

1 Adopted: June 10, 2015

2 Effective: July 2, 2015

3 SNOHOMISH COUNTY COUNCIL
4 SNOHOMISH COUNTY, WASHINGTON

5
6 AMENDED ORDINANCE NO. 14-134
7

8 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING FUTURE LAND USE
9 MAP AMENDMENTS TO THE SNOHOMISH COUNTY GROWTH MANAGEMENT ACT
10 COMPREHENSIVE PLAN, AMENDING THE ZONING MAP TO IMPLEMENT CHANGES
11 TO THE FUTURE LAND USE MAP, AND REVISING THE SULTAN URBAN GROWTH
12 AREA (SLN2 – CITY OF SULTAN)
13

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

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

23 WHEREAS, the Department of Planning and Development Services (PDS) compiled
24 a list of non-county initiated amendments and revisions received by the October 31, 2012,
25 deadline for Docket XVII proposals and evaluated these proposed amendments, including
26 the SLN2 – City of Sultan docket proposal, for consistency with the initial docket review
27 criteria in SCC 30.74.030(1) and 30.74.040; and
28

29 WHEREAS, on May 29, 2013, and June 26, 2013, the county council held public
30 hearings to receive public testimony on proposed non-county initiated amendments to the
31 GMACP for consideration on Final Docket XVII, including the SLN2 – City of Sultan
32 proposal; and
33

34 WHEREAS, on July 17, 2013, the county council approved, by Amended Motion No.
35 13-138, a list of proposed non-county initiated comprehensive plan amendments for
36 consideration and final action on Final Docket XVII, including the SLN2 – City of Sultan
37 proposal, and authorized the county executive, through PDS, to process Final Docket XVII
38 consistent with chapters 30.73 and 30.74 SCC; and
39

40 WHEREAS, the Snohomish County Planning Commission ("planning commission")
41 was provided information on Final Docket XVII, including the SLN2 – City of Sultan proposal,
42 in study sessions and briefings held on May 13, 2014, and September 9, 2014; and
43

44 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and
45 evaluation of Final Docket XVII, including the SLN2 – City of Sultan proposal, and
46 forwarded recommendations to the planning commission; and
47

1 WHEREAS, the planning commission held a public hearing and received public
2 testimony on Final Docket XVII, including the SLN2 – City of Sultan proposal, on October 7,
3 2014; and
4

5 WHEREAS, on October 14, 2014, the planning commission completed deliberations
6 on Final Docket XVII, including the SLN2 – City of Sultan proposal, and recommended
7 adoption of the SLN2 – City of Sultan proposal as enumerated in its recommendation letter
8 of December 4, 2014; and
9

10 WHEREAS, on May 13, 2015 and continued to June 10, 2015, the county council
11 held a public hearing, after proper notice, to hear public testimony on this ordinance and
12 consider the entire record, including the planning commission’s recommendation, on Final
13 Docket XVII and the SLN2 – City of Sultan proposal;
14

15 NOW, THEREFORE, BE IT ORDAINED:
16

17 Section 1. The county council adopts the following findings:
18

- 19 A. The foregoing recitals are adopted as findings as if set forth in full herein.
20
- 21 B. The SLN2 – City of Sultan proposal would contract the Sultan Urban Growth Area
22 (UGA) by removing 380 acres from the northwest boundary of the UGA that are
23 designated Urban Low Density Residential (ULDR) and zoned R-7,200 and R-9,600.
24 The removal area would be redesignated to Rural Residential (RR) and rezoned to
25 Rural 5-Acre (R-5).
26
- 27 C. The SLN2 – City of Sultan proposal analyzed by PDS in its staff report dated September
28 22, 2014, was proposed as a UGA adjustment that included both a 380-acre UGA
29 contraction and the addition of 214 acres to the northeast and east boundary of the
30 Sultan UGA. The 214 acres in the Sultan UGA Additions 1 and 2 would be redesignated
31 from RR to ULDR and rezoned from R-5 to R-7,200. The primary purpose of the
32 proposed adjustment, according to the city, was to include in the Sultan UGA only those
33 urban areas where infrastructure, particularly roads, sewer and water could be
34 adequately provided. After receiving public testimony, the planning commission instead
35 recommended that the SLN2 proposal consist of only the UGA contraction. The
36 planning commission’s recommendation was based on the following findings that
37 support contracting, but not expanding, the Sultan UGA: 1) The removal area
38 topography and distance would make it very costly to extend city utilities to this area
39 which, in turn, would make it very costly to develop; 2) a UGA expansion is not needed
40 at this time due to the lack of current growth and because existing buildable areas
41 currently within the city are available should growth occur in the future; 3) overwhelming
42 opposition to the proposed UGA addition areas was expressed by residents of these
43 areas and included concerns regarding impacts to rural character and the natural
44 environment; and 4) testimony was received that the county provides better service
45 (particularly roads and law enforcement) than the city can provide.
46

