

1 ADOPTED: 11/13/18  
2 EFFECTIVE:

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

8  
9 AMENDED ORDINANCE NO. 18-060

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 SOUTHWEST  
15 URBAN GROWTH AREA (SW4 – NORTHSHORE SCHOOL DISTRICT)

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

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

26  
27 WHEREAS, the Department of Planning and Development Services (PDS)  
28 compiled a list of non-county initiated amendments and revisions received by the  
29 October 31, 2016, deadline for Docket XIX applications and evaluated these proposed  
30 amendments, including the SW4 –Northshore School District docket proposal, for  
31 consistency with the initial docket review criteria in SCC 30.74.030(1) and 30.74.040;  
32 and

33  
34 WHEREAS, on June 28, 2017, August 16, 2017, September 20, 2017, December  
35 6, 2017, and April 11, 2018, the county council held public hearings and received public  
36 testimony on the proposed non-county initiated comprehensive plan amendments to the  
37 GMACP for consideration on Final Docket XIX, including the SW4 –Northshore School  
38 District docket proposal;

39  
40 WHEREAS, on April 11, 2018, the county council approved, by Amended Motion  
41 No. 17-117, one proposed non-county initiated comprehensive plan amendment for  
42 consideration and final action on Final Docket XIX, the SW4 – Northshore School  
43 District proposal, and authorized the county executive, through PDS, to process Final  
44 Docket XIX consistent with chapters 30.73 and 30.74 SCC; and

1 WHEREAS, on August 29, 2018, the county council adopted Motion No. 18-268,  
2 which acknowledged that processing of the proposed major docket amendment was  
3 complete and confirmed the SW4-Northshore School District docket proposal for final  
4 consideration in 2018; and

5  
6 WHEREAS, the Snohomish County Planning Commission (“planning  
7 commission”) was briefed on the SW4 – Northshore School District proposal on May 22,  
8 2018; and

9  
10 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and  
11 evaluation of the SW4 – Northshore School District proposal, and forwarded a  
12 recommendation that the proposal be approved by the planning commission; and

13  
14 WHEREAS, the planning commission held a public hearing and received public  
15 testimony on the SW4 – Northshore School District proposal on June 26, 2018, and  
16 recommended adoption of the amendments contained in this ordinance, as described in  
17 its recommendation letter of July 10, 2018; and

18  
19 WHEREAS, on September 19, 2018, at the hour of 6:30 p.m., October, 31, 2018,  
20 at the hour of 10:30 a.m., and November 13, 2018, at the hour of 9:00 a.m., the county  
21 council held a public hearing, after proper notice, to hear public testimony on this  
22 ordinance and consider the entire record, including the planning commission’s  
23 recommendation, on the SW4 – Northshore School District proposal.

24  
25 NOW, THEREFORE, BE IT ORDAINED:

26  
27 Section 1. The county council adopts the following findings:

- 28  
29 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
30  
31 B. The SW4 – Northshore School District proposal would revise the Southwest Urban  
32 Growth Area (UGA) to add 31.2 acres of the district’s property with adjacent county  
33 road right of way that would be redesignated on the Future Land Use (FLU) Map of  
34 the General Policy Plan (GPP) from Rural Residential (RR) and Rural Urban  
35 Transition Area (RUTA) to Public/Institutional Use (P/IU) and rezoned from Rural 5-  
36 Acre (R-5) to Residential 9,600 (R-9,600). The SW4 proposal would not result in an  
37 increase in residential or employment land capacity.  
38  
39 C. The SW4 – Northshore School District proposal, as mapped by PDS to indicate the  
40 changes in the FLU Map and area-wide zoning map for the planning commission’s  
41 June 26, 2018, public hearing on Final Docket XIX, inadvertently omitted portions of  
42 the 39<sup>th</sup> Ave. SE right of way and the 188<sup>th</sup> St. SE right of way located between the  
43 district’s proposal site and the existing Southwest UGA. The proposal did not intend  
44 to create two rural designated islands of road right of way surrounded by the  
45 Southwest UGA. The FLU and area-wide zoning maps in the ordinance (Exhibits A

1 and B) have been updated since the planning commission's public hearing on SW4  
2 to include those two above identified portions of county road right of way as part of  
3 the docket proposal.  
4

