

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. 21-055

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 (SW7 – MARV THOMAS)
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 SW7 – Marv Thomas 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 SW7 – Marv Thomas, 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 SW7 – Marv Thomas proposal on May 25, 2021; and
43

1 WHEREAS, pursuant to Chapter 30.74 SCC, PDS completed final review and
2 evaluation of the SW7 – Marv Thomas 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 SW7 – Marv Thomas 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 SW7 – Marv Thomas 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 SW7 – Marv Thomas proposal would amend the Future Land Use (FLU) Map of
24 the General Policy Plan (GPP) by redesignating 6.61 acres in the Southwest Urban
25 Growth Area (SWUGA) from Urban Low Density Residential (ULDR) to Urban
26 Commercial (UC) with a concurrent rezone from R-7,200 to Community Business
27 (CB). The SW7 proposal is located at 7216 E. Lowell-Larimer Road (State Route
28 96), southeast of Seattle Hill Road/Marsh Road and northwest of State Route 9.
29
- 30 C. The SW7 proposal is consistent with RCW 36.70A.110(3) requirements for the
31 location of future urban employment growth as the SW7 proposal would provide
32 increased employment capacity in a portion of the SWUGA that is already
33 characterized by urban growth. The SW7 proposal site can accommodate
34 employment capacity as it has direct access to Lowell-Larimer Road, an urban minor
35 arterial, and can be served by public water and sanitary sewer.
36
- 37 D. The SW7 proposal was analyzed for consistency with RCW 36.70A.130(1)(d), which
38 requires that proposed comprehensive plan amendments be consistent with the
39 GMA. The proposed amendments are consistent with the GMA requirements for
40 accommodating additional employment capacity. The proposal is consistent with
41 RCW 36.70A.130(2)(a), which requires that proposed comprehensive plan
42 amendments be considered no more frequently than once every year. The proposed
43

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

13 E. The SW7 proposal was analyzed for consistency with the Puget Sound Regional
14 Council (PSRC) Multicounty Planning Policies (MPP) found in Vision 2050. The SW7
15 proposal maintains consistency with the MPP including Regional Growth Strategy
16 Policy RGS-13 and Economy Policy EC-1, by amending the GPP FLU map and the
17 area-wide zoning map to add urban employment capacity within the SWUGA that
18 could support nearby urban residential and rural areas. The SW7 proposal will allow
19 the opportunity for the commercial processing of agricultural products from nearby
20 farms to support the county's economy and provide living wage jobs.
21

22 F. The SW7 proposal was analyzed for consistency with the CPP. The SW7 maintains
23 consistency with the CPP, including CPP Development Patterns Policy DP-7, by
24 amending the GPP FLU Map and the official zoning maps to provide future
25 employment opportunities in close proximity to urban and rural residential areas
26 which can maximize transportation choices and minimize vehicle miles traveled.
27

28 G. The SW7 proposal was analyzed for consistency with the GPP. The SW7 proposal
29 maintains consistency with the GPP, including Land Use Objective LU 1.A, by
30 encouraging more employment opportunities within the SWUGA that can support
31 planned population growth.
32

33 H. Procedural requirements.
34

- 35 1. This proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
36
- 37 2. The environmental impacts of this proposal are within the range of impacts
38 analyzed by the draft environmental impact statement (DEIS) and final
39 environmental impact statement (FEIS) during the Update to the GMACP in
40 2015. No new probable significant adverse environmental impacts from this
41 proposal have been identified. Therefore, State Environmental Policy Act
42 (SEPA) requirements with respect to this non-project action have been met

1 through issuance on June 7, 2021, of Addendum No. 22 to the FEIS for the
2 2015 Update to the GMACP.

- 3
- 4 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
5 was transmitted to the Washington State Department of Commerce for
6 distribution to state agencies on May 28, 2021.
- 7
- 8 4. The public participation process used in the adoption of this ordinance
9 complied with all applicable requirements of the GMA and the SCC.
- 10
- 11 5. The Washington State Attorney General last issued an advisory
12 memorandum, as required by RCW 36.70A.370, in September of 2018
13 entitled "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
14 Property" to help local governments avoid the unconstitutional taking of
15 private property. The process outlined in the State Attorney General's 2018
16 advisory memorandum was used by Snohomish County in objectively
17 evaluating the amendments proposed by this ordinance.
- 18
- 19 I. The ordinance is consistent with the record as set forth in the PDS staff reports to
20 the Planning Commission dated May 7, 2021, and June 4, 2021. In its staff report
21 dated June 4, 2021, PDS concluded the proposal met the criteria found in SCC
22 30.74.060 and, therefore, recommended the proposal be approved.

