

1 Adopted: 10/08/14  
2 Effective: 10/23/14

3  
4  
5  
6 SNOHOMISH COUNTY COUNCIL  
7 SNOHOMISH COUNTY, WASHINGTON

8  
9 ORDINANCE NO. 14-068

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, AMENDING THE ZONING MAP TO IMPLEMENT  
14 CHANGES TO THE FUTURE LAND USE MAP AND REVISING THE SULTAN URBAN  
15 GROWTH AREA (GPP5 – SULTAN UGA)

16  
17 WHEREAS, RCW 36.70A.130 directs counties planning under the Growth  
18 Management Act (GMA) to consider amendments and revisions to the Growth  
19 Management Act Comprehensive Plan (GMACP) or development regulations on a  
20 regular basis; and

21  
22 WHEREAS, the Snohomish County Council (“county council”) has determined  
23 that the consideration of the proposed amendments and revisions to the GMACP and  
24 development regulations would promote a county purpose as established under RCW  
25 36.70A.130; and

26  
27 WHEREAS, on February 5, 2014, the county council approved, by Amended  
28 Motion No. 14-019, a list of county-initiated comprehensive plan amendments for  
29 consideration and final action in 2014, including the GPP5 - Sultan UGA proposal, and  
30 authorized the county executive, through the Department of Planning and Development  
31 Services (PDS), to process the GPP-5 - Sultan UGA proposal consistent with chapter  
32 30.73 Snohomish County Code (SCC); and

33  
34 WHEREAS, pursuant to chapter 30.73 SCC, PDS completed final review and  
35 evaluation of the GPP5 – Sultan UGA proposal and forwarded a recommendation to the  
36 Snohomish County Planning Commission (“planning commission”); and

37  
38 WHEREAS, PDS briefed the planning commission on the GPP5 - Sultan UGA  
39 proposal on March 25, 2014; and

40  
  
ORDINANCE No. 14-068  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP AND REVISING THE  
SULTAN URBAN GROWTH AREA (GPP5 – SULTAN UGA) - 1

1 WHEREAS, the planning commission held a public hearing on May 27, 2014, to  
2 receive public testimony on the GPP5 – Sultan UGA proposal, and continued the public  
3 hearing to June 24, 2014; and  
4

5 WHEREAS, on June 24, 2014, the planning commission continued the public  
6 hearing, received additional public testimony and completed deliberations on the  
7 proposed GPP5 – Sultan UGA amendments and voted to recommend adoption of the  
8 amendments contained in this ordinance, as shown in its recommendation letter dated  
9 July 8, 2014; and  
10

11 WHEREAS, on October 8, 2014, the county council held a public hearing, after  
12 proper notice, to receive public testimony and consider the entire record related to the  
13 GPP5 – Sultan UGA proposal, including the planning commission’s recommendation,  
14 and;  
15

16 WHEREAS, following the public hearing, the county council deliberated on the  
17 proposed amendments contained in this ordinance;  
18

19 NOW, THEREFORE, BE IT ORDAINED:  
20

21 Section 1. The county council adopts the following findings in support of this ordinance:  
22

- 23 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
24
- 25 B. The GPP5 – Sultan UGA proposal would amend the Future Land Use (FLU) Map of  
26 the General Policy Plan (GPP) to add three acres of undeveloped land that will  
27 remain designated Public/Institutional Use (P/IU) to the Sultan Urban Growth Area  
28 (UGA) and rezone the subject three acres from Rural Use (RU) to Residential 7,200  
29 (R-7,200).  
30
- 31 C. The GPP5 – Sultan UGA proposal is consistent with the GMA requirements in RCW  
32 36.70A.110(2) that a city must include sufficient area to accommodate a broad range  
33 of needs and uses, including government and institutional uses, to accompany the  
34 projected urban growth. The proposed UGA expansion and continued FLU Map  
35 designation as P/IU would accommodate future governmental needs by allowing the  
36 City of Sultan to connect existing public park land to the opposite bank of the Sultan  
37 River via a pedestrian/bicycle bridge.  
38
- 39 D. The GPP5 – Sultan UGA proposal is consistent with the GMA requirements in RCW  
40 36.70A.110(3) that existing public facilities and services, including fire and law  
41 enforcement protection, and sewer and water services, within a UGA can be  
42 extended to serve a proposed UGA expansion.

