VETOED

18 DATE: 16 June, 2008

19
20
21 
22 Shohomish County Executive
23 PETER B. CAMP
24 Executive Director

25 ATTEST:

26 
27 Approved as to form only:
28
29

30 _____
31 Deputy Prosecuting Attorney
32
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D-7

Exhibit A
Amended Ordinance No. 08-026
Final Docket XII, Future Land Use Map Amendments
SW 28 Miller Shingle

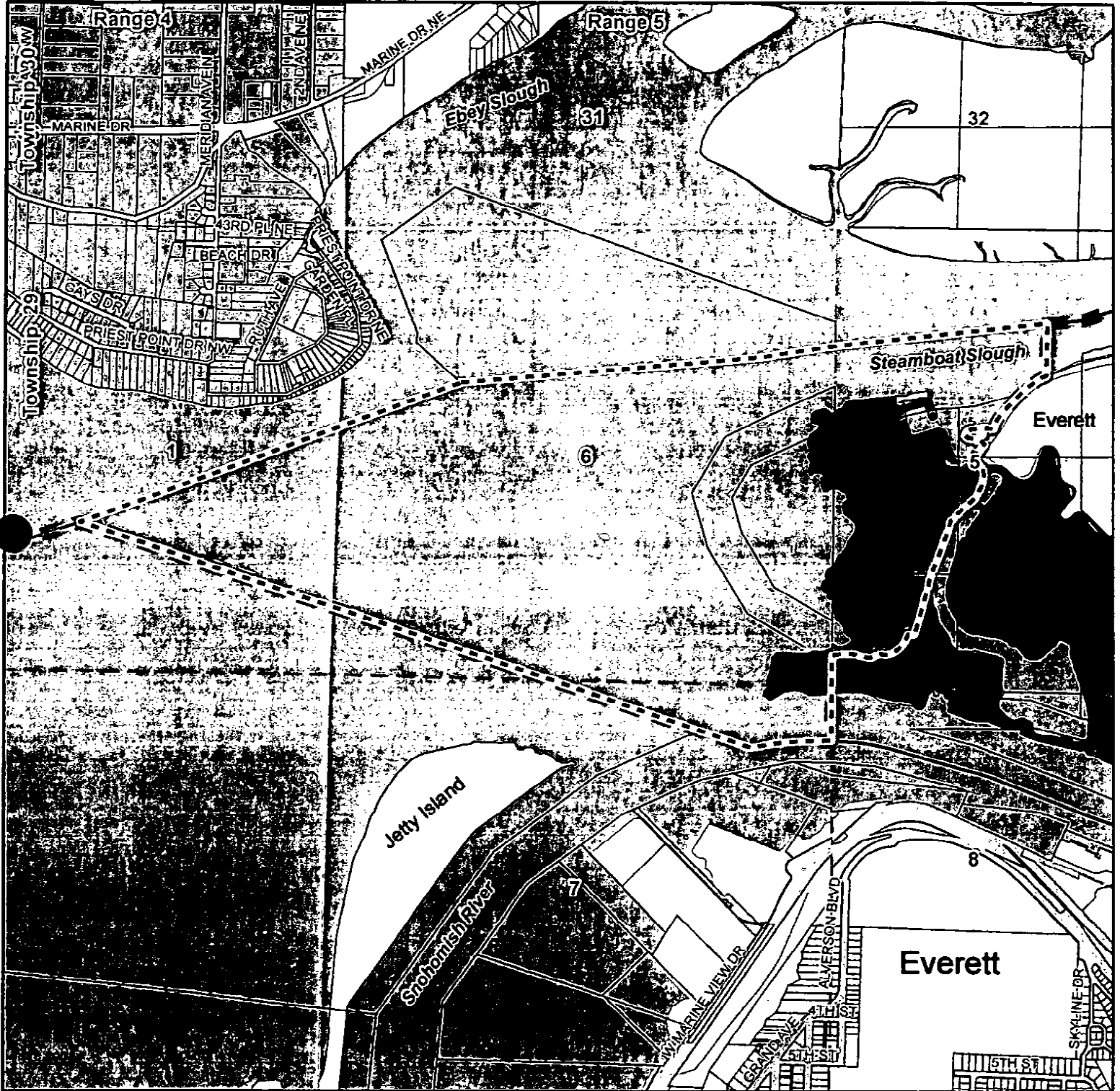
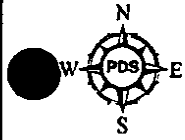
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Docket XII

Final List of Proposed Amendments (Motion No. 07-182)

Proposed Comprehensive Plan Amendment

Miller Shingle Co. Inc. (SW28)



Miller Shingle Co Inc
 Redesignate Rural Industrial and Riverway Commercial Farmland to Urban Industrial

