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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 12- 044

RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT
ACT COMPREHENSIVE PLAN (GMACP) AND AMENDING THE ZONING MAP TO
IMPLEMENT CHANGES TO THE FUTURE LAND USE MAP (GPP3 – OSO)

WHEREAS, RCW 36.70A.130 directs counties planning under the Growth
Management Act (GMA) to consider amendments and revisions to the GMACP or
development regulations on a regular basis; and

WHEREAS, the Snohomish County Council (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; and

WHEREAS, on June 29, 2011, the county council approved, by Amended Motion
No. 11-164, a list of county-initiated comprehensive plan amendments for consideration
and final action in 2012 including the GPP3 – Oso proposal to amend the future land
use (FLU) map of the General Policy Plan (GPP) of the GMACP, and authorized the
county executive, through the Department of Planning and Development Services
(PDS), to process GPP3 – Oso proposal consistent with chapter 30.73 SCC; and

WHEREAS, PDS briefed the Snohomish County Agricultural Advisory Board on
the GPP3 – Oso proposal on March 13, 2012; and

WHEREAS, PDS briefed the Snohomish County Planning Commission
("planning commission") on the GPP3 – Oso proposal on March 27, 2012; and

WHEREAS, pursuant to chapter 30.73 SCC, PDS completed final review and
evaluation of GPP3 – Oso, and forwarded a recommendation to the planning
commission; and

WHEREAS, the planning commission held a public hearing and received public
testimony on the proposed amendments, GPP 3 – Oso, on April 24, 2012; and

1 WHEREAS, on April 24, 2012, the planning commission completed deliberations
2 on the proposed GPP 3 – Oso amendments and recommended approval as
3 enumerated in its recommendation letter of May 10, 2012; and
4

5 WHEREAS, the Snohomish County Council held a public hearing on October 17,
6 2012, to consider the entire record, including the planning commission's
7 recommendations, and to hear public testimony on this Ordinance No. 12-044.
8

9 NOW, THEREFORE, BE IT ORDAINED:

10
11 Section 1. The county council makes the following findings:

12
13 A. The county council adopts and incorporates the foregoing recitals as findings as if
14 set forth fully herein.
15

16 B. The proposed GPP3 - Oso amendments would result in the following:

17
18 1. Amend the FLU map of the GPP by redesignating 12.3 acres of land recorded as
19 Iles First Addition to Oso (plat of Oso) from Riverway Commercial Farmland
20 (RCF) to Rural Residential (RR); and
21

22 2. Rezone the subject 12.3 acres from Agriculture-10 Acre (A-10) to Rural-5 Acre
23 (R-5).
24

25 C. The proposed GPP3 - Oso amendments are consistent with and advance the
26 planning goals of the GMA, RCW 36.70A.020, in particular:
27

28 Goal 8: "Maintain and enhance natural resource-based industries, including
29 productive timber, agricultural, and fisheries industries. Encourage the
30 conservation of productive forest lands and productive agricultural lands, and
31 discourage incompatible uses." The plat of Oso is an historic small lot rural
32 residential development containing numerous single-family houses, a church and
33 grange that is incompatible with the goal of conserving productive agricultural
34 activities.
35

36 D. The proposed GPP3 - Oso amendments were evaluated according to WAC 365-
37 190-050(3). The criteria in WAC 365-190-050(3)(c) was used as guidance by the
38 county in determining whether the plat of Oso has long-term commercial significance
39 for agriculture. The county determined that the following applicable nonexclusive
40 criteria support the proposed redesignation of the plat of Oso from RCF to RR and a
41 rezone from A-10 to R-5:
42

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CHANGES TO THE FUTURE LAND USE MAP (GPP 3 - OSO) - 2

- 1 1. Tax status: The plat of Oso does not contain properties that are enrolled as
2 Open Space Agriculture under the county's current use tax assessment program
3 as provided in chapter 84.34 RCW in order to maintain and preserve land for
4 agricultural uses.
5
- 6 2. Predominate parcel size: The plat of Oso, which was recorded in 1901, contains
7 small parcels that are not of a suitable size for productive agriculture use. The
8 plat of Oso consists of 4,000 sq.ft. lots that have been aggregated into single-
9 family residential sites ranging in size from one-third of an acre to one acre.
10
- 11 3. Land use settlement patterns and their compatibility with agricultural practices:
12 The plat of Oso has existed as a small lot rural residential settlement since the
13 early 1900s, does not contain land devoted to farming, and is not compatible with
14 a continued designation as farmland of long-term commercial significance.
15
- 16 4. Intensity of nearby land uses: The plat of Oso is an intensely developed small lot
17 settlement, by county rural land use standards, that is not capable of agricultural
18 production as compared to nearby designated and actively farmed properties.
19