- 1  
2 E. The GPP5 – Sultan UGA proposal is not subject to GMA requirements for expanding  
3 a UGA into the 100-year floodplain of any river located west of the Cascades and  
4 which has a mean annual flow of 1,000 or more cubic feet per second under RCW  
5 36.70A.110(8). The site is within the 100-year floodplain of the Sultan River, which  
6 has a mean annual flow of less than 1,000 cubic feet per second according to United  
7 States Geological Survey data.  
8  
9 F. The GPP5 – Sultan UGA proposal is consistent with the Puget Sound Regional  
10 Council (PSRC) Multicounty Planning Policies (MPP), in particular, MPP-DP-18,  
11 which encourages the affiliation of all urban unincorporated lands appropriate for  
12 annexation with an adjacent city. Although the proposal site is not currently within an  
13 urban unincorporated area, this three-acre island of non-urban land is surrounded by  
14 the City of Sultan and would logically be affiliated with the City of Sultan for future  
15 annexation if added to the UGA.  
16  
17 G. The GPP5 – Sultan UGA proposal is consistent with the Countywide Planning  
18 Policies (CPP), in particular CPP DP-2, which establishes conditions for expansion  
19 of a UGA boundary. Although the existing P/IU designation for the proposal site is  
20 not considered a residential, commercial or industrial land use designation and does  
21 not increase population or employment capacity, the proposal complies with the  
22 intent of GPP LU Policy 1.A.10 to require consistency with the GMA and the CPP  
23 and compliance with CPP DP-2, which permits expanding a UGA to include  
24 community facilities that primarily serve urban populations within the UGA.  
25  
26 H. The GPP5 – Sultan UGA proposal is consistent with the GPP, in particular LU Policy  
27 1.A.10. Although the existing P/IU designation for the proposal site is not considered  
28 a residential, commercial or industrial land use designation and does not increase  
29 population or employment capacity, the proposal complies with the intent of GPP LU  
30 Policy 1.A.10 to require consistency with the GMA and the CPPs and compliance  
31 with CPP DP-2, which permits expanding a UGA to include community facilities that  
32 primarily serve urban populations within the UGA.  
33  
34 I. The GPP5 – Sultan UGA proposal is consistent with the use of the P/IU designation  
35 in conjunction with a UGA expansion according to the requirements in the FLU Map  
36 section of the GPP, provided, that the implementing zones shall be R-7,200, R-8,400  
37 or R-9,600 and that these implementing zones shall allow only churches and school  
38 instructional facilities. The GPP5 – Sultan UGA proposal does not contemplate a  
39 change in land use as defined in the urban zone use matrix (SCC 30.22.100), rather,  
40 it would facilitate the construction of a pedestrian/bicycle bridge from existing City of  
41 Sultan public park land to the opposite bank of the Sultan River. The proposal site  
will be monitored by PDS for compliance with the P/IU requirements in the FLU Map

1 section of the GPP through use of Snohomish County's automated permit  
2 management and tracking system known as AMANDA.

3  
4 J. Procedural requirements.

- 5  
6 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
7  
8 2. The environmental impacts of this proposal are within the range of impacts  
9 analyzed by the draft environmental impact statement (DEIS) and final  
10 environmental impact statement (FEIS) during the Ten-Year Update to the  
11 GMACP in 2005. No new probable significant adverse environmental impacts  
12 from this proposal have been identified. Therefore, State Environmental  
13 Policy Act (SEPA) requirements with respect to this non-project action have  
14 been met through the issuance of Addendum No. 44 to the FEIS for the 2005  
15 Ten-Year Update to the GMACP issued on May 1, 2014.  
16  
17 4. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
18 was transmitted to the Washington State Department of Commerce for  
19 distribution to state agencies on April 16, 2014.  
20  
21 5. The public participation process used in the adoption of this ordinance has  
22 complied with all applicable requirements of the GMA and the SCC.  
23  
24 6. The Washington State Attorney General last issued an advisory  
25 memorandum, as required by RCW 36.70A.370, in December of 2006 entitled  
26 "Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
27 Property" to help local governments avoid the unconstitutional taking of  
28 private property. The process outlined in the State Attorney General's 2006  
29 advisory memorandum was used by Snohomish County in objectively  
30 evaluating the amendments proposed by this ordinance.  
31