23
24 Section 2. The County Council makes the following conclusions:

- 25
- 26 A. This proposal complies with all requirements of Washington State law and county
27 code.
- 28
- 29 B. This proposal is consistent with the MPP.
- 30
- 31 C. This proposal is consistent with the CPP.
- 32
- 33 D. This proposal is consistent with the goals, objectives, and policies of the GPP.
- 34
- 35 E. All SEPA requirements with respect to this non-project action have been satisfied.
- 36
- 37 F. This proposal does not result in an unconstitutional taking of private property for a
38 public purpose and does not violate substantive due process guarantees.
- 39

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

1
2 Section 4. Map 1 (Future Land Use) of the GPP, last amended by Ordinance No. 20-
3 080 on December 16, 2020, is amended as indicated in Exhibit A to this ordinance,
4 which is attached hereto and incorporated by reference into this ordinance.
5

6 Section 5. The official zoning maps maintained pursuant to SCC 30.21.030 shall be
7 revised to reflect the zoning change adopted by the County Council as indicated in
8 Exhibit B to this ordinance, which is attached hereto and incorporated by reference into
9 this ordinance.
10

11 Section 6. The County Council directs the code reviser to update SCC 30.10.060
12 pursuant to SCC 1.02.020(3).
13

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

24 PASSED this 6th day of October, 2021.
25


26 SNOHOMISH COUNTY COUNCIL
27 Snohomish County, Washington

28 
29 _____
30 Council Chair

31 ATTEST:

32 
33 _____
34 Clerk of the Council
35

36 (X) APPROVED
37 () EMERGENCY
38 () VETOED

39 DATE: 10/12/2021
40 _____
41 
42 _____
County Executive

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ATTEST:

Melissa Geraghty

Approved as to form only:

