

EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**

AN ORDINANCE Annexing  
Property Located East of the  
Existing City Limits, South of  
12<sup>th</sup> St NE and West of Union  
Slough, Known as the Smith  
Island Municipal Annexation

_____	Briefing
_____	Consent
<u>8/10/16</u>	Action
<u>7/27/16</u>	First Reading
<u>8/3/16</u>	Second Reading
<u>8/10/16</u>	Third Reading
<u>8/10/16</u>	Public Hearing

COUNCIL BILL #  
Originating Dept.  
Contact Person  
Phone Number  
FOR AGENDA OF

CB1607-31  
Planning  
Allan Giffen  
425-257-8725  
July 27, 2016

Initialed by:  
Department Head  
CAA  
Council President

\_\_\_\_\_  
db  
\_\_\_\_\_

<u>Location</u>	<u>Preceding Action</u>	<u>Attachments</u>	<u>Department(s) Approval</u>
Smith Island, west of Union Slough, south of 12 <sup>th</sup> Street	City Council Resolution 6882 for Intent to Annex on July 29, 2015	Ordinance, Staff Report	Legal, Planning

Amount Budgeted	N/A	
Expenditure Required	N/A	
Budget Remaining	N/A	
Additional Required	N/A	

**DETAILED SUMMARY STATEMENT:**

Proposed is a municipal annexation of City owned property located east of the existing City limits, south of 12<sup>th</sup> St NE and west of Union Slough, known as the Smith Island Municipal Annexation. The City of Everett requested the expansion of its Urban Growth Boundary to include all City-owned property on Smith Island. This request was approved by Snohomish County. The annexation is for municipal purposes as a result of evolving needs of the Waste Water Treatment Facility and its related activities.

A City Council briefing was held on July 22, 2015.

**RECOMMENDATION (Exact action requested of Council):**

Adopt An Ordinance Annexing Property Located East of the Existing City Limits, South of 12<sup>th</sup> St NE and West of Union Slough, Known as the Smith Island Municipal Annexation.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE Annexing Property Located East of the Existing City Limits, South of 12<sup>th</sup> St NE and West of Union Slough, Known as the Smith Island Municipal Annexation**

**WHEREAS**, pursuant to RCW 35.13.180, the City of Everett is annexing certain city-owned property for municipal purposes; and

**WHEREAS**, the Snohomish County Council adopted Ordinance 14-131 effective July 2, 2015 that adopted map amendments that extended the Urban Growth Boundary to include the area of this proposed annexation within the Municipal Urban Growth Area of the City of Everett; and

**WHEREAS**, the property is owned by the City of Everett, and is contiguous to the existing city limits of the City of Everett; and

**WHEREAS**, the property will be used for municipal purposes; and

**WHEREAS**, the annexation of City owned property contiguous to the City for municipal purposes is exempt from review by the Snohomish County Boundary Review Board; and

**WHEREAS**, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

**WHEREAS**, the City Council finds that the proposed annexation is in the best interests of the citizens of Everett;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THAT:**

**Section 1.** The property identified in Exhibit "A" and as legally described below is hereby annexed to the City of Everett:

## SMITH ISLAND ANNEXATION: LEGAL DESCRIPTION

IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF EVERETT. REFERENCES HEREIN ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHTS OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHTS OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION AND SUBSEQUENTLY ADOPTED ORDINANCES ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS OF EVERETT.

All that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the MID-CHANNEL of UNION SLOUGH.

Situate in County of Snohomish, State of Washington.

Being an area of approximately 27.35 Acres.

**Section 2:** Notice to Snohomish County. The City Clerk of the City of Everett is hereby directed upon passage of this ordinance of annexation to deliver and to file with the Snohomish County Council, the Snohomish County Auditor, and the State of Washington, a certified copy of this ordinance of annexation.

**Section 3:** Severability. Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4:** Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 5:** Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section 6:** General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever

upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

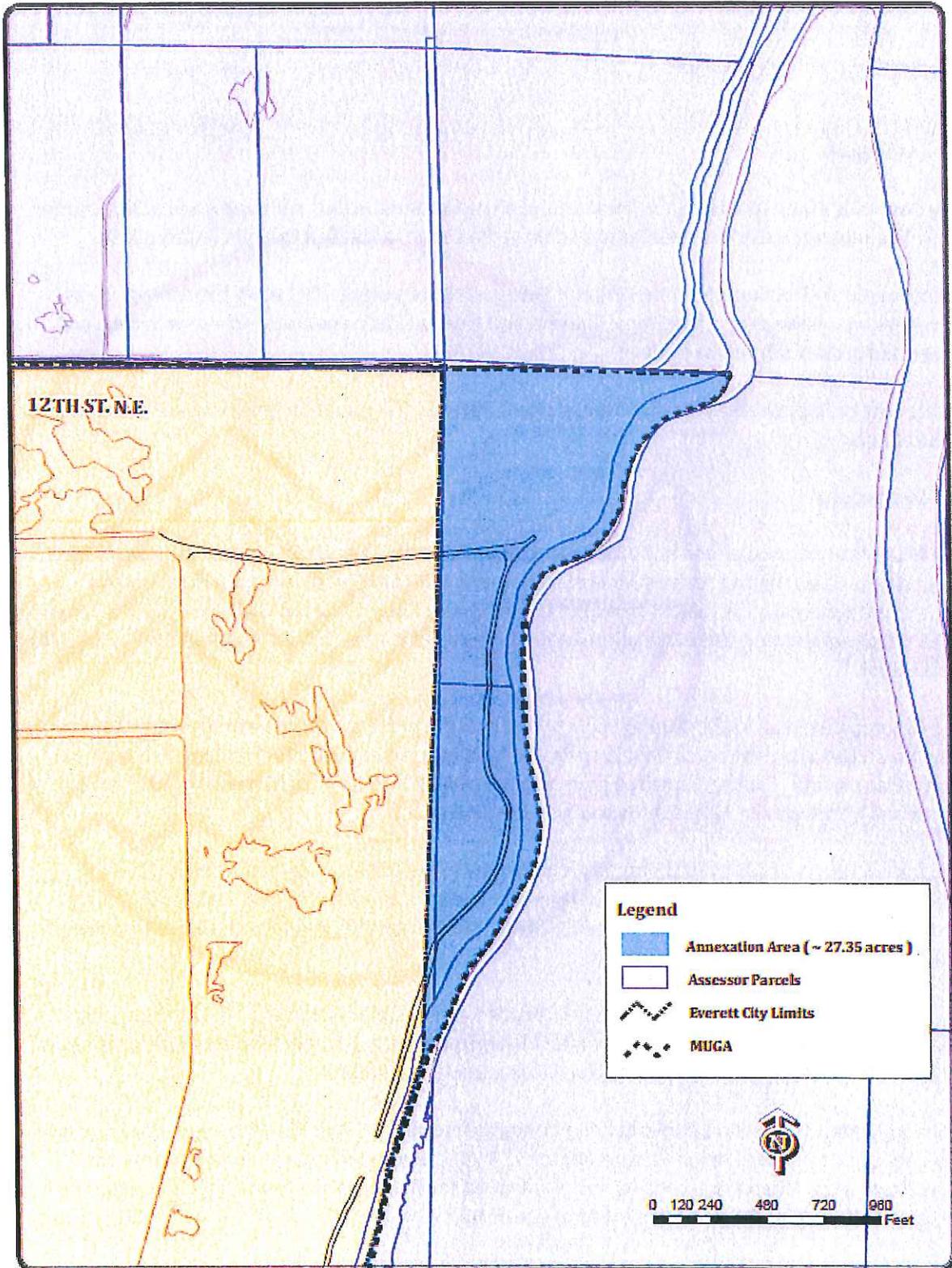
\_\_\_\_\_  
Ray Stephanson, MAYOR

ATTEST:

\_\_\_\_\_  
Sharon Fuller, CITY CLERK

Passed: \_\_\_\_\_  
Valid: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Exhibit A  
Smith Island Municipal Annexation



## City Council

### Staff Report

#### Smith Island Municipal Annexation, Zoning and Shoreline Management Program Designations Public Hearing on August 10, 2016

#### A. Summary

City Council is asked to finalize the Smith Island Municipal Annexation, set zoning and adopt interim Shoreline Management Program Designations on the subject area (See Exhibits A through D).