5 D. The proposal site is located along the east boundary of the Southwest UGA. The  
6 site contains recently constructed outdoor athletic facilities to serve the Northshore  
7 School District's new North Creek High School which is located immediately to the  
8 west within the Southwest UGA. The district desires to locate the entire high school  
9 campus within the Southwest UGA for more efficient long term management  
10 including the provision of urban services to the entire high school campus.  
11

12 E. The SW4 – Northshore School District proposal is consistent with the requirement in  
13 RCW 36.70A.110(2) that sufficient areas be included in an urban growth area to  
14 accommodate the broad range of needs that accompany projected urban growth,  
15 including governmental, institutional and nonresidential uses. The SW4 proposal is  
16 consistent with this requirement, as the proposed UGA expansion and FLU Map  
17 redesignation to P/IU would accommodate educational facility needs associated with  
18 projected urban growth.  
19

20 F. The SW4 – Northshore School District proposal is consistent with the locational  
21 requirements of urban growth in RCW 36.70A.110(3). The SW4 proposal is  
22 consistent with these locational requirements. The proposal site is adjacent to the  
23 Southwest UGA and school district property. Further, public facilities and services,  
24 including sewer and water service, can be extended to serve the proposed UGA  
25 expansion.  
26

27 G. The SW4 – Northshore School District proposal is consistent with the Puget Sound  
28 Regional Council (PSRC) Multicounty Planning Policies (MPP), in particular, MPP-  
29 PS-21 which recommends the siting of schools, institutions, and other community  
30 facilities in locations that primarily serve urban populations within the urban growth  
31 area.  
32

33 H. The SW4 – Northshore School District proposal was analyzed for consistency with  
34 the Countywide Planning Policies (CPP), in particular DP-2, which establishes  
35 conditions for expansion of a UGA boundary. The SW4 proposal is consistent with  
36 DP-2 as the P/IU designation for the proposed UGA expansion site is not considered  
37 a residential, commercial, or industrial land use designation and, therefore, does not  
38 result in a net increase population or employment capacity. Policy DP-2 does permit  
39 expansion of a UGA to include schools and other community facilities that primarily  
40 serve urban populations within the UGA.  
41

42 I. The SW4 – Northshore School District proposal was analyzed for consistency with  
43 the GPP, in particular LU Policy 1.A.10, which states that expansion of a UGA  
44 boundary shall comply with the GMA, be consistent with the CPP, and comply with  
45 the criteria established in CPP Policy DP-2. The SW4 proposal complies with the

1 intent of GPP LU Policy 1.A.10 to require consistency with the GMA and the CPPs  
2 and compliance with CPP DP-2, as the P/IU designation for the proposed UGA  
3 expansion site is not considered a residential, commercial, or industrial land use  
4 designation and, therefore, does not result in a net increase population or  
5 employment capacity. CPP DP-2 permits expanding a UGA to include schools and  
6 other community facilities that primarily serve urban populations within the UGA.  
7

8 J. The SW4 – Northshore School District proposal was analyzed for consistency with  
9 the P/IU designation criteria in conjunction with a UGA expansion in the Other Urban  
10 Designations FLU Map section of the GPP. The criteria allow use of the P/IU  
11 designation in conjunction with a UGA expansion where the implementing zone is R-  
12 7,200, R-8,400, or R-9,600, and the proposed expansion area will be used only for  
13 churches, schools, parks, government buildings, utility plants and other government  
14 operations or properties unless the land is re-designated to urban commercial,  
15 residential, or industrial in compliance with the UGA expansion requirements of LU  
16 1.A.10. The SW4 proposal is consistent with these criteria. The UGA expansion  
17 site is proposed for a rezone to R-9,600, and the existing and planned use of the  
18 expansion site contains existing facilities that support the district's North Creek High  
19 School.  
20

21 K. Procedural requirements.  
22

- 23 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.  
24
- 25 2. The environmental impacts of this proposal are within the range of impacts  
26 analyzed by the draft environmental impact statement (DEIS) and final  
27 environmental impact statement (FEIS) during the Update to the GMACP in  
28 2015. The site will continue to be used for school facilities for the foreseeable  
29 future. The environmental impacts for those facilities were analyzed in a  
30 Mitigated Determination of Non-Significance issued by the Northshore School  
31 District on February 10, 2014. No new probable significant adverse  
32 environmental impacts from this proposal have been identified. Therefore,  
33 State Environmental Policy Act (SEPA) requirements with respect to this non-  
34 project action have been met through issuance on July 13, 2018, of  
35 Addendum No. 15 to the FEIS for the 2015 Update to the GMACP.  
36
- 37 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
38 was transmitted to the Washington State Department of Commerce for  
39 distribution to state agencies on May 10, 2018.  
40
- 41 4. The public participation process used in the adoption of this ordinance has  
42 complied with all applicable requirements of the GMA and the SCC.  
43
- 44 5. The Washington State Attorney General last issued an advisory  
45 memorandum, as required by RCW 36.70A.370, in December of 2006 entitled