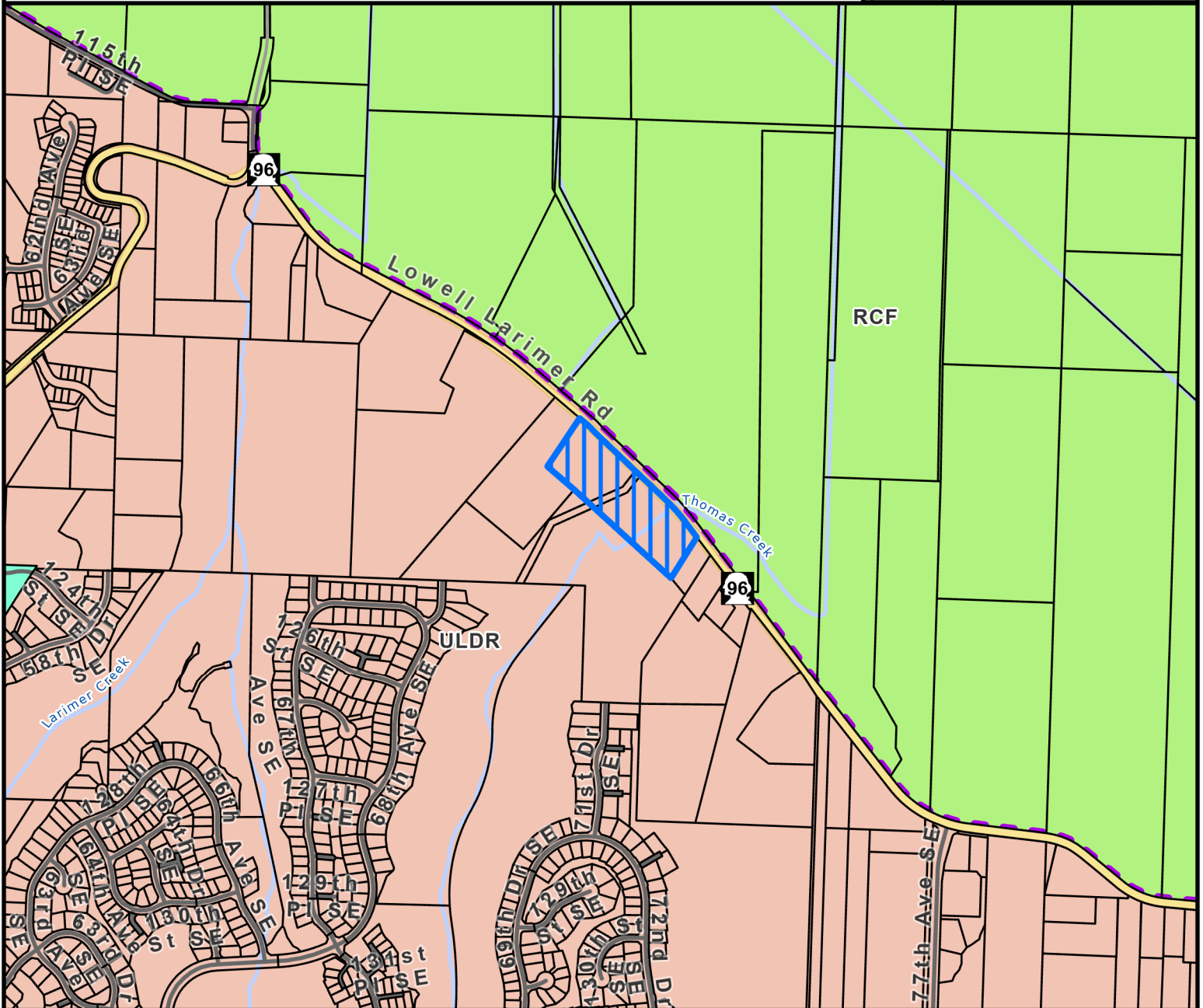
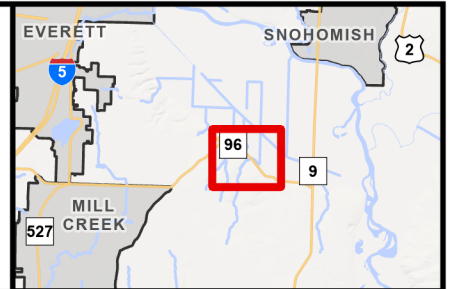
/s/ Justin Kasting 08/04/21
Deputy Prosecuting Attorney

Exhibit A
Ordinance No. 21-055
Final Docket XX
SW7 – Marv Thomas
Amendments to Map 1 of the GPP


ORDINANCE No. 21-055
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 (SW7 – MARV THOMAS)

Final Docket XX
Thomas - (SW7)

Proposed FLU Map Adjustments




Proposed Future Land Use


 Redesignate Urban Low Density Residential (ULDR) to Urban Commercial (UCOM)


 Urban Growth Area Boundary


Future Land Use

 P/I (Public/Institutional Use)


 Parcels

 RCF (Riverway Commercial Farmland)

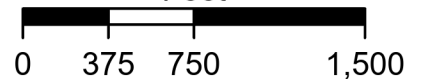
 Watercourse

 ULDR (Urban Low Density Residential)

