

1 Adopted: June 10, 2015

2 Effective: July 2, 2015

3
4
5 SNOHOMISH COUNTY COUNCIL
6 SNOHOMISH COUNTY, WASHINGTON

7
8 AMENDED ORDINANCE NO. 14-133
9

10 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
11 MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT
12 ACT COMPREHENSIVE PLAN, AMENDING THE ZONING MAP TO IMPLEMENT
13 CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE STANWOOD
14 URBAN GROWTH AREA (STAN5 – CITY OF STANWOOD)
15

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

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

26 WHEREAS, the Department of Planning and Development Services (PDS)
27 compiled a list of non-county initiated amendments and revisions received by the
28 October 31, 2012, deadline for Docket XVII proposals and evaluated these proposed
29 amendments, including the STAN5 – City of Stanwood docket proposal, for consistency
30 with the initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and
31

32 WHEREAS, on May 29, 2013, and June 26, 2013, the county council held public
33 hearings to receive public testimony on proposed non-county initiated amendments to
34 the GMACP for consideration on Final Docket XVII, including the STAN5 – City of
35 Stanwood proposal; and
36

37 WHEREAS, on July 17, 2013, the county council approved, by Amended Motion
38 No. 13-138, a list of proposed non-county initiated comprehensive plan amendments for
39 consideration and final action on Final Docket XVII, including the STAN5 – City of
40 Stanwood proposal, and authorized the county executive, through PDS, to process
41 Final Docket XVII consistent with chapters 30.73 and 30.74 SCC; and
42

43 WHEREAS, the Snohomish County Planning Commission ("planning
44 commission") was provided information on Final Docket XVII, including the STAN5 –

AMENDED ORDINANCE NO. 14-133
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
STANWOOD URBAN GROWTH AREA (STAN5 – CITY OF STANWOOD) - 1

1 City of Stanwood proposal, in study sessions and briefings held on May 13, 2014, and
2 September 9, 2014; and

3
4 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and
5 evaluation of Final Docket XVII, including the STAN5 – City of Stanwood proposal, and
6 forwarded recommendations to the planning commission; and

7
8 WHEREAS, the planning commission held a public hearing and received public
9 testimony on Final Docket XVII, including the STAN5 – City of Stanwood proposal, on
10 October 7, 2014; and

11
12 WHEREAS, on October 14, 2014, the planning commission completed
13 deliberations on Final Docket XVII, including the STAN5 – City of Stanwood proposal,
14 and recommended adoption of the STAN5 – City of Stanwood proposal as enumerated
15 in its recommendation letter of December 4, 2014; and

16
17 WHEREAS, on May 13, 2015 and continued to June 10, 2015, the county council
18 held a public hearing, after proper notice, to hear public testimony on this ordinance and
19 consider the entire record, including the planning commission’s recommendation, on
20 Final Docket XVII and the STAN5 – City of Stanwood proposal.

21
22 NOW, THEREFORE, BE IT ORDAINED:

23
24 Section 1. The county council adopts the following findings:

- 25
26 A. The foregoing recitals are adopted as findings as if set forth in full herein.
27
28 B. The STAN5 – City of Stanwood proposal would adjust the Stanwood Urban Growth
29 Area (UGA) by removing 116 acres from the north boundary of the UGA that are
30 designated Urban Low Density Residential (ULDR) and zoned R-7,200. UGA
31 Removal 1a contains 95 acres and would be redesignated to Local Commercial
32 Farmland (LCF) with a rezone to Rural-5 Acre (R-5). The remainder of the removal
33 area, UGA Removal 1b, consists of 21 acres and would be redesignated to Rural
34 Residential-5 (RR-5) with a rezone to R-5. The proposed adjustment would add 133
35 acres in two locations on the east boundary of the UGA. UGA Additions 1 and 2
36 would be redesignated from Rural Residential to ULDR and rezoned from R-5 to R-
37 9,600. The primary purpose of the city’s proposed adjustments to the Stanwood
38 UGA is to include only those areas where infrastructure, particularly roads, sewer,
39 and water, can be adequately provided.
40
41 C. The STAN5 – City of Stanwood proposal analyzed by PDS in its staff report dated
42 September 22, 2014, would rezone UGA Removal 1a from R-7,200 to A-10. After
43 receiving public testimony, the planning commission recommended instead to
44 rezone UGA Removal 1a from R-7,200 to R-5. This zoning was recommended