Following Council action, the State Office of Financial Management will certify the annexation as complete and made part of the City of Everett, and affected State agencies, service providers and interested individuals will be notified.

The zoning ordinance and Shoreline Management Program Designations ordinance are presented under separate cover.

#### B. Background

A SEPA review was completed and a Determination of Nonsignificance was issued February 17, 2012 that addressed a Comprehensive Plan designation of 2.8: Public/Quasi-Public Facilities and A-1 Agriculture zoning for the subject area (See Exhibit E). City Council passed Ordinance 3288-12 August 1, 2012 which set the land use designation on the subject property as 2.8: Public/Quasi-Public Facilities (See Exhibit F).

The City submitted an application to Snohomish County in order to incorporate the subject area within the City's UGA, and Snohomish County reviewed the City's request as a docket item with their 2015 Comp Plan update. County Council passed Ordinance 14-131 June 10, 2015 amending the City's UGA boundary to include the subject property (See Exhibit G).

The annexation is of City owned property, contiguous to the existing City boundary and is for a municipal purpose, and therefore does not require review or approval by the Snohomish County Boundary Review Board (BRB) per RCW 36.93.090. We did however consult with BRB staff prior to proceeding with the annexation process.

On July 29, 2015 the City issued a Notice of Adoption of Snohomish County's Final Environmental Impact Statement for Snohomish County's Shoreline Management Program update to meet the City's State Environmental Policy Act requirements for the proposal (See Exhibit H).

Planning Commission held a public hearing on zoning and interim Shoreline Management Program designations of the annexation area on August 4, 2015, recommending that zoning be set at A-1: Agriculture Rural Flood Fringe District and to adopt interim Snohomish County Shoreline Management Program Resource and Aquatic designations (See Exhibit I).

C. Exhibits

1. Exhibit A: Map of Smith Island Annexation Area
2. Exhibit B: Draft Ordinance for Annexation
3. Exhibit C: Draft Ordinance for Zoning
4. Exhibit D: Draft Ordinance for Interim Shoreline Management designations
5. Exhibit E: SEPA #11-047 DNS
6. Exhibit F: City Council Ordinance No. 3288-12
7. Exhibit G: Snohomish County Council Ordinance No. 14-131
8. Exhibit H: Notice of Adoption of Snohomish County's FSEIS for their Shoreline Management Plan
9. Exhibit I: Planning Commission Resolution 15-06

Exhibit A  
Map of Smith Island Annexation Area

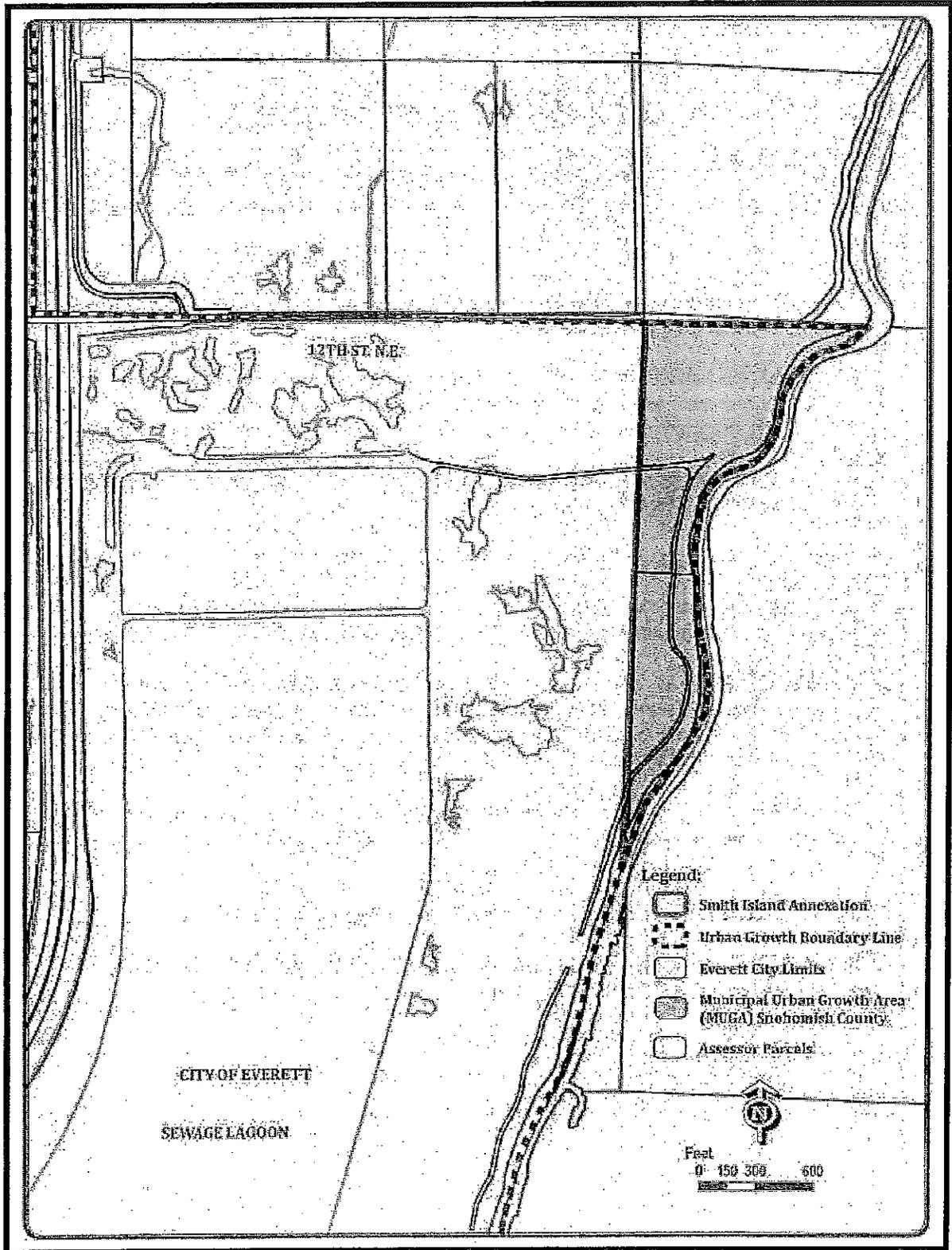


Exhibit B  
Draft Ordinance for Annexation

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE Annexing Property Located East of the Existing City Limits, South of 12<sup>th</sup> St NE and West of Union Slough, Known as the Smith Island Municipal Annexation**

