

1 ADOPTED: 10/06/21
2 EFFECTIVE: 10/22/21

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5
6 SNOHOMISH COUNTY COUNCIL
7 SNOHOMISH COUNTY, WASHINGTON

8
9 ORDINANCE NO. 21-053

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 AND AMENDING THE ZONING MAP TO IMPLEMENT
14 CHANGES TO THE FUTURE LAND USE MAP (SW5 – EDWARD TOKARZ)

15
16 WHEREAS, Revised Code of Washington (RCW) 36.70A.130 and .470 direct
17 counties planning under the Growth Management Act (GMA), chapter 36.70A RCW, to
18 adopt procedures for interested persons to propose amendments and revisions to the
19 Growth Management Act Comprehensive Plan (GMACP) or development regulations;
20 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, 2019, deadline for Docket XX applications and evaluated these proposed
30 amendments, including the SW5 – Edward Tokarz docket proposal, for consistency with
31 the initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and

32
33 WHEREAS, on July 22, 2020, the County Council approved, by Amended Motion
34 No. 20-116, a list of proposed non-county initiated comprehensive plan amendments,
35 including SW5 – Edward Tokarz, to be included on Final Docket XX and authorized the
36 County Executive, through PDS, to further process the proposed minor docket
37 amendments consistent with Chapters 30.73 and 30.74 SCC, including environmental
38 review under the State Environmental Policy Act (SEPA), for final consideration in 2021;
39 and

40
41 WHEREAS, the Snohomish County Planning Commission (“Planning
42 Commission”) was briefed on the SW5 – Edward Tokarz proposal on May 25, 2021; and

1 WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed a final review and
2 evaluation of the SW5 – Edward Tokarz proposal and forwarded a recommendation to
3 approve the proposal to the Planning Commission; and
4

5 WHEREAS, the Planning Commission held a public hearing on June 22, 2021, to
6 receive public testimony on the SW5 – Edward Tokarz proposal, and recommended
7 adoption of the amendments contained in this ordinance, as described in its
8 recommendation letter of July 9, 2021; and
9

10 WHEREAS, on October 6, 2021, the County Council held a public hearing, after
11 proper notice, to receive public testimony and consider the entire record related to the
12 SW5 – Edward Tokarz proposed amendments contained in this ordinance; and
13

14 WHEREAS, following the public hearing, the County Council deliberated on the
15 proposed amendments contained in this ordinance;
16

17 NOW, THEREFORE, BE IT ORDAINED:
18

19 Section 1. The County Council adopts the following findings to support this ordinance:
20

- 21 A. The foregoing recitals are adopted as findings as if set forth in full herein.
22
- 23 B. The SW5 – Edward Tokarz proposal would amend the Future Land Use (FLU) Map
24 of the General Policy Plan (GPP) by redesignating .72 acres in the Southwest Urban
25 Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban
26 High Density Residential (UHDR) with a concurrent rezone from R-8,400 to Multiple
27 Residential (MR). The SW5 – Edward Tokarz proposal is located at 7826 228th St.
28 SW, approximately 550 feet west of State Route 99 which is a designated transit
29 emphasis corridor.
30
- 31 C. The SW5 proposal is consistent with RCW 36.70A.110(3) requirements for the
32 location of future urban population growth as the SW5 proposal would provide
33 opportunities for increasing residential densities in a portion of the SWUGA that is
34 already characterized by urban growth. The SW5 proposal site can accommodate
35 additional residential capacity as it is served by public water and sanitary sewer, and
36 nearby bus rapid transit facilities on State Route 99.
37
- 38 D. The SW5 proposal was analyzed for consistency with RCW 36.70A.130(1)(d), which
39 requires that proposed comprehensive plan amendments be consistent with the
40 GMA. The proposed amendments are consistent with the GMA requirements for
41 accommodating additional residential capacity. The proposal is consistent with RCW
42 36.70A.130(2)(a), which requires that proposed comprehensive plan amendments
43

1 be considered no more frequently than once every year. The proposed non-county
2 initiated amendments are scheduled for final consideration by the County Council
3 according to the requirements in Chapter 30.74 SCC and are considered together
4 with county-initiated comprehensive plan amendments for final action no more
5 frequently than once per year. The proposal is consistent with RCW 36.70A.070,
6 which requires internal consistency within a comprehensive plan because the
7 proposed amendments maintain internal consistency between the GPP FLU map
8 and the area-wide zoning map. The proposal is consistent with RCW 36.70A.210,
9 which requires that a comprehensive plan be consistent with the Countywide
10 Planning Policies (CPP). The proposed amendments are consistent with the CPPs
11 as analyzed and described in the June 4, 2021, PDS staff report to the Planning
12 Commission.