20 E. The proposed GPP3 - Oso amendments are consistent with and advance the Puget
21 Sound Regional Council (PSRC) *Vision 2040* Multicounty Planning Policies (MPP),
22 in particular:
23

- 24 1. MPP-DP-26: Ensure that development occurring in rural areas is rural in
25 character and is focused into communities and activity areas. Redesignation of
26 the plat of Oso from RCF to RR will acknowledge the historic rural settlement of
27 Oso and will not result in future development that is not rural in character.
28
- 29 2. MPP-DP-32: Ensure that resource lands and their related economic activities
30 are not adversely impacted by development on adjacent non-resource lands.
31 Redesignation of the plat of Oso from RCF to RR will not adversely impact
32 adjacent designated farmlands. Chapter 30.32B SCC regulates development on
33 and adjacent to designated farmlands in order to conserve farmland resources
34 and ensure compatibility between farmlands and adjacent rural residential uses.
35 Regulations include substantial setbacks for new dwellings from boundary lines
36 abutting designated farmland and notice/disclosure of farmland activity
37 requirements.
38

39 F. The proposed GPP3 - Oso amendments are consistent with and advance the
40 Countywide Planning Policies (CPP), in particular:
41

1 DP-23: Establish low intensities of development and uses in areas outside urban
2 growth areas to preserve resource lands and protect rural areas from sprawling
3 development. Redesignation of the plat of Oso from RCF to RR will not
4 adversely impact adjacent farmland and county development regulations will
5 ensure compatibility between farmlands and adjacent rural residential uses.
6

7 G. The proposed GPP3 - Oso amendments are consistent with and advance the GPPs,
8 in particular, Policy LU 7.A.3:
9

- 10 1. Policy LU 7.A.3: The county shall designate farmland as required by the GMA,
11 and consider the guidance provided for designating agricultural lands of long
12 term commercial significance adopted by the State. In addition, farmland
13 designations and expansions of such designations on contiguous lands should
14 be made considering all of the following criteria:
- 15 a) The land is prime farmland as defined by the U.S. Soil Conservation Service
16 (SCS) or consists of other Class III soils in the SCS capability classification;
 - 17 b) The land is shown to be devoted to agriculture by:
 - 18 1. the adopted FLU map;
 - 19 2. a current zoning classification of A-10 acre; and
 - 20 3. was identified in the 1982 agricultural land inventory, the 1990 aerial
21 photo interpretation, or the 1991 field identification of land devoted to
22 agriculture;
 - 23 c) The land is located outside a UGA;
 - 24 d) The land is located outside a sewer service boundary; and
 - 25 e) The land consists of a parcel of 10 acres or greater in areas designated as
26 Upland Commercial Farmland or Local Commercial Farmland.
- 27
- 28 2. Evaluation of the plat of Oso under GPP Policy LU 7.A.3 supports the proposed
29 amendments to redesignate and rezone the plat because:
- 30 a) The plat of Oso does not satisfy the criteria for agricultural lands of long-term
31 commercial significance under WAC 365-190-050(3)(c);
 - 32 b) The plat of Oso is not devoted to agriculture based on the county's 1990
33 aerial photo interpretation and the county's 1991 field identification of land
34 devoted to agriculture which established that the plat was a small lot rural
35 residential settlement with no existing farming activity and no capability of
36 future agricultural production of long term commercial significance;
 - 37 c) The findings from the aerial photo interpretation and the field identification
38 were the basis for a recommendation in the 1993 Interim Agricultural
39 Conservation Plan (IACP) that Oso not be given an agricultural designation
40 under the GMA. The IACP also noted that public hearings on the IACP
41

1 included testimony from persons living in or near Oso who stated that the plan
2 should not continue to designate Oso as agricultural land but rather recognize
3 its current residential use; and

4 d) The 1901 plat consists of 4,000 sq.ft. lots that have been aggregated and
5 developed with approximately 16 single-family homes, a church and grange.
6

7 H. No inconsistencies between the proposed amendments and the GMACP plan
8 elements or development regulations have been identified.
9

10 I. Snohomish County complied with RCW 36.70A.106(1) by providing advance
11 notification to the Washington State Department of Commerce.
12

13 J. The amendments comply with all requirements of the GMA, including the
14 requirements in RCW 36.70A.070 that a plan be an internally consistent document,
15 the requirement in RCW 36.70A.130 that a county consider plan amendments no
16 more frequently than once per year, and the requirement in RCW 36.70A.040 and
17 .210 that the comprehensive plan be consistent with the CPPs.
18

19 K. The Washington State Attorney General issued an advisory memorandum in
20 December of 2006 entitled *Advisory Memorandum: Avoiding Unconstitutional*
21 *Takings of Private Property* to help local governments avoid the unconstitutional
22 taking of private property. The 2006 advisory memorandum was used by the county
23 in objectively evaluating the amendments proposed by this ordinance. The
24 designation and rezone amendments to the maps and text of the GPP of the
25 GMACP do not result in or direct the adoption of policies or regulations that would
26 result in the unconstitutional taking of private property or violate substantive due
27 process guarantees.
28

