

1 ADOPTED: 09/27/17  
2 EFFECTIVE: 10/14/17

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4  
5 SNOHOMISH COUNTY COUNCIL  
6 SNOHOMISH COUNTY, WASHINGTON

7  
8 ORDINANCE NO. 17-051  
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 AND AMENDING THE ZONING MAP TO IMPLEMENT  
13 CHANGES TO THE FUTURE LAND USE MAP (SW1 – KEVIN VAN HOLLEBEKE)  
14

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

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

25 WHEREAS, the Department of Planning and Development Services (PDS)  
26 processed one citizen initiated docket proposal received by the October 30, 2015,  
27 deadline for Docket XVIII applications and evaluated the proposed amendments,  
28 identified as SW1 – Kevin Van Hollebeke, for consistency with the initial docket review  
29 criteria in SCC 30.74.030(1) and 30.74.040; and  
30

31 WHEREAS, on June 1, 2016, the county council held a public hearing to receive  
32 public testimony regarding whether to place the SW1 – Kevin Van Hollebeke proposal  
33 to amend the GMACP and implementing zoning on Final Docket XVIII; and  
34

35 WHEREAS, on June 1, 2016, the county council approved, by Motion No. 16-  
36 171, the SW1 – Kevin Van Hollebeke proposal for further consideration and final action  
37 on Final Docket XVII and authorized the county executive, through PDS, to process  
38 Final Docket XVII consistent with chapters 30.73 and 30.74 SCC; and  
39

40 WHEREAS, the Snohomish County Planning Commission (“planning  
41 commission”) was briefed on the SW1 – Kevin Van Hollebeke Final Docket XVIII  
42 proposal on April 25, 2017; and  
43

1 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and  
2 evaluation of the SW1 – Kevin Van Hollebeke Final Docket XVIII proposal, and  
3 forwarded a recommendation that the proposal be approved to the planning  
4 commission; and

5  
6 WHEREAS, the planning commission held a public hearing and received public  
7 testimony on the SW1 – Kevin Van Hollebeke proposal on May 23, 2017, and  
8 recommended adoption of the amendments contained in this ordinance, as shown in its  
9 recommendation letter of June 9, 2017; and

10  
11 WHEREAS, on September 27, 2017, the Snohomish County Council held a  
12 public hearing, after proper notice, to hear public testimony on this ordinance and  
13 consider the entire record, including the planning commission’s recommendation, on the  
14 SW1 – Kevin Van Hollebeke Final Docket XVIII proposal.

15  
16 NOW, THEREFORE, BE IT ORDAINED:

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

- 19  
20 A. The county council adopts and incorporates the foregoing recitals as findings as if  
21 set forth fully herein.  
22  
23 B. The SW1 – Kevin Van Hollebeke proposal would redesignate .45 acres of land  
24 within the Southwest Urban Growth Area (SWUGA) from Urban Low Density  
25 Residential (ULDR) to Urban High Density Residential (UHDR) with a concurrent  
26 rezone from R-9,600 to Multiple Residential (MR). The SW1 site is located on  
27 Richmond Road, approximately 600 feet west of Filbert Road, within the city of  
28 Bothell’s Municipal Urban Growth Area (MUGA) and approximately 500 feet north of  
29 Bothell’s city limits.  
30  
31 C. The SW1 proposal is consistent with the following GMA requirements: 1) RCW  
32 36.70A.130(1)(d), which requires that proposed comprehensive plan amendments  
33 be consistent with the GMA; 2) RCW 36.70A.130(2)(a), which requires that  
34 proposed comprehensive plan amendments be considered no more frequently than  
35 once every year; 3) RCW 36.70A.070, which requires internal consistency within a  
36 comprehensive plan; and 4) RCW 36.70A.210, which requires that a comprehensive  
37 plan be consistent with the CPPs.  
38  
39 D. The SW1 proposal is consistent with the Puget Sound Regional Council (PSRC)  
40 Multicounty Planning Policies (MPP), including DP-2, by amending the GPP FLU  
41 Map and the county zoning map to maximize the development potential of the  
42 subject property and encourage a more efficient use of urban land.  
43

1 E. The SW1 proposal is consistent with the Countywide Planning Policies (CPP),  
2 including CPP DP-11, by amending the GPP FLU Map and the county zoning map  
3 to allow higher residential densities.  
4

5 F. The SW1 proposal is consistent with the GPP, including GPP LU Policy 2.A.3, by  
6 amending the GPP FLU Map and the county zoning map to provide the opportunity  
7 for additional higher density residential development.  
8