32 K. The ordinance is consistent with the record.

- 33  
34 1. No inconsistencies between the proposed amendments and the GMACP  
35 elements or development regulations have been identified.  
36  
37 2. The proposal complies with all requirements of the GMA, including: the  
38 requirement in RCW 36.70A.070 that a plan be an internally consistent  
39 document; the requirements in RCW 36.70A.130(1)(d) that any amendment  
40 to a comprehensive plan shall conform to the GMA and that any amendment  
41 to development regulations shall implement the comprehensive plan; the  
42 requirement in RCW 36.70A.130(2) that a county consider comprehensive

1 plan amendments no more frequently than once per year; and the  
2 requirements in RCW 36.70A.130(1)(d) and .210(1) and (7) that the  
3 comprehensive plan be consistent with the CPP and MPP.  
4

5 Section 2. The county council makes the following conclusions:

- 6  
7 A. This proposal complies with all requirements of the GMA.  
8  
9 B. This proposal is consistent with the MPP.  
10  
11 C. This proposal is consistent with the CPP.  
12  
13 D. This proposal is consistent with the goals, objectives and policies of the GPP.  
14  
15 E. All SEPA requirements with respect to this non-project action have been satisfied.  
16  
17 F. This proposal does not result in an unconstitutional taking of private property for a  
18 public purpose and does not violate substantive due process guarantees.  
19

20 Section 3. The county council bases its findings and conclusions on the entire record of  
21 the county council, including all testimony and exhibits. Any finding which should be  
22 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby  
23 adopted as such.  
24

25 Section 4. The FLU Map of the GPP, last amended by Ordinance No. 13-061 on  
26 August 21, 2013, is amended as indicated in Exhibit A to this ordinance, which is  
27 attached hereto and incorporated by reference into this ordinance.  
28

29 Section 5. The area-wide zoning map, last amended by Ordinance No. 13-061 on  
30 August 21, 2013, is amended as indicated in Exhibit B to this ordinance, which is  
31 attached hereto and incorporated by reference into this ordinance.  
32

33 Section 6. The county council directs the code reviser to update SCC 30.10.060  
34 pursuant to SCC 1.02.020(3).  
35

36 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this  
37 ordinance shall be held to be invalid or unconstitutional by the Growth Management  
38 Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality  
39 shall not affect the validity or constitutionality of any other section, sentence, clause or  
40 phrase of this ordinance. Provided, however, that if any section, sentence, clause or  
41 phrase of this ordinance is held to be invalid by the Board or court of competent  
42 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective

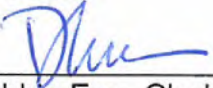
1 date of this ordinance shall be in full force and effect for that individual section,  
2 sentence, clause or phrase as if this ordinance had never been adopted.

3  
4 PASSED this 8<sup>th</sup> day of October, 2014.

5  
6  
7 SNOHOMISH COUNTY COUNCIL  
8 Snohomish County, Washington

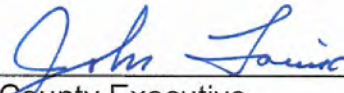
9  
10   
11 \_\_\_\_\_  
12 Dave Somers, Council Chair

13  
14  
15 ATTEST:

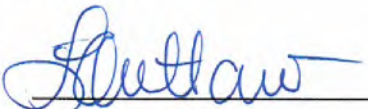
16   
17 \_\_\_\_\_  
18 Debbie Eco, Clerk of the Council

- 19  APPROVED  
20  EMERGENCY  
21  VETOED

22 DATE: 10-13-14

23   
24 \_\_\_\_\_  
25 County Executive

26 ATTEST:

27   
28 \_\_\_\_\_  
29

30 Approved as to form only:

31  
32  
33  
34 \_\_\_\_\_  
35 Deputy Prosecuting Attorney  
36

Exhibit A  
Ordinance No. 14-068  
GPP5 – Sultan UGA  
Map 1  
GPP Future Land Use Map Amendment

ORDINANCE No. 14-068  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP AND REVISING THE  
SULTAN URBAN GROWTH AREA (GPP5 – SULTAN UGA)