29 L. Appropriate public participation has been provided through a public hearing on this
30 ordinance held after public notice on October 17, 2012.
31

32 M. The environmental impacts of the GPP3 – Oso proposal are within the range of
33 impacts analyzed by the draft environmental impact statement (DEIS) and final
34 environmental impact statement (FEIS) during the Ten-Year Update to the GMACP
35 in 2005. No new impacts have been identified for the proposal. State
36 Environmental Policy Act (SEPA) requirements for this nonproject action have been
37 met through the issuance of Addendum No. 33 to the FEIS for the Ten-Year Update
38 to the GMACP in 2005.
39

40 N. The county council includes in its findings and conclusions the final review and
41 evaluation staff report completed by PDS, which is hereby made a part of this
42 ordinance as if set forth herein.

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

4 A. The amendments to the maps and text of the GPP increase consistency with the
5 MPPs and the CPPs, and maintain consistency with the goals, objectives and
6 policies of the GPP.
7

8 B. The amendments to the maps and text of the GPP are consistent with the GMA
9 requirement that the comprehensive plan of a county or city be an internally
10 consistent document (RCW 36.70A.070).
11

12 C. The amendments are consistent with and comply with the procedural and
13 substantive requirements of the GMA.
14

15 D. The amendments are consistent with the MPPs.
16

17 E. All SEPA requirements with respect to this non-project action have been satisfied.
18

19 F. The amendments do not result in an unconstitutional taking of private property for a
20 public purpose and they do not violate substantive due process guarantees.
21

22 G. The county complied with state and local public participation requirements under the
23 GMA and chapter 30.73 SCC.
24

25 Section 3. The county council bases its findings and conclusions on the entire record of
26 the county council, including all testimony and exhibits. Any finding, which should be
27 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby
28 adopted as such.
29

30 Section 4. The Future Land Use Map of the GPP, last amended by Amended
31 Ordinance No. 11-052 on September 28, 2011, is amended as indicated in Exhibit A to
32 this ordinance, which is attached hereto and incorporated by reference into this
33 ordinance.
34

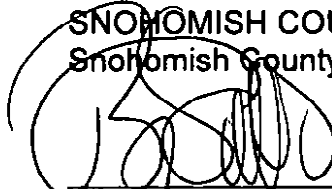
35 Section 5. The area-wide zoning map, last amended by Ordinance No. 10-046 on July
36 7, 2010, is amended as indicated in Exhibit B to this ordinance, which is attached hereto
37 and incorporated by reference into this ordinance.
38

39 Section 6. The county council directs the Code Reviser to update SCC 30.10.060
40 pursuant to SCC 1.02.020(3).
41

1 Section 7. Severability. If any section, sentence, clause or phrase of this ordinance
2 shall be held to be invalid or unconstitutional by the Growth Management Hearings
3 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not
4 affect the validity or constitutionality of any other section, sentence, clause or phrase of
5 this ordinance. Provided, however, that if any section, sentence, clause or phrase of
6 this ordinance is held to be invalid by the Board or court of competent jurisdiction, then
7 the section, sentence, clause or phrase in effect prior to the effective date of this
8 ordinance shall be in full force and effect for that individual section, sentence, clause or
9 phrase as if this ordinance had never been adopted.

10
11 PASSED this 17th day of October, 2012.

12
13
14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington



16
17
18
19 Council Chair

19 ATTEST:

20
21 Sheila McAllister

22 Asst. Clerk of the Council

23
24 APPROVED
25 EMERGENCY
26 VETOED

27 DATE: Oct. 31, 2012

28
29
30 [Signature]

31 County Executive

32
33 ATTEST:

34
35 [Signature]

36 Approved as to form only:

37
38
39 [Signature] 4/6/2012

40 Deputy Prosecuting Attorney

41
42 ORDINANCE No. 12-070
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
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D 5

**Exhibit A
Ordinance No. 12-044
GPP3 - Oso
Map 1
GPP Future Land Use Map Amendment**

**ORDINANCE No. 12-044
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING
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CHANGES TO THE FUTURE LAND USE MAP (GPP 3 - OSO) - 8**