1 consistent with testimony and based in part on the following factors: (1) the adjacent
2 rezoning of UGA Removal 1b to R-5; (2) the R-5 zoning of the surrounding existing
3 LCF designated properties; and (3) the underlying parcel pattern and existing land
4 uses in UGA Removal 1a.
5

6 D. The STAN5 – City of Stanwood proposal was analyzed for consistency with the
7 locational urban growth requirements in RCW 36.70A.110(3). The proposed UGA
8 adjustment, according to the city, would include only those areas where
9 infrastructure, particularly roads, sewer, and water, can be adequately provided.
10 The city determined that the isolated nature of the proposed UGA removal areas
11 would require costly road and utility improvements to provide urban levels of service.
12 The city states the areas proposed for addition to the UGA can more cost-effectively
13 be served by public sewer and water.
14

15 E. The STAN5 – City of Stanwood proposal was analyzed for consistency with the
16 Puget Sound Regional Council (PSRC) Multicounty Planning Policies (MPP), in
17 particular MPP-DP-1, which allows for adjustments to UGAs to plan for more
18 efficient land uses and infrastructure to better accommodate urban population
19 growth. The city determined that the topographic constraints of the areas proposed
20 for removal from the UGA would require costly road and utility improvements to
21 provide urban levels of service. The city indicates the areas proposed for addition to
22 the UGA can more cost-effectively be served by sewer and water service and roads.
23

24 F. The STAN5 – City of Stanwood proposal was analyzed for consistency with the
25 Countywide Planning Policies (CPP), in particular DP-3, which allows for an
26 adjustment to a UGA by contracting the UGA in one location while expanding it in
27 another location without resulting in a net increase of population or employment land
28 capacity. Condition “a” of DP-3 further requires that areas being removed from the
29 UGA may not already be characterized by urban development or have active permits
30 that would change it to being urban in character. Condition “b” of DP-3 requires that
31 the land designations assigned in the areas removed from the UGA must be given a
32 rural or resource designation. The STAN5 proposal is consistent with CPP DP-3 as
33 the proposed UGA adjustments will not result in a net increase of population land
34 capacity. An updated land capacity analysis of the STAN5 proposal was conducted
35 by PDS and included in the DEIS. That analysis shows a potential addition of 191
36 housing units and a reduction of 203 housing units, resulting in a 12-unit reduction.
37 These units would support an addition of 531 persons and a reduction of 565
38 persons. The UGA adjustment will result in a net capacity reduction of 34 persons.
39 However, there will continue to be a cumulative population capacity surplus of 523
40 persons within the unincorporated UGA. The city’s proposal is consistent with
41 conditions “a” and “b” for adjusting UGAs under CPP DP-3. The proposed removal
42 area is characterized by single family rural residences that are served by individual
43 on-site sewage disposal systems. There are no active permits for urban
44 development as the area is not served by urban infrastructure, including sanitary

1 sewers. The RR-5 and LCF land use designations assigned to the areas proposed
2 for removal from the UGA are existing rural and resource designations in the GPP.
3

4 G. The STAN5 – City of Stanwood proposal was analyzed for consistency with the
5 General Policy Plan (GPP), in particular LU Policy 1.A.14, which requires that a UGA
6 adjustment simultaneously expanding and contracting the same UGA without
7 resulting in a net increase of population or employment land capacity comply with
8 CPP DP-3. This proposal complies with CPP DP-3, as previously discussed in
9 these findings, and therefore is consistent with GPP LU Policy 1.A.14.

10
11 H. Procedural requirements.

- 12
13 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
- 14
15 2. State Environmental Policy Act (SEPA) requirements with respect to this non-
16 project action have been satisfied through the completion of a Draft EIS
17 issued on September 8, 2014, and a Final EIS issued on June 3, 2015.
- 18
19 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
20 was transmitted to the Washington State Department of Commerce for
21 distribution to state agencies on December 17, 2014.
- 22
23 4. The public participation process used in the adoption of this ordinance has
24 complied with all applicable requirements of the GMA and the SCC.
- 25
26 5. The Washington State Attorney General last issued an advisory
27 memorandum, as required by RCW 36.70A.370, in December of 2006 entitled
28 “Advisory Memorandum: Avoiding Unconstitutional Takings of Private
29 Property” to help local governments avoid the unconstitutional taking of
30 private property. The process outlined in the State Attorney General’s 2006
31 advisory memorandum was used by Snohomish County in objectively
32 evaluating the amendments proposed by this ordinance.