- 1 D. The SLN2 – City of Sultan proposal is consistent with the locational urban growth
2 requirements in RCW 36.70A.110(3). The proposed UGA contraction, according to the
3 city, would remove an area from the UGA where infrastructure, particularly sanitary
4 sewer, cannot adequately be provided. The city determined that the isolated nature of
5 the proposed UGA removal area would require costly sanitary sewer improvements to
6 provide urban levels of services.
7
- 8 E. The SLN2 – City of Sultan proposal is consistent with the Puget Sound Regional Council
9 (PSRC) Multicounty Planning Policies (MPP), in particular, MPP-DP-1, which allows
10 adjustments to UGAs to plan for more efficient land uses and infrastructure to better
11 accommodate urban population growth. The city determined that the topographic and
12 critical area constraints of the proposed removal area would require costly sanitary
13 sewer improvements to plan for urban levels of service if the removal area were to
14 remain within the UGA.
15
- 16 F. The SLN2 – City of Sultan proposal is consistent with the Development Patterns section
17 of the Countywide Planning Policies (CPP) for Snohomish County. The introductory text
18 of that section explains that while changes to an established UGA are most often
19 expected to result in a UGA expansion, in some instances a UGA constriction may
20 result.
21
- 22 G. The SLN2 – City of Sultan proposal is consistent with CPP DP-1, which includes
23 requirements that UGAs contain areas that can be supported by an urban level of
24 service consistent with capital facilities plans for public facilities and utilities, that have
25 been evaluated for the presence of critical areas, and which are large enough to ensure
26 an adequate supply of land to accommodate the planned growth. The SLN2 proposal is
27 consistent with DP-1. The proposed UGA contraction would remove land that cannot be
28 supported by urban levels of service, particularly sanitary sewer, due to the infeasibility
29 and costs of connecting the UGA removal area to the nearest sewer transmission line.
30 A factor which limits the city's ability to provide adequate sanitary sewer service is the
31 presence of extensive critical areas within the UGA removal area including steep slopes,
32 wetlands and the Sultan River 100-year floodplain. A PDS land capacity analysis of the
33 proposed UGA removal area indicates a population capacity reduction of 518 persons
34 as a result of the contraction. A comparison of the unincorporated Sultan UGA capacity
35 and the 2035 unincorporated UGA initial population growth target shows a slight net
36 deficit of 23 persons. This slight net population deficit will be resolved prior to adoption
37 of the county's 2015 plan update through refinements of the Sultan UGA initial growth
38 target in coordination with the city's local comprehensive plan update process, including
39 the city's own land capacity analysis for areas within its jurisdiction, with the goal of
40 accommodating the overall initial 2035 Sultan UGA population growth target.
41
- 42 H. The proposed removal area is characterized by single family rural residences that are
43 served by individual on-site sewage disposal systems. There are no active permits for
44 urban development in the proposed removal area as the area is not served by urban
45 infrastructure, including sanitary sewers. A rural designation is appropriate for the
46 removal area. The RR land use designation assigned to the area proposed for removal
47 from the UGA is an existing rural designation in the GPP.

1
2 I. The SLN2 – City of Sultan proposal is consistent with the General Policy Plan (GPP), in
3 particular LU Policy 1.A.1, which requires that UGAs contain sufficient land capacity for
4 a variety of land uses and densities in suitable locations. A PDS land capacity analysis
5 of the proposed UGA removal area indicates a population capacity reduction of 518
6 persons as a result of the contraction. A comparison of the unincorporated Sultan UGA
7 capacity and the 2035 unincorporated UGA initial population growth target shows a
8 slight net deficit of 23 persons. This slight net population deficit will be resolved prior to
9 adoption of the county’s 2015 plan update through refinements of the Sultan UGA
10 growth target in coordination with the city’s local comprehensive plan update process,
11 including the city’s own land capacity analysis for areas within its jurisdiction, with the
12 goal of accommodating the overall initial 2035 Sultan UGA population growth target.
13