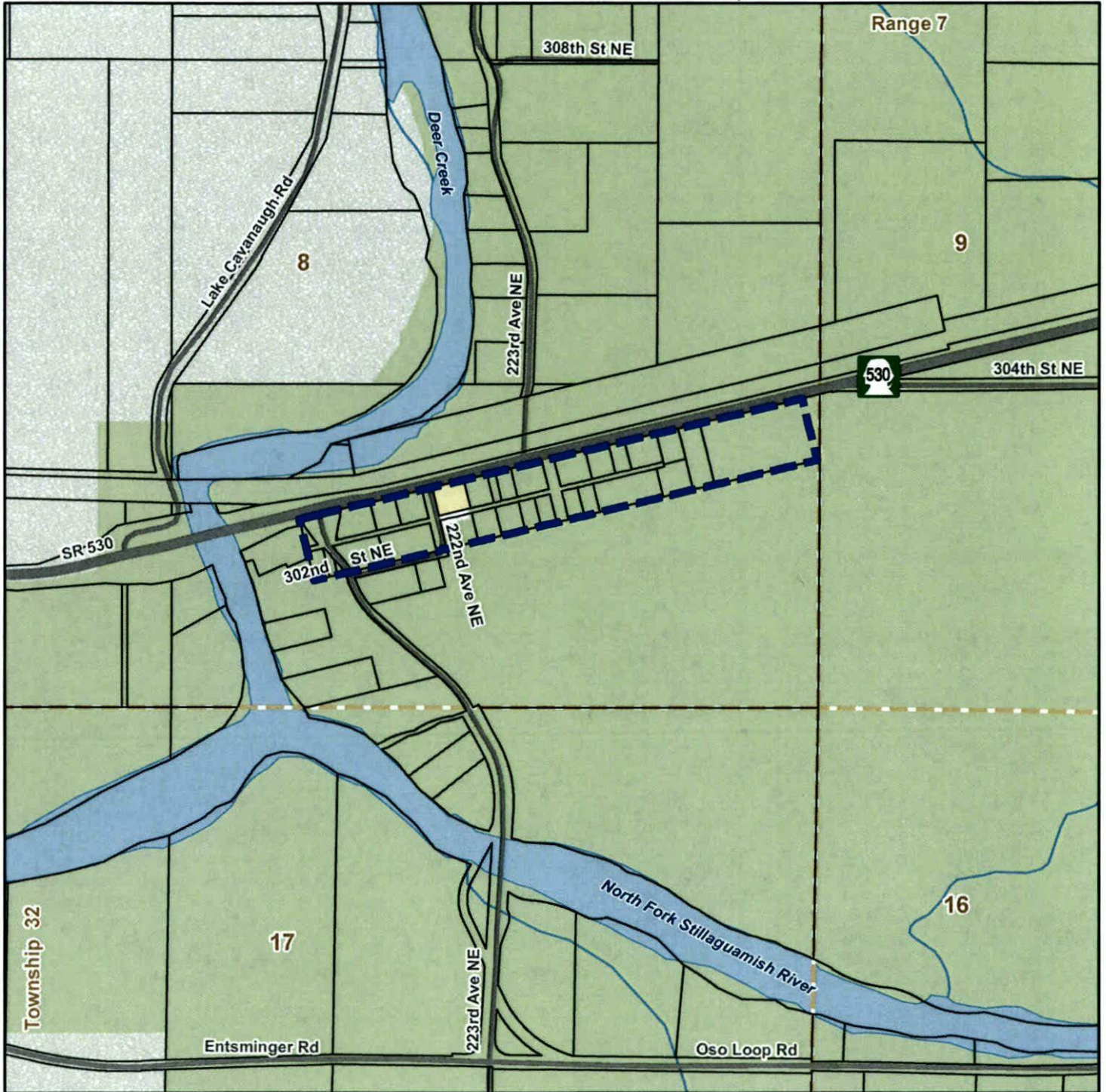
Oso (GPP3)

Plat of Iles First Addition To Oso

Adopted Future Land Use Map Comprehensive Plan Amendment
Ord. 12-044 Effective Date November 10, 2012



Snohomish County







Proposed Plan Amendment:



Redesignate Riverway Commercial Farmland to Rural Residential (1 DU/5 Acres Basic)

Future Land Use Plan Designations:

-  Riverway Commercial Farmland
-  Rural Residential (1 DU/5 Acres Basic)
-  Pending Tribal Trust Land (Stillaguamish)
-  Assessor Parcels



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**Exhibit B
Ordinance No. 12-044
GPP3 - Oso
Zoning Map Amendment**

**ORDINANCE No. 12-044
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CHANGES TO THE FUTURE LAND USE MAP (GPP 3 - OSO) - 9**

2012 County - Initiated Proposal

EXHIBIT B



Oso (GPP3)

Plat of Iles First Addition To Oso
Adopted Rezone

Ord. 12-044 Effective Date November 10, 2012



Snohomish County





Proposed Rezone:



Rezone from
Agriculture 10-Acre
to Rural 5-Acre

Zoning:

-  Agriculture 10-Acre
-  Forestry and Recreation
-  Rural 5-Acre

-  100 Year Floodplain
-  Assessor Parcels
-  Pending Tribal Trust Land (Stillaguamish)



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