**WHEREAS**, pursuant to RCW 35.13.180, the City of Everett is annexing certain city-owned property for municipal purposes, and

**WHEREAS**, the Snohomish County Council adopted Ordinance 14-131 effective July 2, 2015 that adopted map amendments that extended the Urban Growth Boundary to include the area of this proposed annexation within the Municipal Urban Growth Area of the City of Everett, and

**WHEREAS**, the property is owned by the City of Everett, and is contiguous to the existing city limits of the City of Everett, and

**WHEREAS**, the property will be used for municipal purposes, and

**WHEREAS**, the annexation of City owned property contiguous to the City for municipal purposes is exempt from review by the Snohomish County Boundary Review Board, and

**WHEREAS**, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

**WHEREAS**, the City Council finds that the proposed annexation is in the best interests of the citizens of Everett;

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN THAT:**

**Section 1.** The property identified in Exhibit "A" and as legally described below is hereby annexed to the City of Everett:

SMITH ISLAND ANNEXATION: LEGAL DESCRIPTION

IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF EVERETT. REFERENCES HEREIN ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHTS OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHTS OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION AND SUBSEQUENTLY ADOPTED ORDINANCES ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS OF EVERETT.

All that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the MID-CHANNEL of UNION SLOUGH.

Situate in County of Snohomish, State of Washington.

Being an area of approximately 27.35 Acres

**Section 2: Notice to Snohomish County.** The City Clerk of the City of Everett is hereby directed upon passage of this ordinance of annexation to deliver and to file with the Snohomish County Council, the Snohomish County Auditor, and the State of Washington, a certified copy of this ordinance of annexation.

**Section 3: Severability.** Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4: Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 5: Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section 6: General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever

upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Ray Stephanson, MAYOR

ATTEST:

\_\_\_\_\_  
Sharon Marks, CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Exhibit A  
Smith Island Municipal Annexation

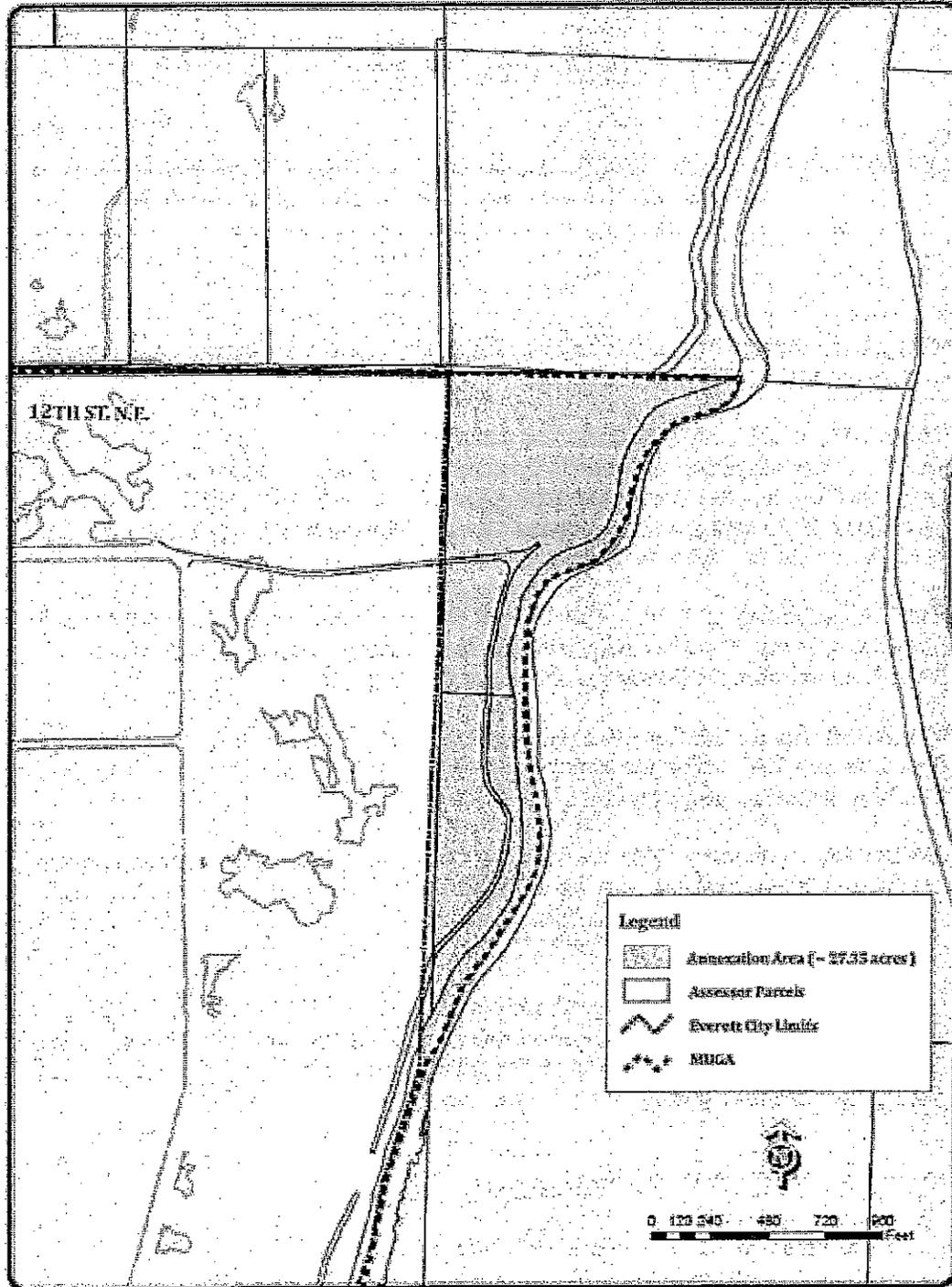


Exhibit C  
Draft Ordinance for Zoning

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE Establishing Zoning for the Smith Island Municipal Annexation Area ,  
amending Exhibit A to Ordinance No. 1671-89 (as amended)**

**WHEREAS**, the City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and

**WHEREAS**, in 2012 a SEPA review was completed and a Determination of Nonsignificance No. 11-047 was issued that addressed a Comprehensive Plan designation of 2.8: Public/Quasi-Public Facilities and A-1 Agriculture zoning for the proposed Smith Island Annexation Area, an approximate 27.35 acre area owned by the City and located along Union Slough and adjoining other City-owned properties to the east; and

**WHEREAS**, on August 1, 2012, City Council passed Ordinance 3288-12 adopting the 2.8: Public/Quasi-Public Facilities designation for the subject property consistent with the designations for other City-owned properties to the west; and

**WHEREAS**, Snohomish County Council reviewed the City's request for expansion of the Urban Growth Area (UGA) and passed Ordinance 14-131 on June 10, 2015 amending the City's UGA to include the subject property; and

**WHEREAS**, on August 4, 2015, the Planning Commission held a public hearing regarding establishment of the enabling zone for the subject area upon annexation to the City and recommended that the Smith Island Municipal Annexation be zoned A-1 RFFD (Agriculture Rural Flood Fringe District) (Exhibit "A"); and