14 J. Procedural requirements.

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

- 38 1. No inconsistencies between the proposed amendments and the GMACP
39 elements or development regulations have been identified.
- 40 2. The proposal complies with all requirements of the GMA, including: the
41 requirement in RCW 36.70A.070 that a plan be an internally consistent
42 document; the requirements in RCW 36.70A.130(1)(d) that any amendment to a
43 comprehensive plan shall conform to the GMA and that any amendment to
44 development regulations shall implement the comprehensive plan; the
45 requirement in RCW 36.70A.130(2) that a county consider comprehensive plan
46
47

1 amendments no more frequently than once per year; and the requirements in
2 RCW 36.70A.130(1)(d) and .210(1) and (7) that the comprehensive plan be
3 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. This proposal meets the final docket criteria in SCC 30.74.060.
- 16
- 17 F. All SEPA requirements with respect to this non-project action have been satisfied.
- 18
- 19 G. This proposal does not result in an unconstitutional taking of private property for a public
20 purpose and does not violate substantive due process guarantees.
21
- 22 H. 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 the
26 county council, including all testimony and exhibits. Any finding which should be deemed a
27 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as
28 such.
29

30 Section 4. The Future Land Use Map of the GPP, last amended by Amended Ordinance
31 No. 14-068 on October 8, 2014, is amended as indicated in Exhibit A to this ordinance,
32 which is attached hereto and incorporated by reference into this ordinance.
33

34 Section 5. The area-wide zoning map, last amended by Ordinance No.14-068 on October
35 8, 2014, is amended as indicated in Exhibit B to this ordinance, which is attached hereto
36 and incorporated by reference into this ordinance.
37

38 Section 6. The county council directs the code reviser to update SCC 30.10.060 pursuant
39 to SCC 1.02.020(3).
40

41 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this
42 ordinance shall be held to be invalid or unconstitutional by the Growth Management
43 Hearings Board ("Board"), or a court of competent jurisdiction, such invalidity or
44 unconstitutionality shall not affect the validity or constitutionality of any other section,
45 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
46 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of
47 competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the

1 effective 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

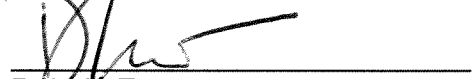
5 PASSED this 10th day of June, 2015.
6
7

8 SNOHOMISH COUNTY COUNCIL
9 Snohomish County, Washington

10 
11

12 Dave Somers
13 Council Chair
14

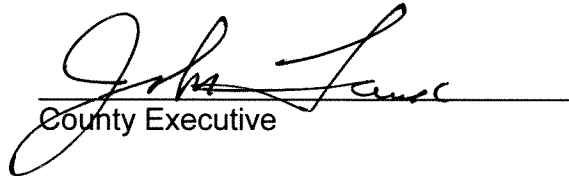
15 ATTEST:

16 
17

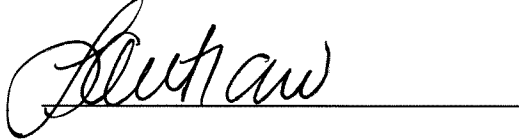
18 Debbie Eco
19 Clerk of the Council
20