1 “Advisory Memorandum: Avoiding Unconstitutional Takings of Private  
2 Property” to help local governments avoid the unconstitutional taking of  
3 private property. The process outlined in the State Attorney General’s 2006  
4 advisory memorandum was used by Snohomish County in objectively  
5 evaluating the amendments proposed by this ordinance.  
6

- 7 L. The ordinance is consistent with the record as set forth in the PDS staff reports  
8 dated May 7, 2018, and June 8, 2018. In its staff report dated June 8, 2018, PDS  
9 concluded the proposal met the criteria set forth in SCC 30.74.060 and, therefore,  
10 recommended the proposal be approved.

11  
12 Section 2. The county council makes the following conclusions:  
13

- 14 A. This proposal complies with all requirements of Washington State law and county  
15 code.  
16  
17 B. This proposal is consistent with the MPP.  
18  
19 C. This proposal is consistent with the CPP.  
20  
21 D. This proposal is consistent with the goals, objectives and policies of the GPP.  
22  
23 E. All SEPA requirements with respect to this non-project action have been satisfied.  
24  
25 F. This proposal does not result in an unconstitutional taking of private property for a  
26 public purpose and does not violate substantive due process guarantees.  
27

28 Section 3. The county council bases its findings and conclusions on the entire record of  
29 the planning commission and the county council, including all testimony and exhibits.  
30 Any finding which should be deemed a conclusion, and any conclusion which should be  
31 deemed a finding, is hereby adopted as such.  
32

33 Section 4. The Future Land Use Map of the GPP, last amended by Amended Ordinance  
34 No. 18-057 on November 13, 2018, is amended as indicated in Exhibit A to this ordinance,  
35 which is attached hereto and incorporated by reference into this ordinance.  
36

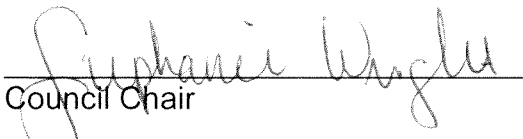
37 Section 5. The area-wide zoning map, last amended by Ordinance No. 17-051 on  
38 September 27, 2017, is amended as indicated in Exhibit B to this ordinance, which is  
39 attached hereto and incorporated by reference into this ordinance.  
40

41 Section 6. The county council directs the code reviser to update SCC 30.10.060  
42 pursuant to SCC 1.02.020(3).  
43


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

10 PASSED this 13<sup>th</sup> day of November, 2018.


13 SNOHOMISH COUNTY COUNCIL  
14 Snohomish County, Washington

16   
17 Council Chair

18 ATTEST:

19   
20 \_\_\_\_\_  
21 Clerk of the Council

- 22  
23  
24  APPROVED  
25  EMERGENCY  
26  VETOED

27 DATE: 11/19/18  
28   
29 \_\_\_\_\_  
30 County Executive

31 ATTEST:

32   
33 \_\_\_\_\_

34 Approved as to form only:

37 \_\_\_\_\_  
38 Deputy Prosecuting Attorney

D-9

Exhibit A  
Amended Ordinance No. 18-060  
Final Docket XIX  
SW4 – Northshore School District  
Amendments to Map 1 of the GPP