**WHEREAS**, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

**WHEREAS, THE CITY COUNCIL FINDS:**

1. The proposed zoning is consistent with the Everett Comprehensive Plan.

2. The proposed zoning bears a substantial relation to public health, safety or welfare.
3. The proposed zoning promotes the best long-term interests of the Everett community.
4. The area proposed to be zoned A-1 RFFD will be developed for environmental mitigation/restoration consistent with and supporting the uses on adjacent properties and the proposed zoning will not adversely impact adjacent uses.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1: Zoning.** That the Zoning Map of that portion of the City of Everett shown on the map in Exhibit A and legally described below is hereby established as A-1 RFFD (Agriculture Rural Flood Fringe District), amending Exhibit A to Ordinance No. 1671-89(as amended):

**SMITH ISLAND MUNICIPAL ANNEXATION AREA: LEGAL DESCRIPTION**

IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO FOLLOW THE EXISTING CORPORATE CITY LIMITS OF EVERETT. REFERENCES HEREIN ARE MEANT TO CONVEY THAT ALTHOUGH PRESENT RIGHTS OF WAY BOUNDARIES MAY BE DIFFERENT, THE RIGHTS OF WAY BOUNDARIES AT THE TIME OF THE ORIGINAL INCORPORATION AND SUBSEQUENTLY ADOPTED ORDINANCES ARE INTENDED TO BE FOLLOWED SO THAT NO GAP OR OVERLAP EXISTS BETWEEN THIS ANNEXATION AND THE EXISTING CITY LIMITS OF EVERETT.

All that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the MID-CHANNEL of UNION SLOUGH.

Situate in County of Snohomish, State of Washington.

Being an area of approximately 27.35 Acres

**Section 2: Severability.** Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3: Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 4: Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section 5: General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Ray Stephanson, MAYOR

ATTEST:

\_\_\_\_\_  
Sharon Marks, CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Exhibit A**  
**Smith Island Municipal Annexation Area Zoning**

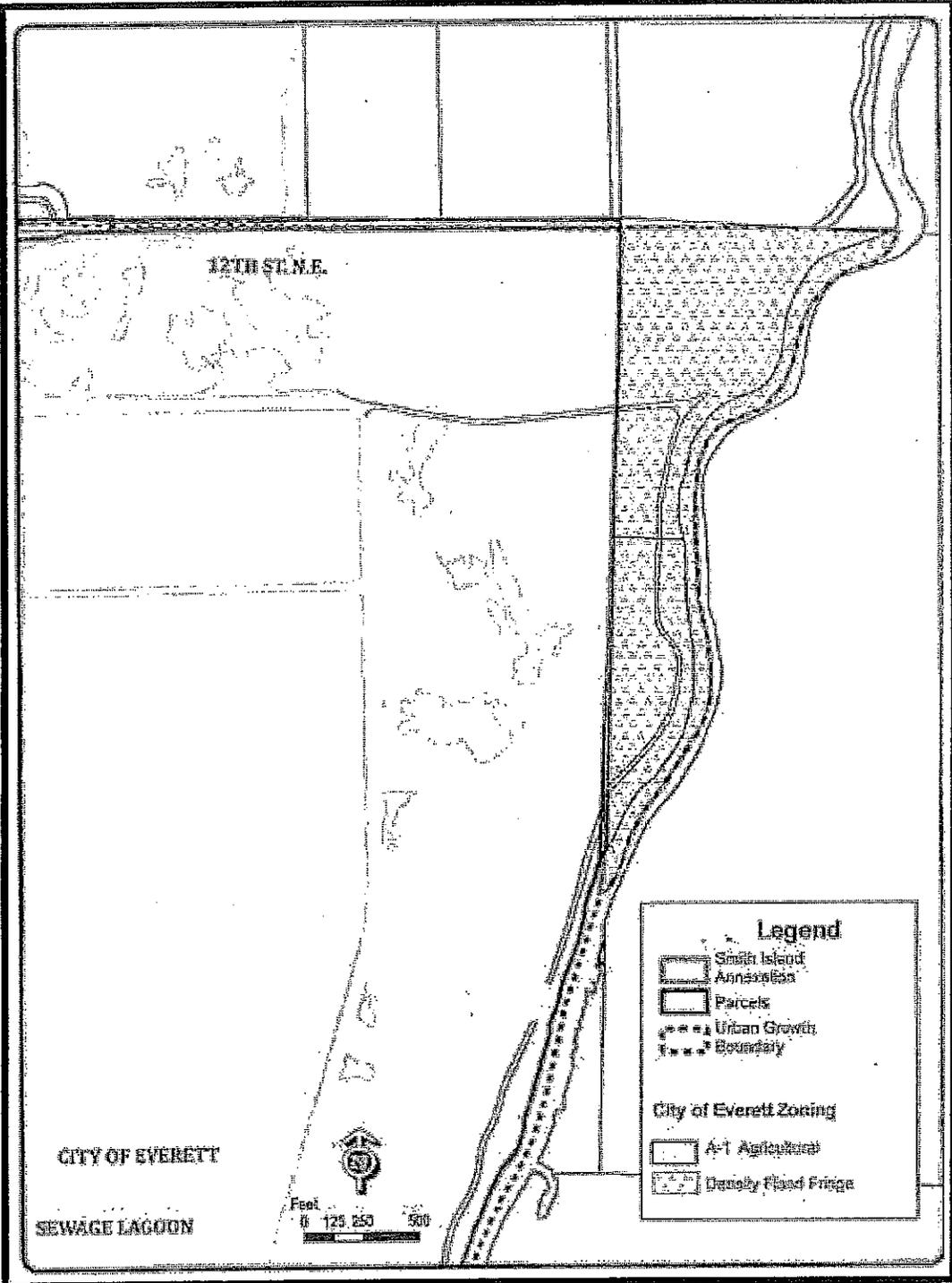


Exhibit D  
Draft Ordinance for Interim Shoreline Management designations

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE Adopting the Snohomish County Shoreline Management Program Resource and Aquatic Designations and Program Policies and Regulations as Interim Designations for the Smith Island Municipal Annexation Area, amending Ordinance No.'s 2600-02, 2021-94 and 1671-89 (as amended)**

**WHEREAS**, the City of Everett is provided authority to annex contiguous unincorporated territory pursuant to RCW 35.13.180; and

**WHEREAS**, Snohomish County Council reviewed the City's request for expansion of the Urban Growth Area (UGA) for properties on Smith Island and passed Ordinance 14-131 on June 10, 2015 amending the City's UGA to include the subject property; and

**WHEREAS**, WAC 173-26-160 requires local governments to amend their shoreline master programs to address newly annexed areas within one year of annexation, but until the master program is amended any decision on an application for a shoreline permit in the annexed shoreline area shall be based upon compliance with the master program in effect for the area prior to annexation; and

**WHEREAS**, on July 29, 2015 the City's Responsible Official issued a Notice of Adoption of Snohomish County's Final Environmental Impact Statement for Snohomish County's Shoreline Management Program update to meet the City's State Environmental Policy Act requirements for the proposal; and

**WHEREAS**, on August 4, 2015, the Planning Commission held a public hearing regarding establishing shoreline designations for the subject area upon annexation to the City and recommended that City Council adopt Resource and Aquatic designations as interim designations for the Smith Island Municipal Annexation Area; and