21 APPROVED
22 EMERGENCY
23 VETOED
24

25 DATE: 6/22/15
26

27 
28 County Executive
29

30 ATTEST:

31 
32
33
34

35 Approved as to form only:
36

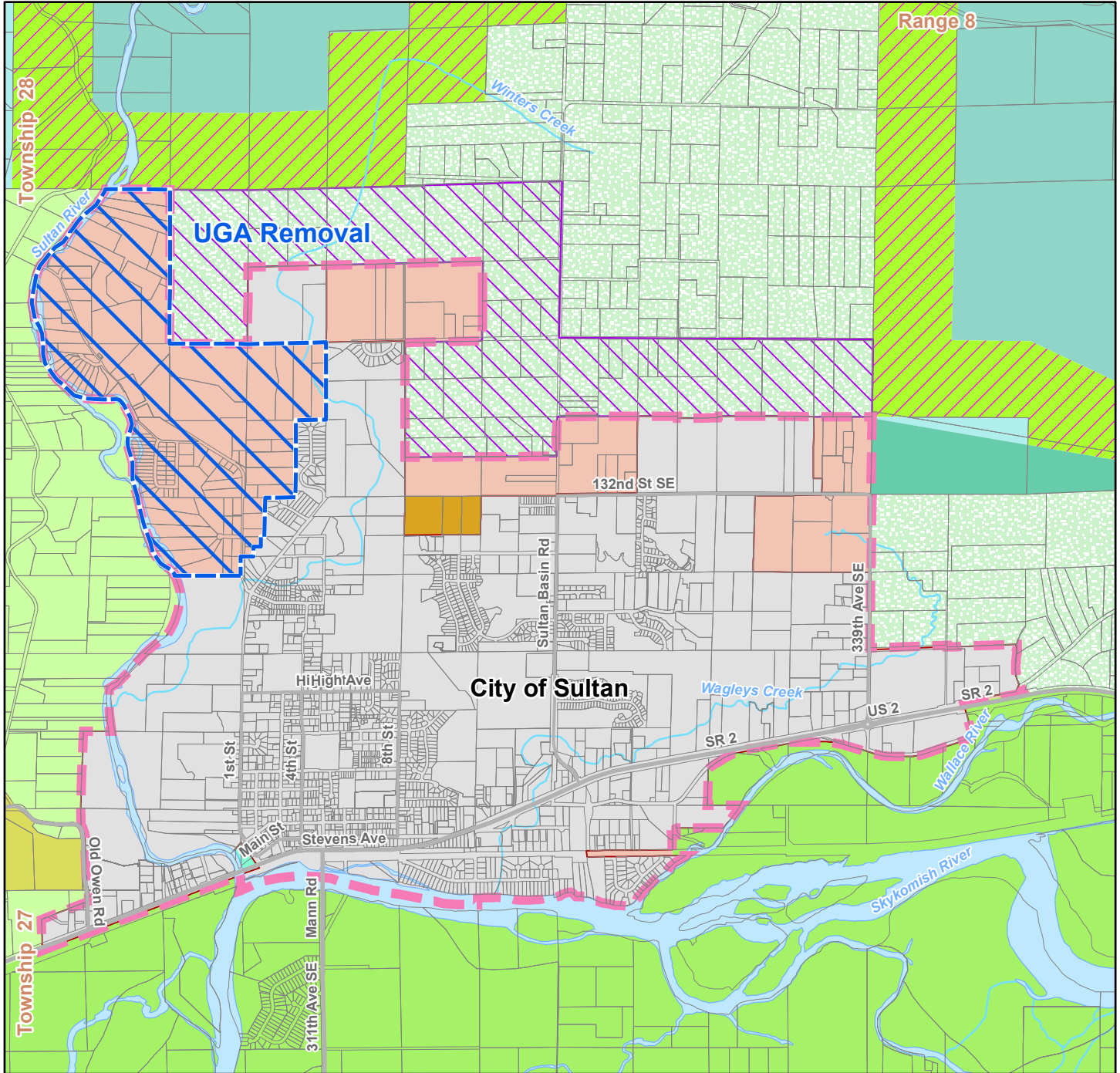
37 _____
38 Deputy Prosecuting Attorney
39
40
41
42
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Exhibit A
Amended Ordinance No. 14-134
SLN2 – City of Sultan
Map 1
GPP Future Land Use Map Amendment

Final Docket XVII City of Sultan (SLN2)

June 10, 2015

Council Adopted Future Land Use Map Comprehensive
Plan Amendment



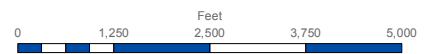
FLU Map Amendment:

UGA Removal
Redesignate Urban Low Density
Residential to Rural Residential



- Future Land Use Plan Designations**
- Commercial Forest
 - Commercial Forest-Forest Trans. Area
 - Riverway Commercial Farmland
 - Local Commercial Farmland
 - Low Density Rural Res. (1 DU/20 Ac.)
 - Rural Res.-10 Res. Trans. (1 DU/10 Ac.)
 - Rural Residential-5 (1 DU/5 Acres)
 - Rural Residential-5 (1 DU/5 Acres Basic)
 - Urban Low Density Residential
 - Urban Medium Density Residential
 - Public/Institutional
 - Rural/Urban Transition Overlay