33
34 I. The ordinance is consistent with the record.

- 35
36 1. No inconsistencies between the proposed amendments and the GMACP
37 elements or development regulations have been identified.
- 38
39 2. The proposal complies with all requirements of the GMA, including: the
40 requirement in RCW 36.70A.070 that a plan be an internally consistent
41 document; the requirements in RCW 36.70A.130(1)(d) that any amendment
42 to a comprehensive plan shall conform to the GMA and that any amendment
43 to development regulations shall implement the comprehensive plan; the
44 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 A. This proposal complies with all requirements of the GMA.
- 7 B. This proposal is consistent with the MPP.
- 8 C. This proposal is consistent with the CPP.
- 9 D. This proposal is consistent with the goals, objectives and policies of the GPP.
- 10 E. This proposal meets the final docket criteria in SCC 30.74.060.
- 11 F. All SEPA requirements with respect to this non-project action have been satisfied.
- 12 G. This proposal does not result in an unconstitutional taking of private property for a
13 public purpose and does not violate substantive due process guarantees.
- 14 H. The county complied with state and local public participation requirements under the
15 GMA and chapter 30.73 SCC.

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

21 Section 4. The Future Land Use Map of the GPP, last amended by Amended
22 Ordinance No. 14-069 on October 8, 2014, is amended as indicated in Exhibit A to this
23 ordinance, which is attached hereto and incorporated by reference into this ordinance.
24

25 Section 5. The area-wide zoning map, last amended by Amended Ordinance No. 14-
26 068 on October 8, 2014, is amended as indicated in Exhibit B to this ordinance, which is
27 attached hereto and incorporated by reference into this ordinance.
28


29 Section 6. The county council directs the code reviser to update SCC 30.10.060
30 pursuant to SCC 1.02.020(3).
31

32 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this
33 ordinance shall be held to be invalid or unconstitutional by the Growth Management
34 Hearings Board ("Board"), or a court of competent jurisdiction, such invalidity or
35 unconstitutionality shall not affect the validity or constitutionality of any other section,
36
37

1 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
2 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
3 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to
4 the effective date of this ordinance shall be in full force and effect for that individual
5 section, sentence, clause or phrase as if this ordinance had never been adopted.
6
7

8 PASSED this 10th day of June, 2015.
9

10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington


12 
13 _____
14 Dave Somers
15 Council Chair
16

17 ATTEST:


18 
19 _____
20 Debbie Eco
21 Clerk of the Council
22

23 APPROVED
24 EMERGENCY
25 VETOED
26
27

28 DATE: 6/22/15
29

30 
31 _____
32 County Executive
33

34 ATTEST:

35 
36 _____
37 Approved as to form only:
38
39 _____
40 Deputy Prosecuting Attorney
41
42