13
14 E. The SW5 proposal was analyzed for consistency with the Puget Sound Regional
15 Council (PSRC) Multicounty Planning Policies (MPP). The SW5 proposal maintains
16 consistency with the MPP including Regional Growth Strategy Policy RGS-6 by
17 amending the GPP FLU map and the area-wide zoning map to optimize the urban
18 residential development potential of the site. The proposal will encourage more
19 compact and efficient urban development which reduces demand for new public
20 facilities and services.

21
22 F. The SW5 proposal was analyzed for consistency with the CPP. The SW5 proposal
23 maintains consistency with the CPP, including CPP Development Patterns Policy
24 DP-11, because it amends the GPP FLU Map and the area-wide zoning map to
25 allow higher residential densities in an urban growth area which is the appropriate
26 location for such higher residential density.

27
28 G. The SW5 proposal was analyzed for consistency with the GPP. The SW5 proposal
29 maintains consistency with the GPP, including Land Use LU Policy 2.A.3 because it
30 amends the GPP FLU map and the official zoning maps to provide the opportunity
31 for additional higher density residential development on a site that is not impacted by
32 critical areas.

33
34 H. The SW5 proposal is also consistent with GPP LU Policy 2.C.1 because it amends
35 the GPP FLU map and the official zoning maps to provide opportunities for
36 increased residential densities that can support public transit service and facilities
37 located within the nearby State Route 99 corridor, a designated transit emphasis
38 corridor.

39
40 I. Procedural requirements.

41
42 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
43

- 1 2. The environmental impacts of this proposal are within the range of impacts
2 analyzed by the draft environmental impact statement (DEIS) and final
3 environmental impact statement (FEIS) during the update to the GMACP in
4 2015. No new probable significant adverse environmental impacts from this
5 proposal have been identified. Therefore, State Environmental Policy Act
6 (SEPA) requirements with respect to this non-project action have been met
7 through issuance on June 7, 2021, of Addendum No. 22 to the FEIS for the
8 2015 Update to the GMACP.
9
- 10 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
11 was transmitted to the Washington State Department of Commerce for
12 distribution to state agencies on May 28, 2021.
13
- 14 4. The public participation process used in the adoption of this ordinance
15 complied with all applicable requirements of the GMA and the SCC.
16
- 17 5. The Washington State Attorney General last issued an advisory
18 memorandum, as required by RCW 36.70A.370, in September of 2018
19 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private
20 Property” to help local governments avoid the unconstitutional taking of
21 private property. The process outlined in the State Attorney General’s 2018
22 advisory memorandum was used by Snohomish County in objectively
23 evaluating the amendments proposed by this ordinance.
24
- 25 J. The ordinance is consistent with the record as set forth in the PDS staff reports to
26 the Planning Commission dated May 7, 2021, and June 4, 2021. In its staff report
27 dated June 4, 2021, PDS concluded the proposal met the criteria found in SCC
28 30.74.060 and, therefore, recommended the proposal be approved.
29

30 Section 2. The County Council makes the following conclusions:

- 31
- 32 A. This proposal complies with all requirements of Washington State law and county
33 code.
34
- 35 B. This proposal is consistent with the MPP.
36
- 37 C. This proposal is consistent with the CPP.
38
- 39 D. This proposal is consistent with the goals, objectives, and policies of the GPP.
40
- 41 E. All SEPA requirements with respect to this non-project action have been satisfied.
42

1 F. This proposal does not result in an unconstitutional taking of private property for a
2 public purpose and does not violate substantive due process guarantees.
3