**WHEREAS**, the goals and policies of Shoreline Management / Master Programs are also part of the Comprehensive Plan and the regulations in Shoreline Management / Master programs are also part of the City's zoning regulations; and

**WHEREAS**, on July 29, 2015 City Council passed Resolution 6882 stating the Council's intent to annex to Everett unincorporated Snohomish County Territory on Smith Island and City

Council did conduct a public hearing on September 9, 2015, for the proposed annexation, for which proper notice of hearing was provided; and

**WHEREAS, THE CITY COUNCIL FINDS:**

1. The purpose for the proposed interim amendments to the Shoreline Master Program, Comprehensive Plan and Zoning are to address a newly annexed area of City-owned land on Smith Island adjacent to larger restoration / mitigation areas, providing for the subject area's management needs and allowing the provision of public safety services to the property.
2. The proposed interim designations, goals, policies and regulations are the same as that in Snohomish County's existing Shoreline Management Program and will be used for permitting purposes until such time as the City updates the Shoreline Master Program.
3. The proposed interim designations, goals, policies, and regulations are generally consistent with the City's Comprehensive Plan.
4. The amendments will not create pressure to change the designations of other properties in the vicinity.
5. The proposal bears a substantial relation to public health, safety or welfare.
6. The proposal promotes the best long-term interests of the Everett community.

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1: Shoreline Master Program.** The Snohomish County Shoreline Management Program is hereby adopted to apply to the Smith Island Municipal Annexation area, amending Ordinances 2600-02 (Shoreline Master Program), as amended, Ordinance 2021-94 (Comprehensive Plan), as amended, and Ordinance 1671-89 (Title 19 EMC), as amended until such time as the City updates the Shoreline Master Program.

**Section 2: Shoreline Master Program Designations.** The Shoreline Master Program designation for that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying west of the ordinary high water mark of Union Slough and shown on Exhibit "A" attached hereto and incorporated herein by reference is Resource Environment, and the Shoreline Master Program designation for that portion of the West Half of the NW Quarter of Section 15, Township 29 North, Range 5 East, W.M. lying east of the ordinary high water mark of Union Slough to the mid-channel of Union Slough and shown on Exhibit "A" attached hereto and incorporated herein by reference is Aquatic Environment, until such time as the City updates the Shoreline Master Program.

**Section 3: Severability.** Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or

regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4: Conflict.** In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

**Section 5: Corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

**Section 6: General Duty.** It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

\_\_\_\_\_  
Ray Stephanson, MAYOR

ATTEST:

\_\_\_\_\_  
Sharon Marks, CITY CLERK

Passed: \_\_\_\_\_

Valid: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Exhibit A**  
**Smith Island Municipal Annexation Area Shoreline Master Program Designations**

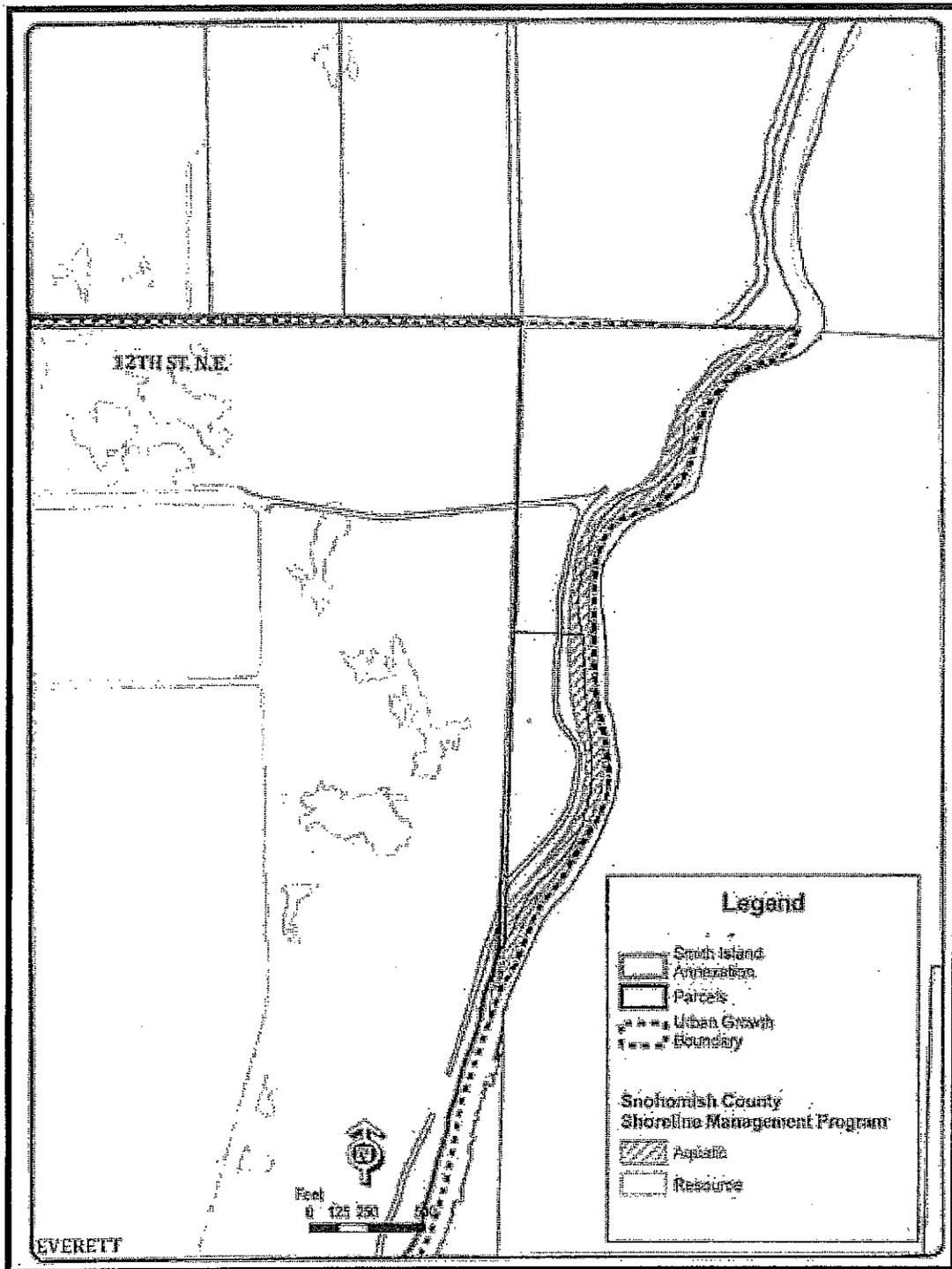


Exhibit E  
SEPA #11-047 DNS

CITY OF EVERETT  
DETERMINATION OF NON-SIGNIFICANCE (SEPA11-047)  
And PLANNING COMMISSION PUBLIC HEARING NOTICE  
Expansion of Urban Growth Area  
*Non-project action - Comprehensive Plan Map Amendment*



**Description of Proposal:** Expand the boundary of the City's Urban Growth Area to account for a 20-acre Environmental mitigation area owned and managed by the City of Everett. This action would change the boundary depicted in the City's Comprehensive Plan map and would help clear the way for eventual County approval of the City's request to revise the UGA boundary, and eventual annexation, some time after 2015. Additional information is available at: <http://www.everettwa.org/default.aspx?ID=2018>.