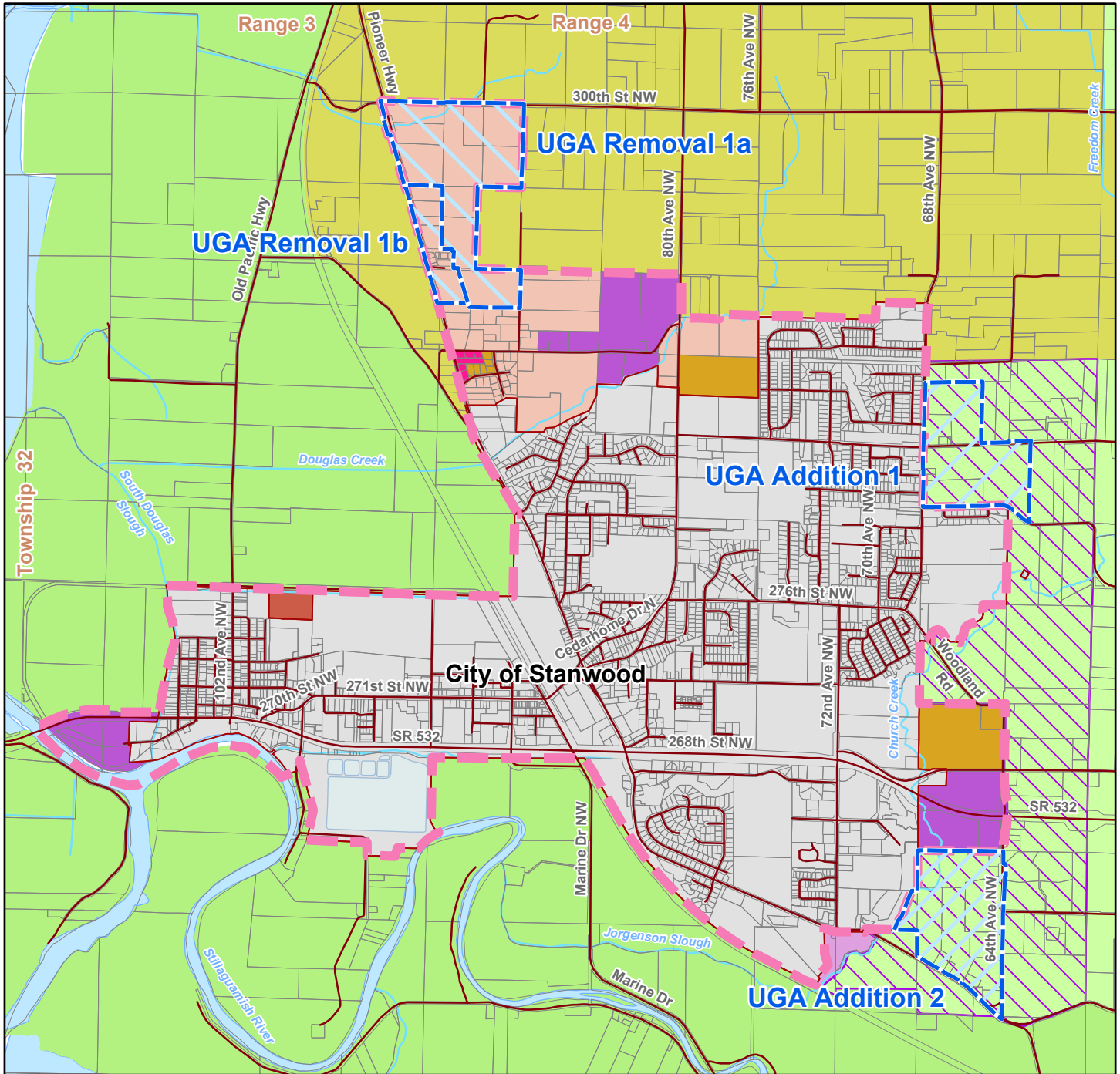
43 D-6

Exhibit A
Amended Ordinance No. 14-133
STAN5 – City of Stanwood
Map 1
GPP Future Land Use Map Amendment

Final Docket XVII City of Stanwood (STAN5)

June 10, 2015

Council Adopted Future Land Use Map
Comprehensive Plan Amendments



FLU Map Amendments:

STAN5

UGA Additions 1 and 2:
Redesignate Rural Residential-5 (1 DU/5 Acres)
to Urban Low Density Residential

STAN5

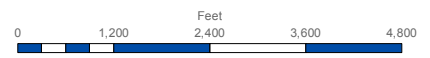
UGA Removal 1a: Redesignate Urban Low Density
Residential to Local Commercial Farmland

UGA Removal 1b: Redesignate Urban Low Density
Residential to Rural Residential-5 (1 DU/5 Acres)

Future Land Use Plan Designations

- Riverway Commercial Farmland
- Local Commercial Farmland
- Rural Residential-5 (1 DU/5 Acres)
- Urban Low Density Residential
- Urban Medium Density Residential
- Urban High Density Residential
- Urban Commercial
- Rural Industrial
- Urban Industrial
- Rural/Urban Transition Overlay