4 Section 3. The County Council bases its findings and conclusions on the entire record
5 of the Planning Commission and the County Council, including all testimony and
6 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
7 should be deemed a finding, is hereby adopted as such.
8

9 Section 4. Map 1 (Future Land Use) of the GPP, last amended by Ordinance No. 21-
10 055 on October 6, 2021, is amended as indicated in Exhibit A to this ordinance, which is
11 attached hereto and incorporated by reference into this ordinance.
12

13 Section 5. The official zoning maps maintained pursuant to SCC 30.21.030 shall be
14 revised to reflect the zoning change adopted by the County Council as indicated in
15 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into
16 this ordinance.
17

18 Section 6. The County Council directs the code reviser to update SCC 30.10.060
19 pursuant to SCC 1.02.020(3).
20


21 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this
22 ordinance shall be held to be invalid by the Growth Management Hearings Board
23 ("Board"), or unconstitutional by a court of competent jurisdiction, such invalidity or
24 unconstitutionality shall not affect the validity or constitutionality of any other section,
25 sentence, clause, or phrase of this ordinance. Provided, however, that if any section,
26 sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court
27 of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
28 the effective date of this ordinance shall be in full force and effect for that individual
29 section, sentence, clause, or phrase as if this ordinance had never been adopted.
30

31 PASSED this 6th day of October, 2021.
32

33 SNOHOMISH COUNTY COUNCIL
34 Snohomish County, Washington
35


36 
37 _____
38 Council Chair
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42

1 ATTEST:

2 
3 _____

- 4
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- 6
- 7 (X) APPROVED
- 8 () EMERGENCY
- 9 () VETOED