**Planning Commission Public Hearing:**

**Date & Time:** March 6, 2012 at 6:30 p.m.  
**Location:** 2930 Wetmore Avenue, 3<sup>rd</sup> floor Hearing Room

**Applicant:** Sponsored by Planning Commission

**Representative:** See contact person below

**Location:** South of 12<sup>th</sup> St NE, west of Union Slough

**General Plan:** Existing: Riverway Commercial Farm Land (Snohomish County)  
Proposed: 2.8 (Public/Quasi Public Facilities)

**Zoning:** Existing: Ag 10 (Snohomish County)  
Proposed: A-1 (Agriculture)

**Lead Agency:** City of Everett Planning Department

**Contact Person:** Dave Koenig or Bob Larsen Phone: (425) 257-8731

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement is not required under RCW 43.21C.030(2)(c). This determination assumes compliance with State law and City ordinances related to general environmental protection including but not limited to right-of-way improvement requirements, drainage, outdoor lighting, noise and vibration, etc. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date below (shown as February 17, 2012). Comments must be submitted by March 2, 2012.

**Responsible Official:** Allan Giffen  
**Title:** Planning and Community Development Director  
**Address:** 2930 Wetmore Avenue, Suite 8A, Everett, WA 98201  
**Date:** February 17, 2012

  
(RWL)

**Signature:** \_\_\_\_\_

**NOTE:** A DNS may be withdrawn in the event of significant changes in the proposal, disclosure of new significant information, misrepresentation by the applicant, or failure to comply with the conditions upon which this Determination of Non-Significance is predicated.

There is no appeal period on this administrative determination.

Exhibit F  
City Council Ordinance No. 3288-12



**ORDINANCE NO. 3288-12**

**An Ordinance Amending The Comprehensive Plan  
Map Expanding The City's Urban  
Growth Boundary on Smith Island, Amending  
Ordinance No. 2021-94, As Amended  
Smith Island UGA Expansion**

WHEREAS, the City of Everett adopted a Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act; and

WHEREAS, the City of Everett completed its 10 year update to the Comprehensive Plan with City Council adoption on July 20, 2005; and

WHEREAS, the Growth Management Act, codified as Chapter 36.70A, allows for comprehensive plans to be amended on an annual basis; and

WHEREAS, the City of Everett initiated its 2011 – 2012 annual Comprehensive Plan amendment process in July of 2011, which included consideration of Land Use Map amendments and rezone applications initiated by property owners and the Everett Planning Commission; and

WHEREAS, the City of Everett owns a 20 acre property on Smith Island, part of a larger mitigation / restoration area east of the Waste Water Treatment Facility, that is currently in Snohomish County and under the jurisdiction of Snohomish County for land use permits, and

WHEREAS, a larger associated restoration / mitigation area extending west and south of the subject property is currently inside the Everett City limits, and therefore under permitting control of the City, and

WHEREAS, the Everett Planning Commission made this recommendation in order to eventually bring the property as shown in Exhibit A into the City, and under City Jurisdiction, which will provide for more streamlined permitting and other benefits, and

WHEREAS, the Planning Commission held a public hearing on the matter on March 6, 2012, at which time it heard from the public, and staff, and considered the various aspects of the proposal before recommending approval; and

**WHEREAS, THE CITY COUNCIL FINDS:**

1. The purpose for the requested Comprehensive Plan land use map amendment is to expand the City of Everett's Urban Growth Area, which would allow the City to join the subject property to the larger restoration / mitigation areas associated with it which are currently in the City, and thereby place the subject expansion area under permitting control of Everett. This action would provide for the subject area's management needs and allow for provision of public safety services to the property.
2. The action undertaken here: Approving placement of the subject Urban Growth Area on the Comprehensive Plan map, demonstrates intent on the part of the City to bring this area into the City, but it is also recognized additional steps will be required before the area is legally made part of the City.
3. To achieve the proposed map amendment, the subject area needs to be indicated on the Comprehensive Plan map surrounded by Everett's proposed City limits boundary, and shown as 2.8 (Public / Quasi Public Facilities - Proposed) within the indicated expansion area.
4. Planning Commission held a public meeting to learn of and discuss the proposed change on November 11, 2011 and held a public hearing on this proposal on March 6, 2012.
5. On March 6, 2012, Planning Commission passed Resolution 12-12, recommending adoption of this action by City Council.
6. The public health safety and welfare would be provided for by the proposal under existing development regulations of the City.
7. The proposed amendment to the land use map and rezone promotes the best long term interest of the Everett Community.
8. Any conclusions below that may be construed as a finding is included here as such by this reference.

**WHEREAS, CITY COUNCIL CONCLUDES:**

1. Any finding above that may be construed as a conclusion is included here as such by this reference.
2. The requested action is supported by, or consistent with, the Comprehensive Plan based on Policy 2.16.8, "develop logical service areas." This action is specifically intended to include the subject area in the City's planning area in part, because it falls with natural boundaries; those being 12<sup>th</sup> street to the north, and Union Slough to the east, where currently the eastern boundary is a quarter section line on the City map. (findings 1 and 2)
3. Circumstances related to the subject property and the area in which it is located have changed because of new work the City is doing with the Pollution Control Facility's eastern dike. (findings 1 and 2)

4. There are no erroneous assumptions or new information regarding this action known at the time this action was taken. (findings 2, 3 and 4)
5. The change promotes and ensures a continued desired land use pattern because the expansion area will be used for environmental mitigation. (findings 1 and 2)
6. The proposed land use designation should not be applied to other properties in the vicinity without first meeting the policies of the Comprehensive Plan on their own merit, considered separately from this action. Therefore approval of this application does not constitute a granting of special privilege. (findings 1, 3 and 4)
7. This action would have only positive environmental impacts on other properties in the vicinity. (findings 1 and 2)
8. The change of the land use designation will not pressure other properties in the vicinity to do the same. (findings 1, 3 and 4)
9. To achieve the proposed change, the City needs to add the subject property within Everett's Municipal Urban Growth Area (MUGA) and designate it 2.8 (Public / Quasi-Public Facilities). (finding 2)
10. The public health, safety and welfare would be provided for by passage of this Ordinance. (findings 1, 2, 3, 5 and 6)
11. This proposed Comprehensive Plan amendment and rezone promotes the best long term interest of the Everett Community. (findings 1, 2, 3, 4, 5 and 7)

**NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:**

**Section 1: Amendment of the Land Use Map of the Comprehensive Plan**

Amend the Comprehensive Plan land use map in the subject area to expand the Urban Growth Area and to change the land use designation from Snohomish County Riverway Commercial Farm Land to 2.8 (Public / Quasi Public Facilities - Proposed), amending Ordinance No. 2021-94, as amended. See attached Exhibit A.

**Section 2: Incorporation.**

Exhibit A, is hereby made part of this approval and incorporated herein by reference.

**Section 3. Validity.**

Should any section, subsection, paragraph, sentence, clause or phrase set forth in this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**Section 4. Purpose.**

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

**Section 5. Pending actions.**

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

**Section 6. Corrections.**

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to the Ordinance including but not limited to, the correction of scrivener's / clerical errors, references, Ordinance numbering, section / subsection numbers and any references thereto.