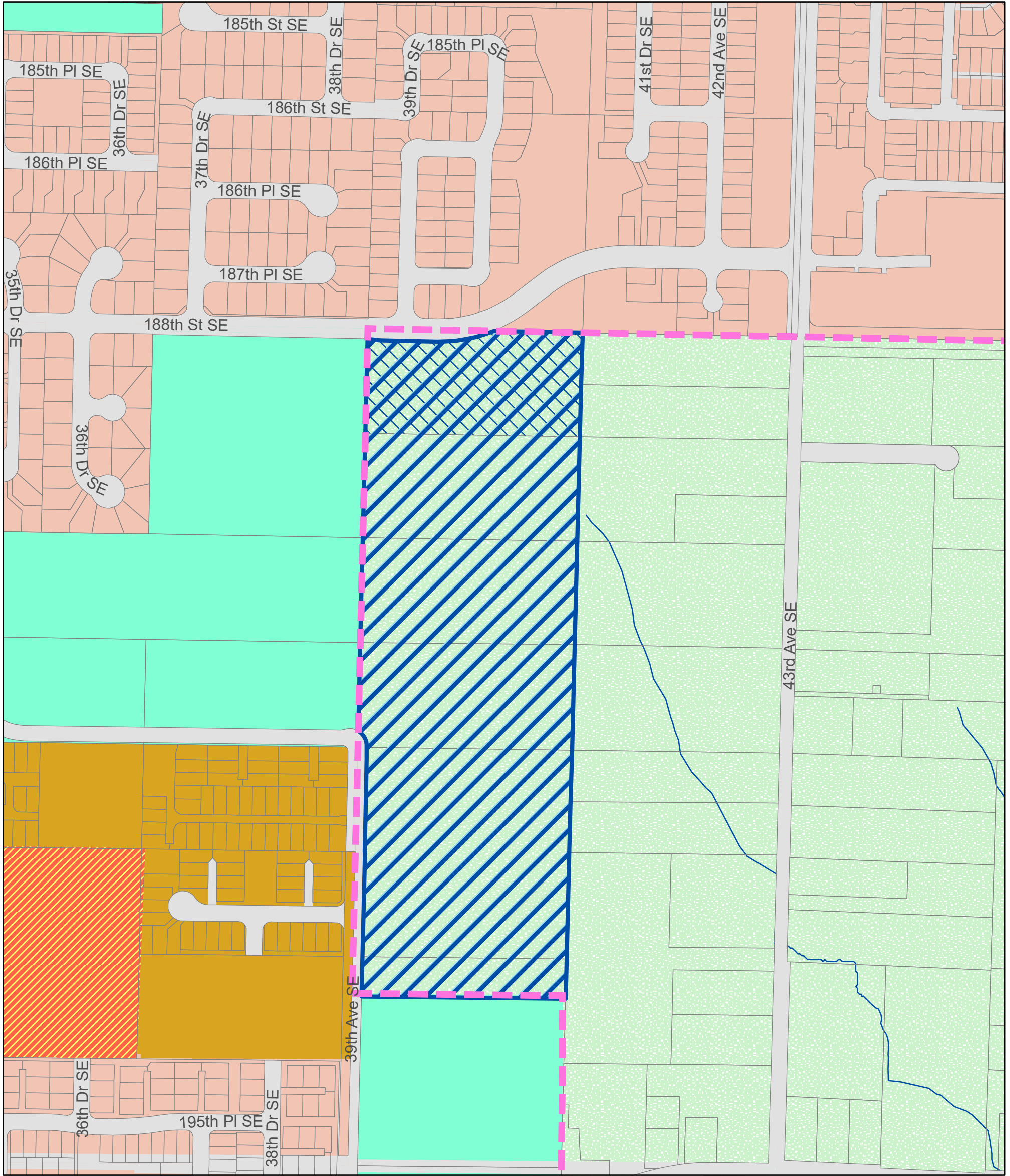
# Docket XIX - Initial Review

## Northshore School District (SW4)







### Proposed Future Land Use Map






### Comprehensive Plan Amendment





#### Proposed Future Land Use

-  Proposed SWUGA Expansion:  
Redesignate Rural Residential (1 DU/5 acres)  
to Public / Institutional
-  Incorporated City
-  Urban Growth Area (Current)
-  Streams

#### Future Land Use

-  Rural Residential- 5 (1 DU/5 Acres)
-  Urban Low Density Residential  
(Please See Map 6 of the GPP)
-  Urban Medium Density Residential
-  Public/Institutional
-  Urban Village

-  Rural/Urban Transition Area Overlay
-  Road Right of Way



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.