- UGA Boundary
- City of Stanwood
- Assessor Parcels



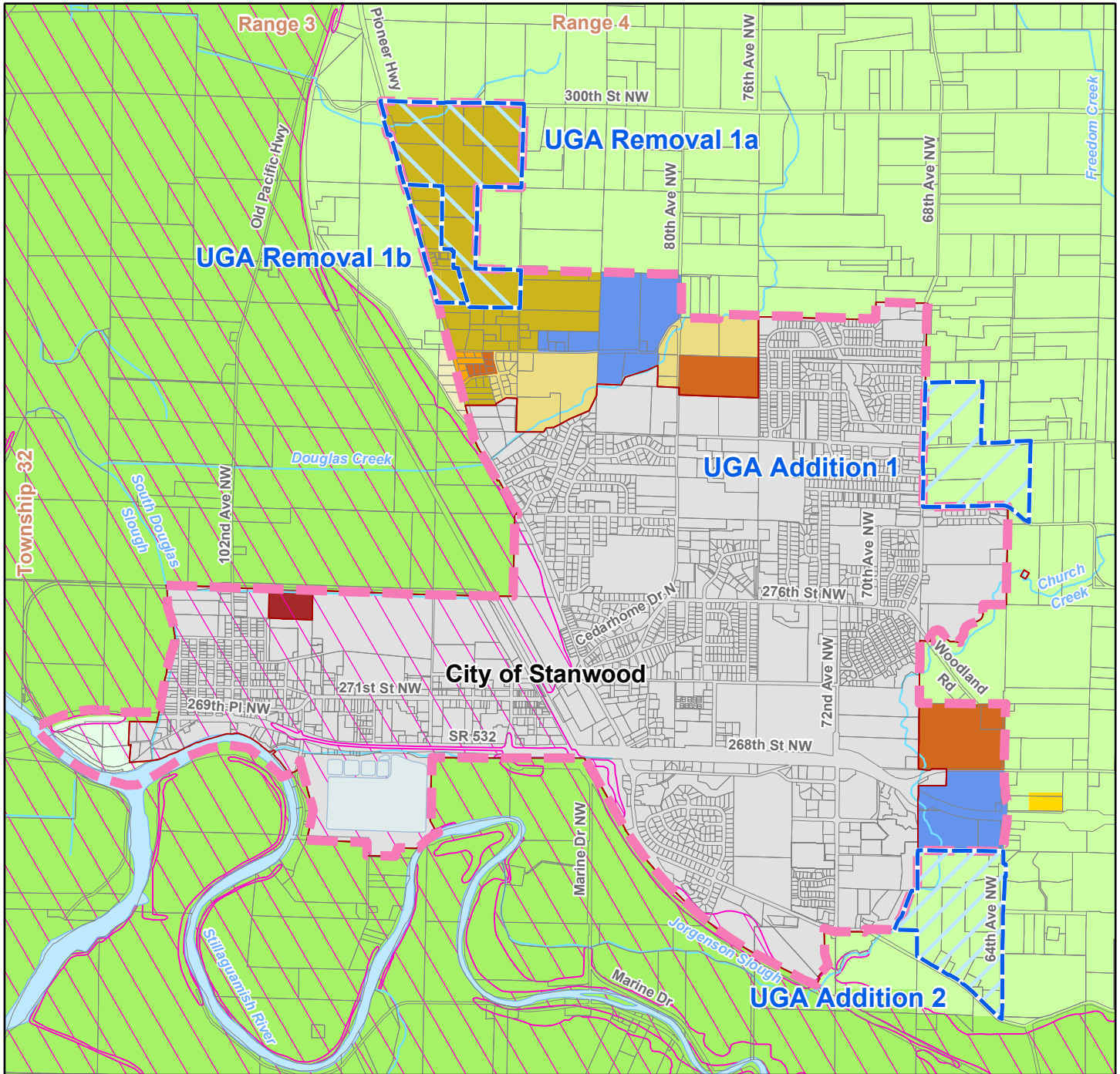
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Exhibit B
Amended Ordinance No. 14-133
STAN5 – City of Stanwood
Zoning Map Amendment

Final Docket XVII
City of Stanwood (STAN5)
June 10, 2015



Council Adopted Rezones



Rezone:

STAN5

UGA Additions 1 and 2:
 Rezone Rural 5-Acre to Residential 9,600 - RA

STAN5

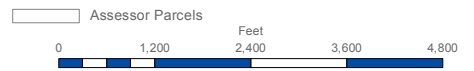
UGA Removal 1a:
 Rezone Residential 7,200 to Rural 5-Acre

UGA Removal 1b:
 Rezone Residential 7,200 to Rural 5-Acre

Zoning:

- Agriculture 10-Acre
- Rural Conservation
- Rural 5-Acre
- Residential-9,600 s. f.
- Residential-7,200 s. f.
- Residential-12,500 s. f.
- Low Density Multiple Residential
- Multiple Residential
- Neighborhood Business
- Rural Business
- Industrial Park
- Light Industrial

- UGA Boundary
- City of Stanwood
- 100-year Floodplain



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