 Major Roads

 Streets

Feet



SNOHOMISH COUNTY DATA and MAP DISCLAIMER

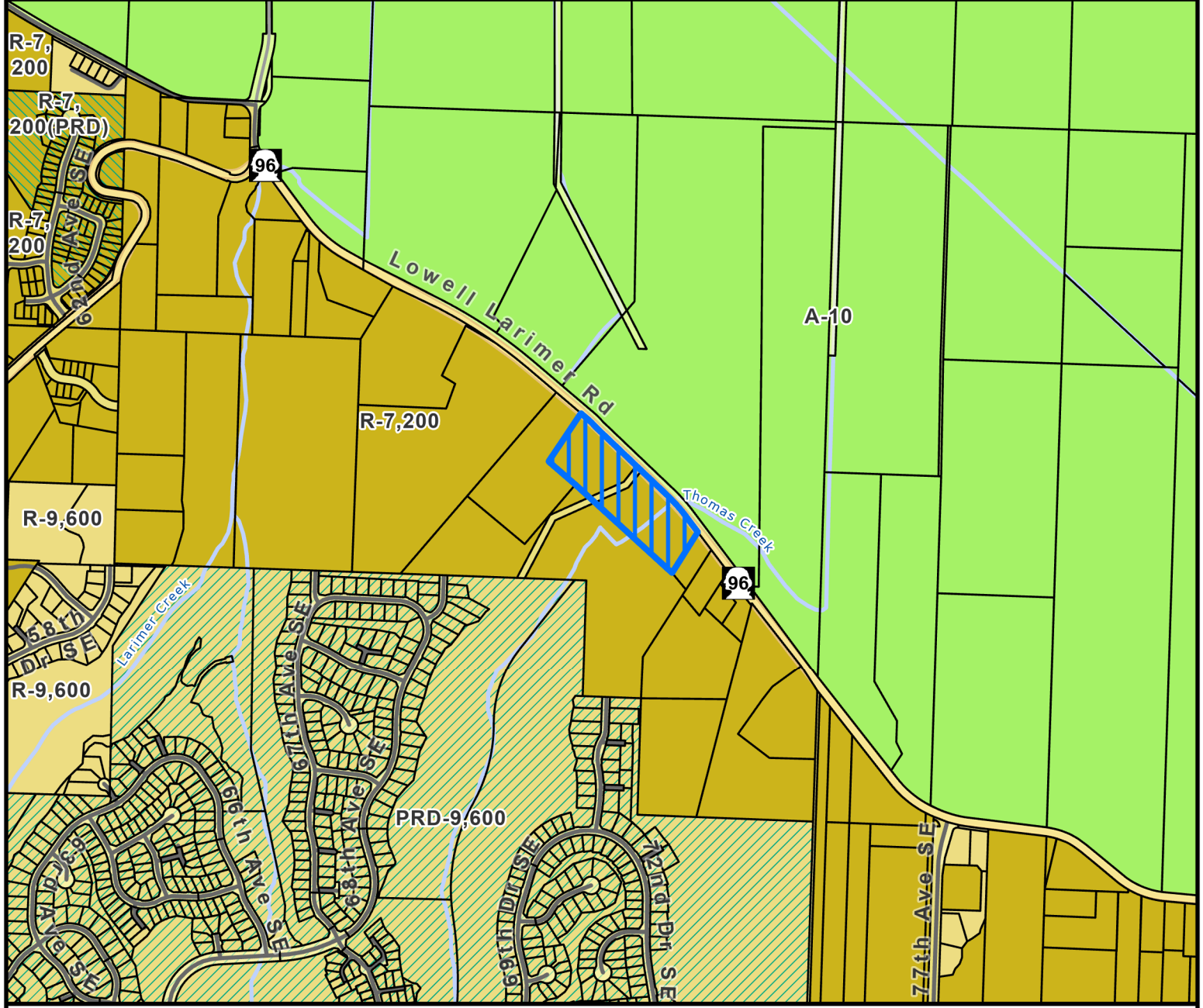
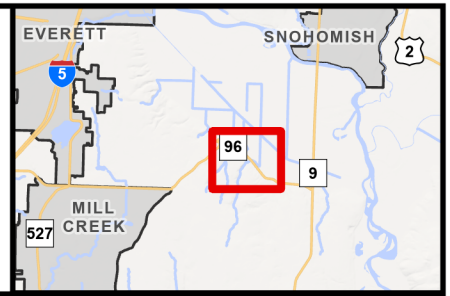
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Exhibit B
Ordinance No. 21-055
Final Docket XX
SW7 – Marv Thomas
Amendments to the Area-Wide Zoning Map


ORDINANCE No. 21-055
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 (SW7 – MARV THOMAS)

Final Docket XX
Thomas - (SW7)






Proposed Rezone




Proposed Zoning


 Rezone Residential 7,200 sq. ft. (R-7,200) to Community Business (CB)

Zoning


-  A-10 (Agriculture-10 Acre)
-  R-9,600 (Residential 9,600 sq. ft.)
-  PRD-9,600
-  R-7,200 (Residential 7,200 sq. ft.)
-  R-7,200(PRD)

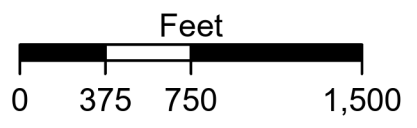
 Road Right of Way

 Parcels

 Watercourse

 Major Roads

 Streets



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