Existing Plan Designations

- Rural Industrial
- Urban Industrial
- RCF

- Rural Res.-5 (1 DU/5 Ac.)
- Tribal Land
- Cities
- UGA Boundary



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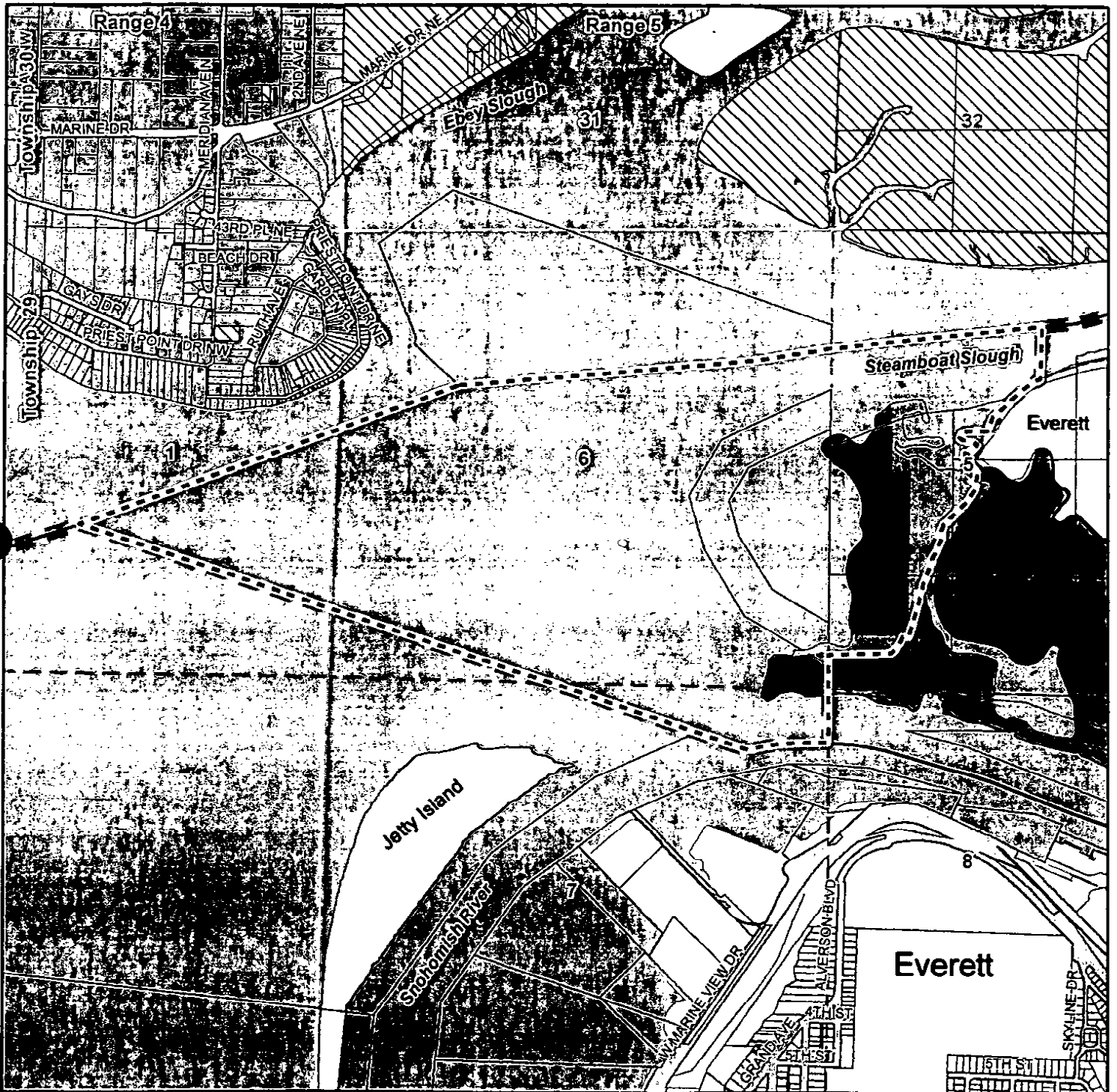
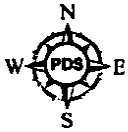
Exhibit B
Amended Ordinance No. 08-026
Final Docket XII, Zoning Map Amendments
SW 28 Miller Shingle

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Docket XII

Final List of Proposed Amendments (Motion No. 07-182)
Proposed Areawide Rezone

Miller Shingle Co. Inc. (SW28)



<p>Proposed Rezone:</p> <p> Miller Shingle Co Inc</p> <p>Rezone Rural Industrial & A-10 to Light Industrial</p>	<p>Existing Zoning:</p> <p> A-10</p> <p> R-5</p> <p> RI</p> <p> LI</p> <p> TRIBES</p>	<p> UGA Boundary</p> <p> Cities</p> <p> Township-Range Grid</p> <p> Section Grid</p>	<p>0 770 1,540 2,310 3,080</p> <p>Feet</p> <p>Snohomish County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either expressed or implied. No representation or warranty made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Snohomish County harmless from and against any damage, loss, or liability arising from any use of this map.</p> <p>Map Document: (W:\p\g\carto\docket\Docket 2007\Map\Individual\Final_Docket UGA Expansions\Miller Shingle Co Inc_Extended_Zoning.mxd) 9/13/2007</p>
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