  
Ray Stephanson, Mayor

ATTEST:

  
City Clerk

Passed: 8-1-12  
Valid: 8-6-12  
Published: 8-8-12  
Effective Date: 8-21-12



Exhibit G  
Snohomish County Council Ordinance No. 14-131

1 Adopted: June 10, 2015  
2 Effective: July 2, 2015

3  
4  
5 SNOHOMISH COUNTY COUNCIL  
6 SNOHOMISH COUNTY, WASHINGTON

7  
8 ORDINANCE NO. 14-131  
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, AMENDING THE ZONING MAP TO IMPLEMENT  
13 CHANGES TO THE FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST  
14 URBAN GROWTH AREA (EVR1 - CITY OF EVERETT)  
15

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

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

26 WHEREAS, the Department of Planning and Development Services (PDS)  
27 compiled a list of non-county initiated amendments and revisions received by the  
28 October 31, 2012, deadline for Docket XVII proposals and evaluated these proposed  
29 amendments, including the EVR1 – City of Everett docket proposal, for consistency with  
30 the initial docket review criteria in SCC 30.74.030(1) and 30.74.040; and  
31

32 WHEREAS, PDS briefed the Snohomish County Agricultural Advisory Board on  
33 the EVR1 – City of Everett docket proposal on April 9, 2013; and  
34

35 WHEREAS, on May 29, 2013, and June 26, 2013, the county council held public  
36 hearings to receive public testimony on proposed non-county initiated amendments to  
37 the GMACP for consideration on Final Docket XVII, including the EVR1 – City of Everett  
38 proposal; and  
39

40 WHEREAS, on July 17, 2013, the county council approved, by Amended Motion  
41 No. 13-138, a list of proposed non-county initiated comprehensive plan amendments for  
42 consideration and final action on Final Docket XVII, including the EVR1 – City of Everett

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COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,  
AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST  
URBAN GROWTH AREA (EVR1 - CITY OF EVERETT) - 1

1 proposal, and authorized the county executive, through PDS, to process Final Docket  
2 XVII consistent with chapters 30.73 and 30.74 SCC; and

3  
4 WHEREAS, the Snohomish County Planning Commission ("planning  
5 commission") was provided information on Final Docket XVII, including the EVR1 – City  
6 of Everett proposal, in study sessions and briefings held on May 13, 2014, and  
7 September 9, 2014; and

8  
9 WHEREAS, pursuant to chapter 30.74 SCC, PDS completed final review and  
10 evaluation of Final Docket XVII, including the EVR1 – City of Everett proposal, and  
11 forwarded recommendations to the planning commission; and

12  
13 WHEREAS, the planning commission held a public hearing and received public  
14 testimony on Final Docket XVII, including the EVR1 – City of Everett proposal, on  
15 October 7, 2014; and

16  
17 WHEREAS, on October 14, 2014, the planning commission completed  
18 deliberations on Final Docket XVII, including the EVR1- City of Everett proposal, and  
19 recommended adoption of the EVR1 – City of Everett proposal as enumerated in its  
20 recommendation letter of December 4, 2014; and

21  
22 WHEREAS, on May 13, 2015 and continued to June 10, 2016, the Snohomish  
23 County Council held a public hearing, after proper notice, to hear public testimony on  
24 this ordinance and consider the entire record, including the planning commission's  
25 recommendation, on Final Docket XVII and the EVR1 – City of Everett proposal.

26  
27 NOW, THEREFORE, BE IT ORDAINED:

28  
29 Section 1. The county council makes the following findings:

- 30  
31 A. The county council adopts and incorporates the foregoing recitals as findings as if  
32 set forth fully herein.  
33  
34 B. The EVR1 – City of Everett proposal would revise the Southwest Urban Growth Area  
35 (UGA) to add 21 acres of land that will remain designated on the Future Land Use  
36 Map (FLUM) of the General Policy Plan (GPP) as Riverway Commercial Farmland  
37 (RCF) and will remain zoned Agriculture-10 Acre (A-10). The proposal would not  
38 result in a net increase in residential or employment land capacity.  
39  
40 C. The EVR1 – City of Everett proposal site is vacant and located on Smith Island, west  
41 of Union Slough and east of Everett's sewage treatment facility. The proposal site is  
42 owned by the City of Everett, and is being used for wetland enhancement and  
43 restoration to mitigate impacts from future expansion of Everett's sewage treatment

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URBAN GROWTH AREA (EVR1 – CITY OF EVERETT) - 2

1 facility. The dike along the eastern boundary of the site, adjacent to Union Slough,  
2 previously was breached by the city to allow intertidal wetland restoration on the  
3 south portion of the site. Including this municipal property in the UGA would allow  
4 Everett to have all of its municipally-owned land in this area within the City of  
5 Everett's boundaries, following annexation. Bringing the proposal site into the UGA  
6 for eventual annexation also would streamline permitting associated with future  
7 habitat restoration projects and enable Everett to efficiently provide public services  
8 to its property.

9  
10 D. The EVR1 – City of Everett proposal is consistent with the GMA, including  
11 RCW 36.70A.060(4), which provides: "Forest land and agricultural land located  
12 within urban growth areas shall not be designated by a county or city as forest land  
13 or agricultural land of long-term commercial significance under RCW 36.70A.170  
14 unless the city or county has enacted a program authorizing transfer or purchase of  
15 development rights." Both the City of Everett and Snohomish County have enacted  
16 transfer of development rights (TDR) programs. The county's TDR regulations are  
17 contained in chapter 30.35A SCC.

18  
19 E. The EVR1 – City of Everett proposal is subject to GMA requirements for UGAs  
20 under RCW 36.70A.110(8) as the proposal site is located within the 100-year  
21 floodplain of the Snohomish River, which has a mean annual flow that is greater  
22 than 1,000 cubic feet per second. However, the proposal is exempt from the  
23 prohibition of UGA expansions into a 100-year floodplain under  
24 RCW 36.70A.110(8)(b)(iii)(C) because: 1) the proposal site is owned by the City of  
25 Everett; 2) the city plans under the GMA; 3) the use of the proposal site will be  
26 limited to wetland enhancement and restoration; and 4) the use of the proposal site  
27 will not decrease flood storage, increase stormwater runoff, discharge pollutants to  
28 fresh or salt waters during normal operations or floods, or increase hazards to  
29 people and property.

30  
31 F. The EVR1 – City of Everett proposal is consistent with and advances the Puget  
32 Sound Regional Council (PSRC) Multicounty Planning Policies (MPP), in particular  
33 DP- 29, which provides that the County protect and enhance significant open  
34 spaces, natural resources, and critical areas. The proposal provides for continued  
35 protection and future enhancement of the open space, floodplain, and critical areas  
36 through the public ownership and continued RCF designation and A-10 zoning of the  
37 site.

38  
39 G. The EVR1 – City of Everett proposal is consistent with and advances the  
40 Countywide Planning Policies (CPP), in particular DP-1(f), which provides that the  
41 County shall maintain UGAs that do not include designated agricultural or forest land  
42 unless the city or county has enacted a program authorizing transfer or purchase of  
43 development rights. Both the city and county have adopted TDR programs.