10 DATE: 10/12/2021

11 
12 _____
13 County Executive

14 ATTEST:

15 
16 _____

17 Approved as to form only:

18
19
20 /s/ Justin Kasting 08/04/21
21 Deputy Prosecuting Attorney

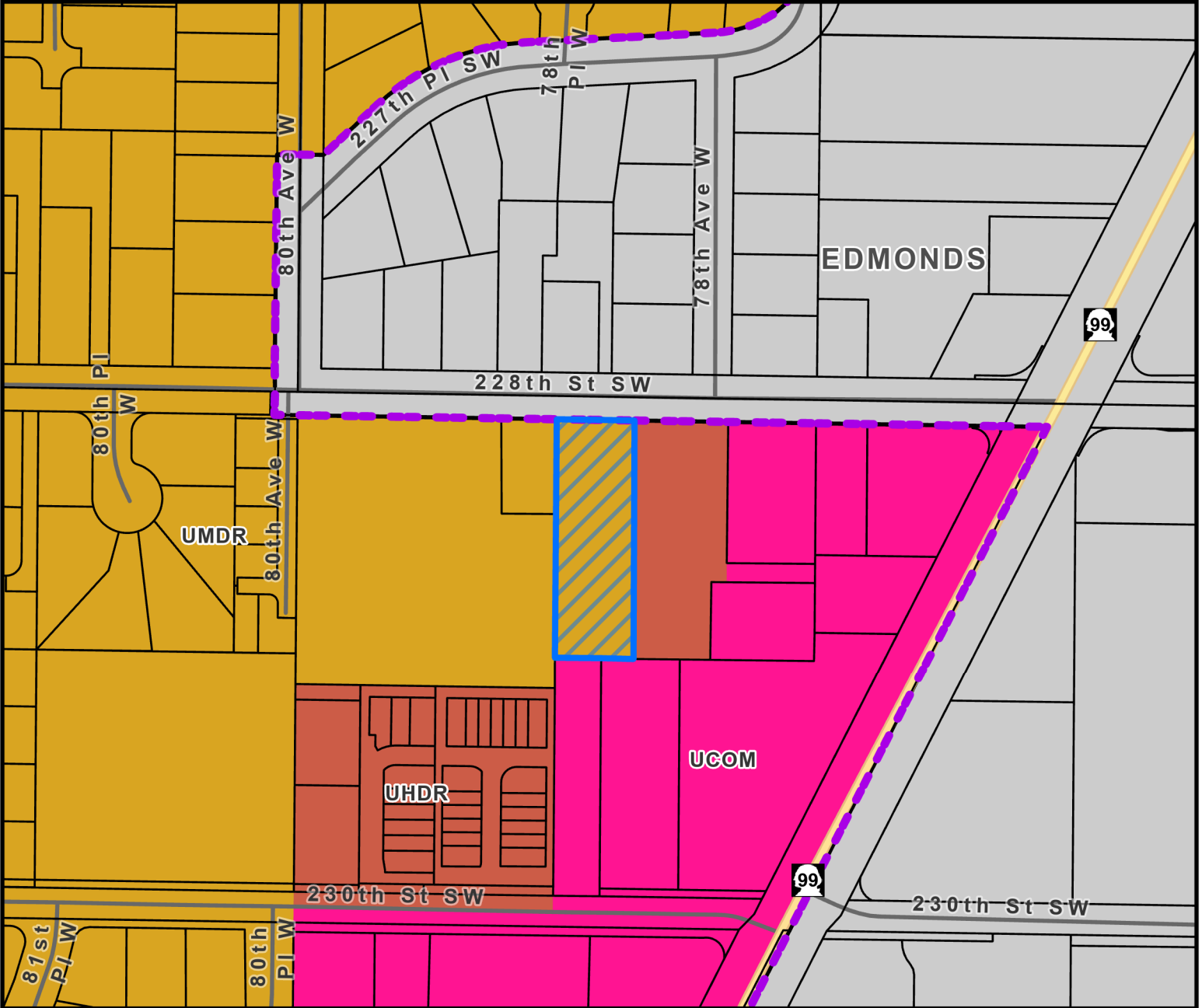
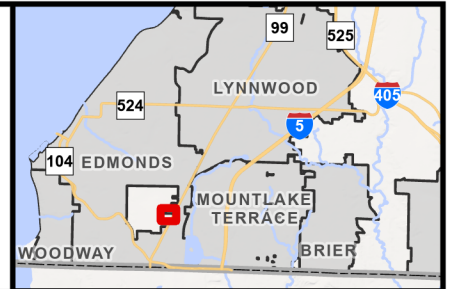
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Exhibit A
Ordinance No. 21-053
Final Docket XX
SW5 – Edward Tokarz
Amendments to the FLU of the GPP

ORDINANCE No. 21-053
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 (SW5 – EDWARD TOKARZ)

Final Docket XX Tokarz - (SW5)

Proposed FLU Map Adjustments



Proposed Future Land Use

- Redesignate Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR)

Future Land Use

- UCOM (Urban Commercial)
- UHDR (Urban High Density Residential)
- UMDR (Urban Medium Density Residential)