- City of Sultan
- Assessor Parcels



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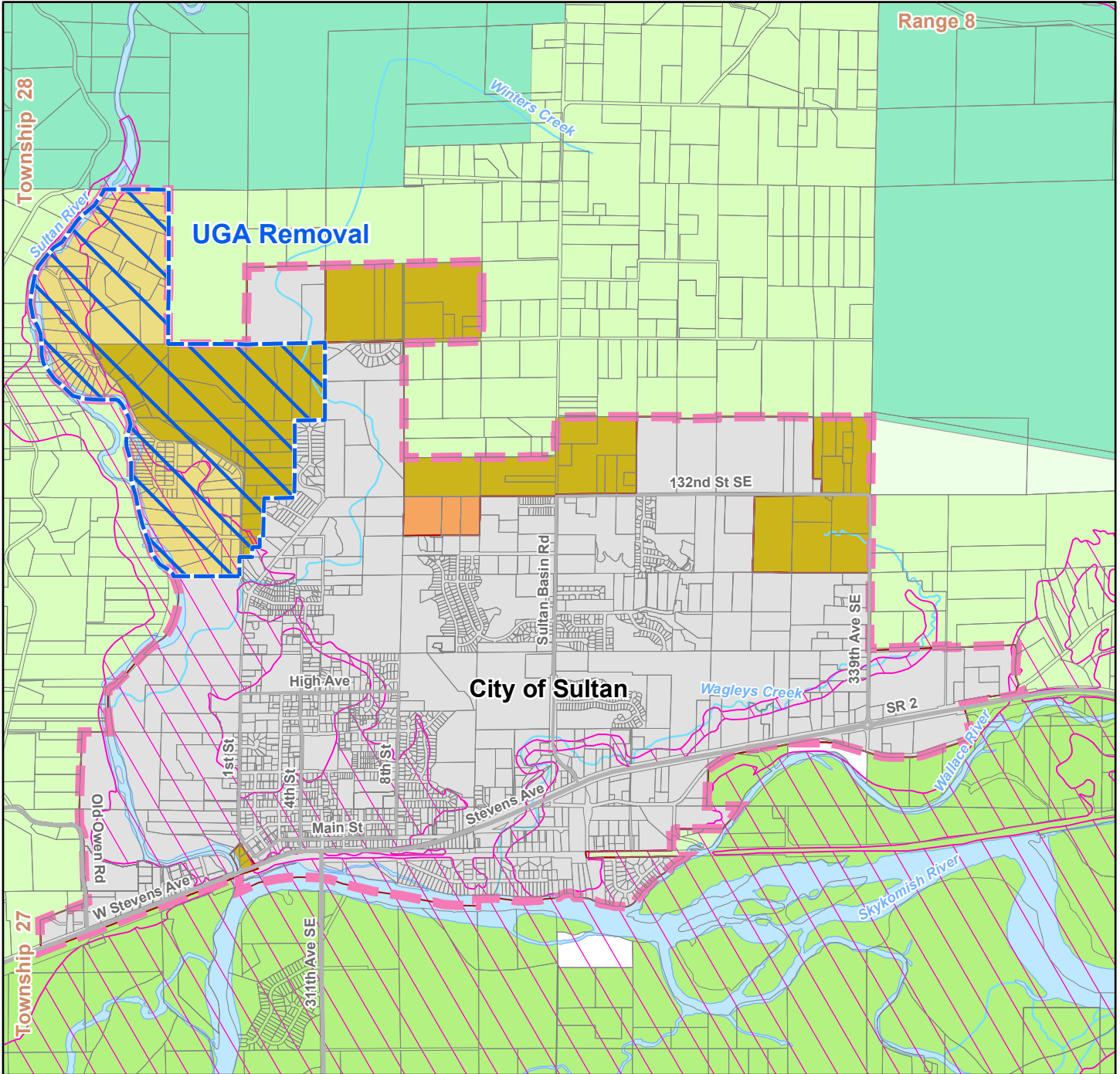
Exhibit B
Amended Ordinance No. 14-134
SLN2 – City of Sultan
Zoning Map Amendment

Final Docket XVII
City of Sultan (SLN2)
June 10, 2015



Council Adopted Rezones

Snohomish County



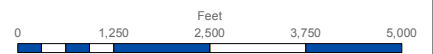
Rezone:

UGA Removal
 Rezone Residential-7,200
 and Residential-9,600
 to Rural 5-Acre



- Zoning:**
- Forestry
 - Agriculture 10-Acre
 - Rural Conservation
 - Rural 5-Acre
 - Residential-9,600 sq.ft.
 - Residential-7,200 sq. ft.
 - Townhouse
 - Rural Use

- City of Sultan
- 100-year Floodplain
- Assessor Parcels



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Map: W:\p\ng\carto\doCKET\DOCKET_XVII\FinalMaps\Planning Commission Recommended\CityofSultan_SLN2_zoning_PingComm.mxd Date: 6/11/2015