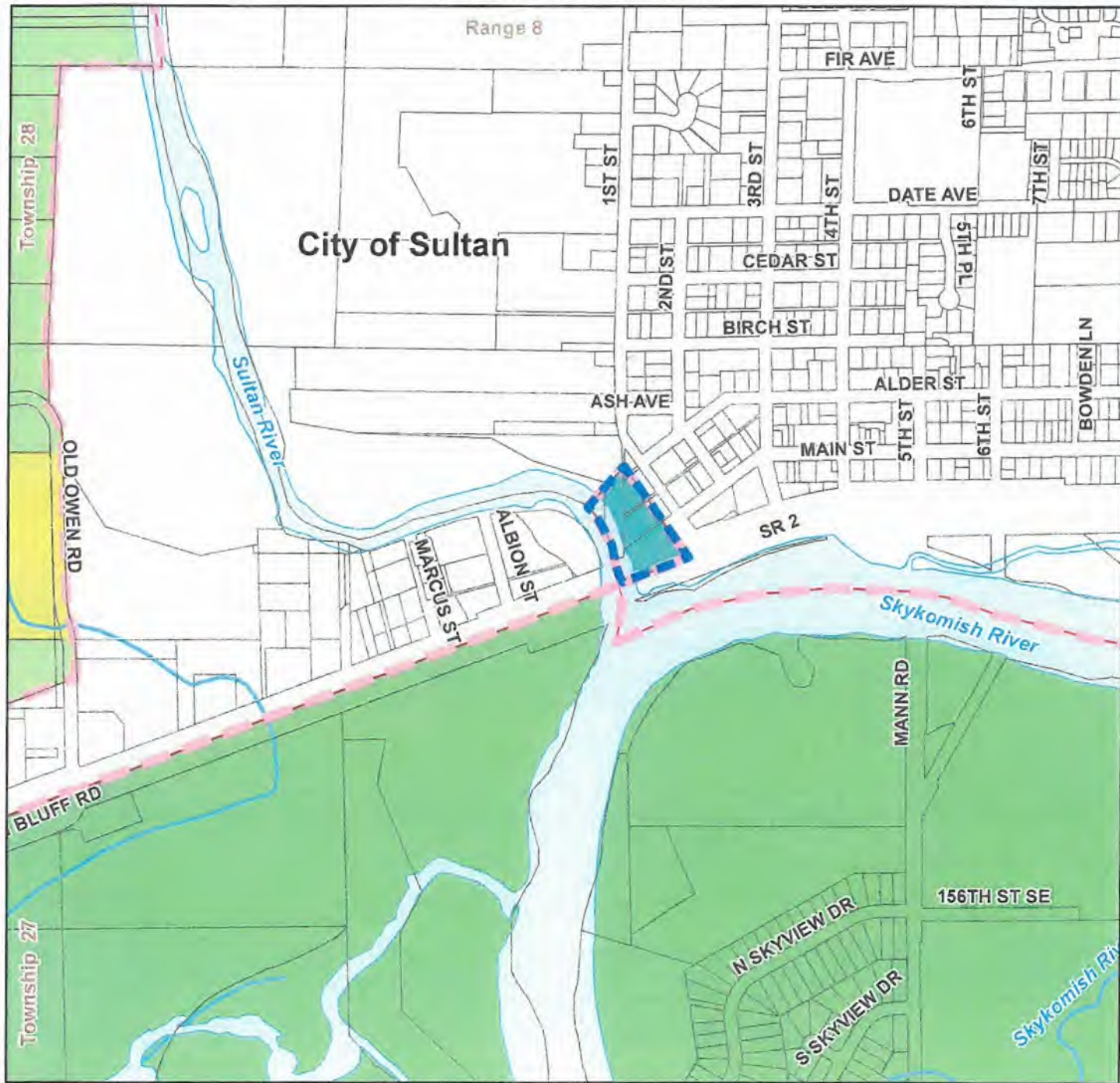
2014 County - Initiated Proposal

Sultan UGA (GPP5)

Proposed Future Land Use Map  
Comprehensive Plan Amendment



Snohomish County



Proposed FLU Map Amendment:



GPP 5

Proposed UGA Expansion

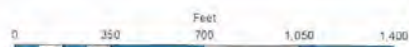
No proposed Future Land Use Map redesignation

Retain Public/Institutional Use

Future Land Use Plan Designations

- Public/Institutional Use
- Riverway Commercial Farmland
- Local Commercial Farmland
- Rural Residential-5 (1 DU/5 Acres)

- UGA Boundary
- City of Sultan
- Assessor Parcels



Produced by Snohomish County Department of Planning and Development Services, Cartography/GIS. All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code, Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein, and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.