Municipal Urban Growth Area

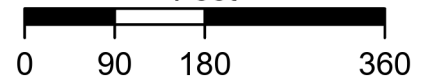
City Boundary

Parcels

Major Roads

Streets

Feet



SNOHOMISH COUNTY DATA and MAP DISCLAIMER

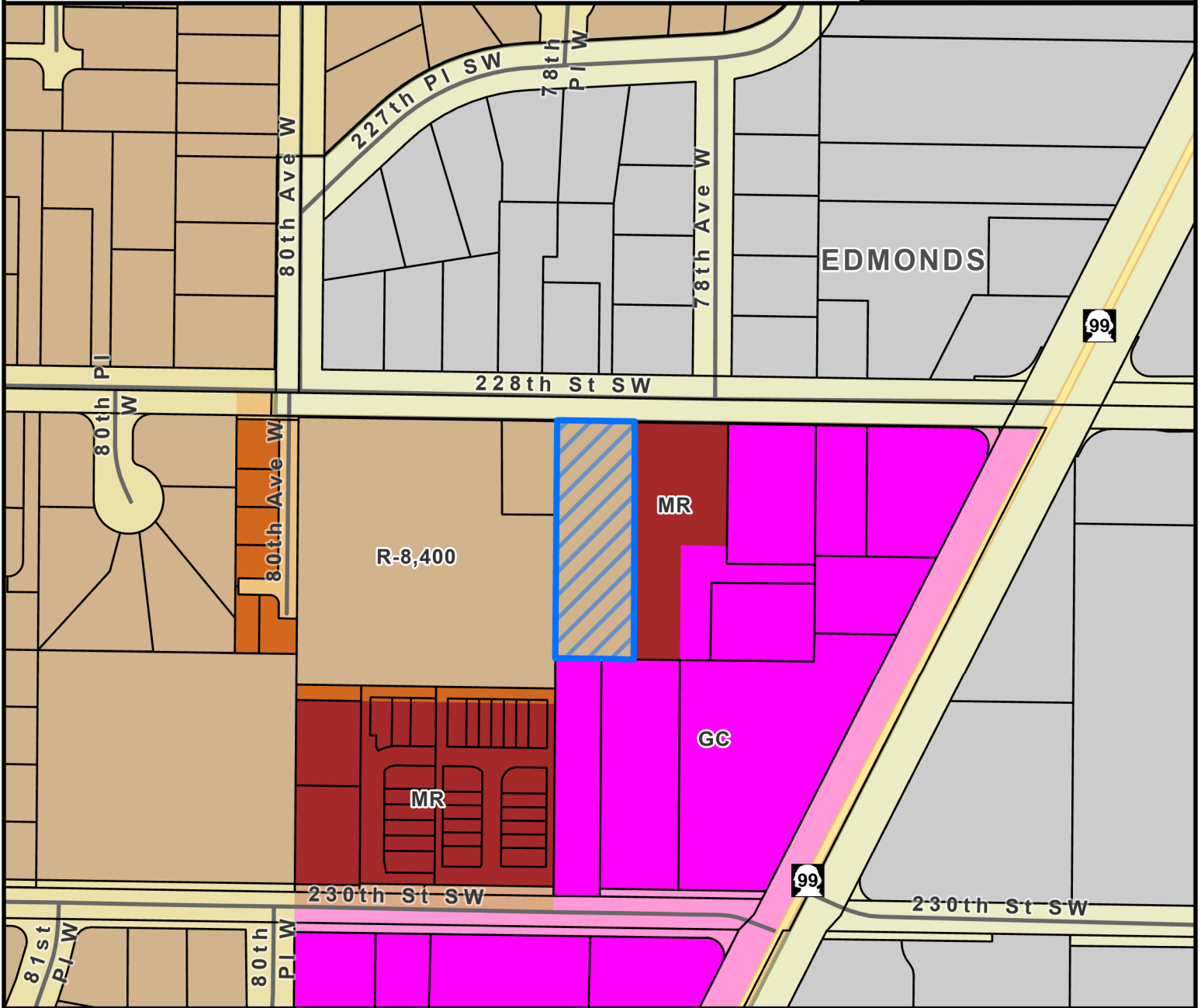
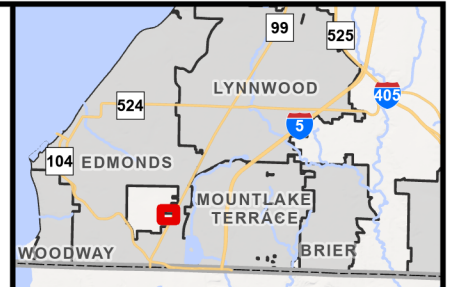
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Exhibit B
Ordinance No. 21-053
Final Docket XX
SW5 – Edward Tokarz
Amendments to the Area-Wide Zoning Map


ORDINANCE No. 21-053
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 (SW5 – EDWARD TOKARZ)

Final Docket XX
Tokarz - (SW5)





Proposed Rezone



Proposed Zoning

 Rezone Residential 8,400 sq. ft. (R-8,400) to Multiple Residential (MR)

Zoning


-  GC (General Commercial)
-  LDMR (Low Density Multiple Residential)
-  MR (Multiple Residential)
-  R-8,400 (Residential 8,400 sq. ft.)

 City Boundary

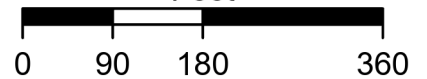
 Road Right of Way

 Parcels

 Major Roads

 Streets

Feet



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