9 G. Procedural requirements.

10  
11 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
12

13 2. The environmental impacts of this proposal are within the range of impacts  
14 analyzed by the draft environmental impact statement (DEIS) and final  
15 environmental impact statement (FEIS) during the Update to the GMACP in  
16 2015. No new probable significant adverse environmental impacts from this  
17 proposal have been identified. Therefore, State Environmental Policy Act  
18 (SEPA) requirements with respect to this non-project action have been met  
19 through issuance on May 10, 2017, of Addendum No. 11 to the FEIS for the  
20 2015 Update to the GMACP.  
21

22 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
23 was transmitted to the Washington State Department of Commerce for  
24 distribution to state agencies on April 26, 2017.  
25

26 4. The public participation process used in the adoption of this ordinance has  
27 complied with all applicable requirements of the GMA and the SCC.  
28

29 5. The Washington State Attorney General last issued an advisory  
30 memorandum, as required by RCW 36.70A.370, in December of 2015 entitled  
31 "Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
32 Property" to help local governments avoid the unconstitutional taking of  
33 private property. The process outlined in the State Attorney General's 2015  
34 advisory memorandum was used by Snohomish County in objectively  
35 evaluating the regulatory changes proposed by this ordinance.  
36

37 H. The ordinance is consistent with the record as set forth in the PDS staff reports  
38 dated April 12, 2017, and May 10, 2017. In its staff report dated May 10, 2017, PDS  
39 concluded the proposal met the criteria set forth in SCC 30.74.060 and, therefore,  
40 recommended the proposal be approved.  
41

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

3 A. The proposal complies with all requirements of Washington State law and county  
4 code.  
5

6 B. The proposal is consistent with the MPP.  
7

8 C. The proposal is consistent with the CPP.  
9

10 D. The proposal is consistent with the goals, objectives and policies of the GPP.  
11

12 E. All SEPA requirements with respect to this non-project action have been satisfied.  
13

14 F. This proposal does not result in an unconstitutional taking of private property for a  
15 public purpose and does not violate substantive due process guarantees.  
16

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

22 Section 4. The FLU Map of the GPP, last amended by Amended Ordinance No. 17-050  
23 on September 27, 2017, is amended as indicated in Exhibit A to this ordinance, which is  
24 attached hereto and incorporated by reference into this ordinance.  
25

26 Section 5. The area-wide zoning map, last amended by Amended Ordinance No. 17-  
27 050 on September 27, 2017, is amended as indicated in Exhibit B to this ordinance,  
28 which is attached hereto and incorporated by reference into this ordinance.  
29

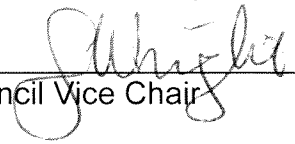
30 Section 6. The county council directs the code reviser to update SCC 30.10.060  
31 pursuant to SCC 1.02.020(3).  
32

33 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this  
34 ordinance shall be held to be invalid by the Growth Management Hearings Board  
35 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or  
36 unconstitutionality shall not affect the validity or constitutionality of any other section,  
37 sentence, clause or phrase of this ordinance. Provided, however, that if any section,  
38 sentence, clause or phrase of this ordinance is held to be invalid by the Board, then the  
39 section, sentence, clause or phrase in effect prior to the effective date of this ordinance  
40 shall be in full force and effect for that individual section, sentence, clause or phrase as  
41 if this ordinance had never been adopted.  
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PASSED this 27<sup>th</sup> day of September, 2017.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

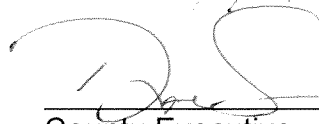
  
\_\_\_\_\_  
Council Vice Chair

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 10/4/17, 2017

  
\_\_\_\_\_  
County Executive

ATTEST:

  
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Approved as to form only:

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Deputy Prosecuting Attorney

**Exhibit A**  
**Ordinance No. 17-051**  
**Final Docket XVIII**  
**SW1 – Kevin Van Hollebeke**  
**Amendments to Map 1 of the GPP**

ORDINANCE NO. 17-051  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN  
AND AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP (SW1 – KEVIN VAN HOLLEBEKE)

**Exhibit B  
Ordinance No. 17-051  
Final Docket XVIII  
SW1 – Kevin Van Hollebeke  
Amendments to the Area-Wide Zoning Map**

ORDINANCE NO. 17-051  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN  
AND AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP (SW1 – KEVIN VAN HOLLEBEKE)