Exhibit B  
Ordinance No. 14-068  
GPP5 – Sultan UGA  
Zoning Map Amendment

ORDINANCE No. 14-068  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP AND REVISING THE  
SULTAN URBAN GROWTH AREA (GPP5 – SULTAN UGA)

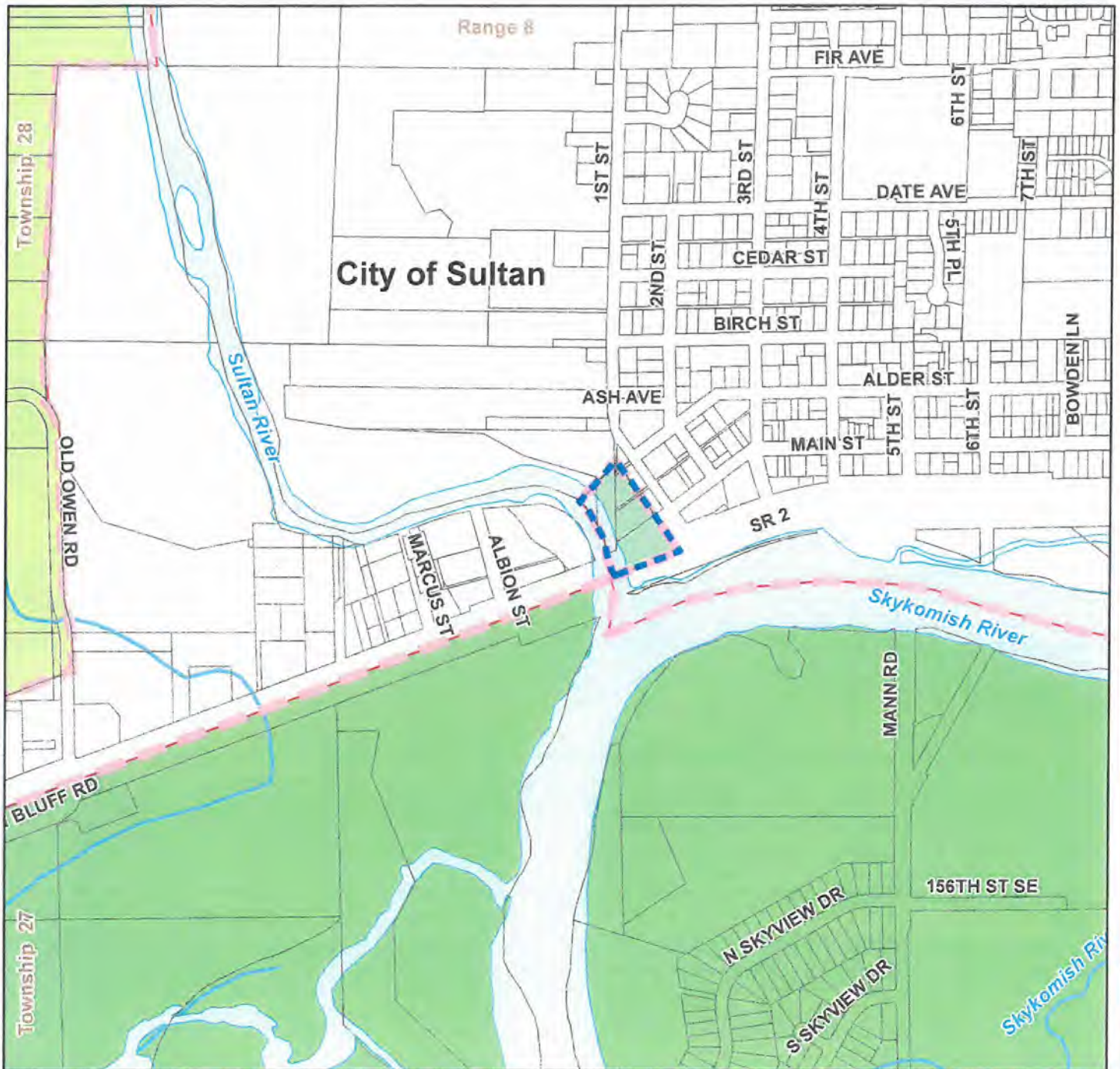
2014 County - Initiated Proposal







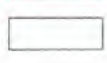
**Sultan UGA (GPP5)**

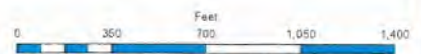
Proposed Rezone



Snohomish County



-  Proposed Rezone from Rural Use to R-7,200
-  Agriculture 10-Acre
-  Rural 5-Acre
-  Rural Use
-  Urban Growth Area Boundary
-  Incorporated City Boundary
-  Assessor Parcel



Produced by Snohomish County Department of Planning and Development Services, Cartography/GIS  
 All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.