Map: W:\plng\carto\docket\Citizen\_Initiated\Docket XIX\_2017\UGA\_Prelim\ARCMAPS\SW4\_Option1\_Flu.mxd Date: 1/24/2017



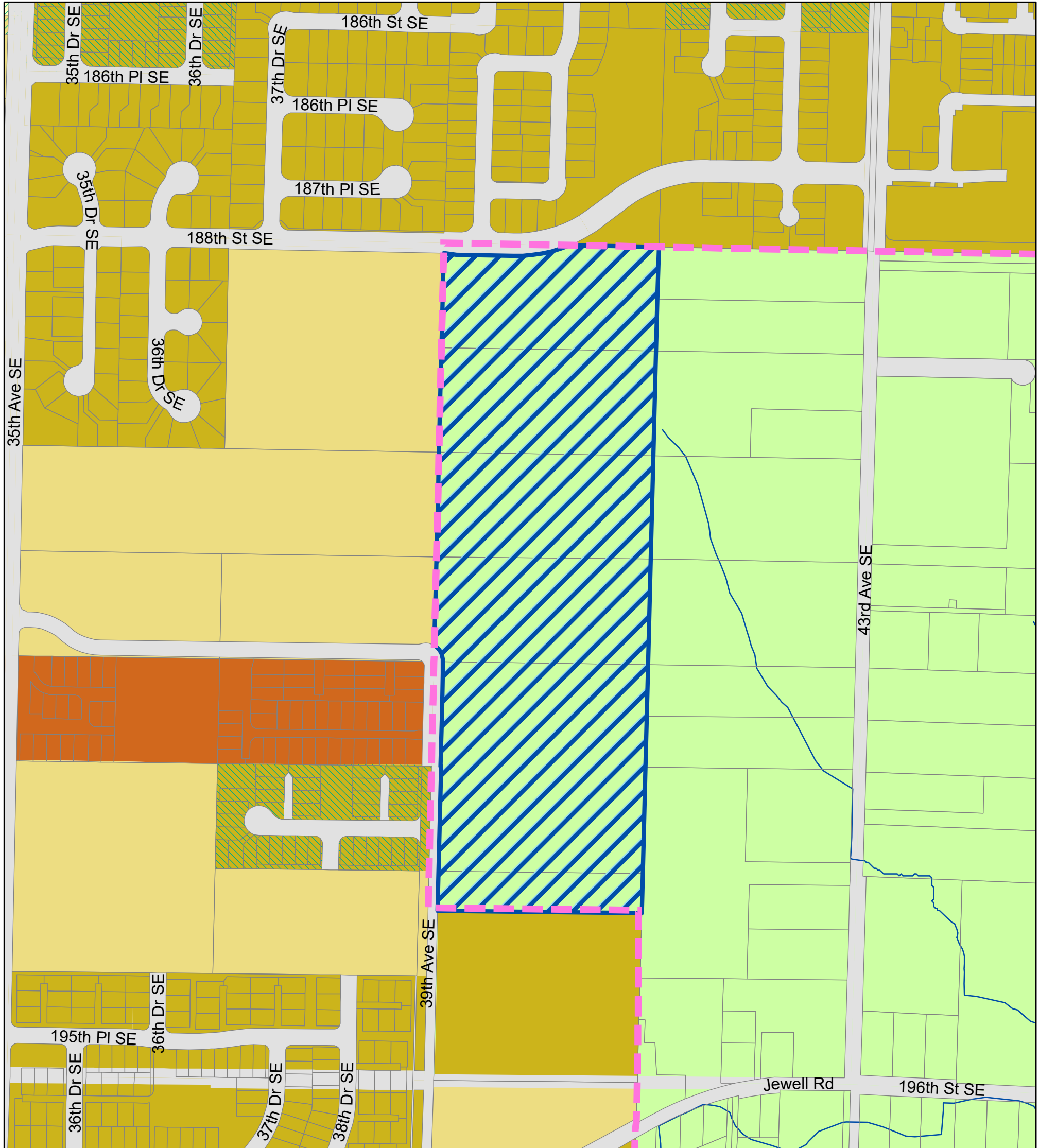
Exhibit B  
Amended Ordinance No. 18-060  
Final Docket XIX  
SW4 – Northshore School District  
Amendments to the Area-Wide Zoning Map

# Docket XIX - Initial Review






## Northshore School District (SW4)




### Proposed Rezone




#### Proposed Zoning

-  Proposed SWUGA Expansion:  
Rezone Rural-5 Acre to R-9,600
-  Incorporated City
-  Urban Growth Area (Current)
-  Streams
-  Road Right of Way

#### Current Zoning

-  LDMR  
Low Density Multiple Residential

-  R-5  
Rural 5-Acre
-  R-9,600  
Residential-9,600 sq. ft.
-  R-7,200  
Residential-7,200 sq. ft.
-  R-7,200 (PRD)  
Residential-7,200 sq. ft.
-  R-7,200  
Planned Residential Development



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