ORDINANCE NO. 14-131  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
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AMENDING THE ZONING MAP TO IMPLEMENT CHANGES TO  
THE FUTURE LAND USE MAP, AND REVISING THE SOUTHWEST  
URBAN GROWTH AREA (EVR1 – CITY OF EVERETT) -3

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H. The EVR1 – City of Everett proposal is consistent with and advances the GPP, in particular LU Policy 1.A.7, which provides that designated forest and agricultural lands shall not be included within a UGA unless the designated lands are maintained as natural resource lands and a TDR/PDR program has been enacted by the city or the county. The proposal site will continue to be designated RCF, a natural resource plan designation, and both the city and the county have adopted TDR programs.

I. Procedural requirements.

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

J. The ordinance is consistent with the record.

1. No inconsistencies between the proposed amendments and the GMACP elements or development regulations have been identified.
2. The proposal complies with all requirements of the GMA, including: the requirement in RCW 36.70A.070 that a plan be an internally consistent document; the requirements in RCW 36.70A.130(1)(d) that any amendment to a comprehensive plan shall conform to the GMA and that any amendment to development regulations shall implement the comprehensive plan; the requirement in RCW 36.70A.130(2) that a county consider comprehensive plan amendments no more frequently than once per year; and the

ORDINANCE NO. 14-131  
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URBAN GROWTH AREA (EVR1 – CITY OF EVERETT) - 4

1 requirements in RCW 36.70A.130(1)(d) and .210(1) and (7) that the  
2 comprehensive plan be consistent with the CPP and MPP.

3  
4 Section 2. The county council makes the following conclusions:

- 5  
6 A. The proposed amendments are consistent with the MPP and the CPP.  
7  
8 B. The proposal EVR1 – City of Everett meets the final docket criteria in  
9 SCC 30.74.060.  
10  
11 C. The proposed amendments are consistent with the goals, objectives and policies of  
12 the GPP.  
13  
14 D. The amendments are consistent with and comply with the procedural and  
15 substantive requirements of the GMA.  
16  
17 E. The county has complied with all SEPA requirements with respect to this non-project  
18 action.  
19  
20 F. The amendments do not result in an unconstitutional taking of private property for a  
21 public purpose and they do not violate substantive due process guarantees.  
22  
23 G. The county complied with state and local public participation requirements under the  
24 GMA and chapter 30.73 SCC.  
25

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

31 Section 4. The Future Land Use Map of the GPP, last amended by Amended  
32 Ordinance No. 14-069 on October 8, 2014, is amended as indicated in Exhibit A to this  
33 ordinance, which is attached hereto and incorporated by reference into this ordinance.  
34

35 Section 5. The area-wide zoning map, last amended by Amended Ordinance No. 14-  
36 068 on October 8, 2014, is amended as indicated in Exhibit B to this ordinance, which is  
37 attached hereto and incorporated by reference into this ordinance.  
38

39 Section 6. The county council directs the Code Reviser to update SCC 30.10.060  
40 pursuant to SCC 1.02.020(3).  
41

42 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this  
43 ordinance shall be held to be invalid by the Growth Management Hearings Board

ORDINANCE NO. 14-131  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
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URBAN GROWTH AREA (EVR1 – CITY OF EVERETT) - 6

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

8  
9 PASSED this 10th day of JUNE, 2015.

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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Council Chair

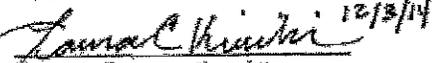
ATTEST:  


APPROVED  
 EMERGENCY  
 VETOED

DATE: 6/30, 2015

  
County Executive

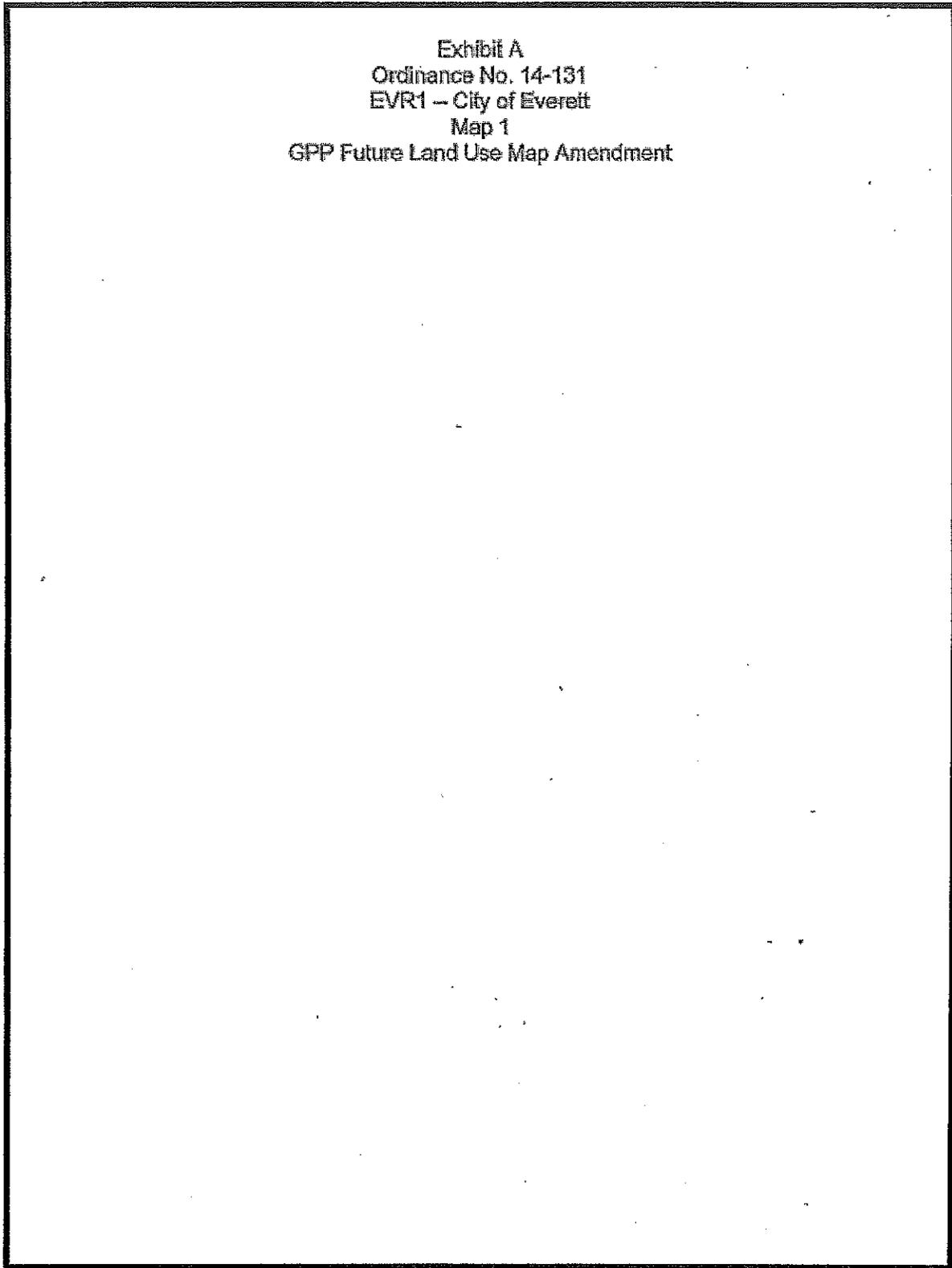
ATTEST:  


Approved as to form only:  
 12/3/14  
Deputy Prosecuting Attorney

D-4

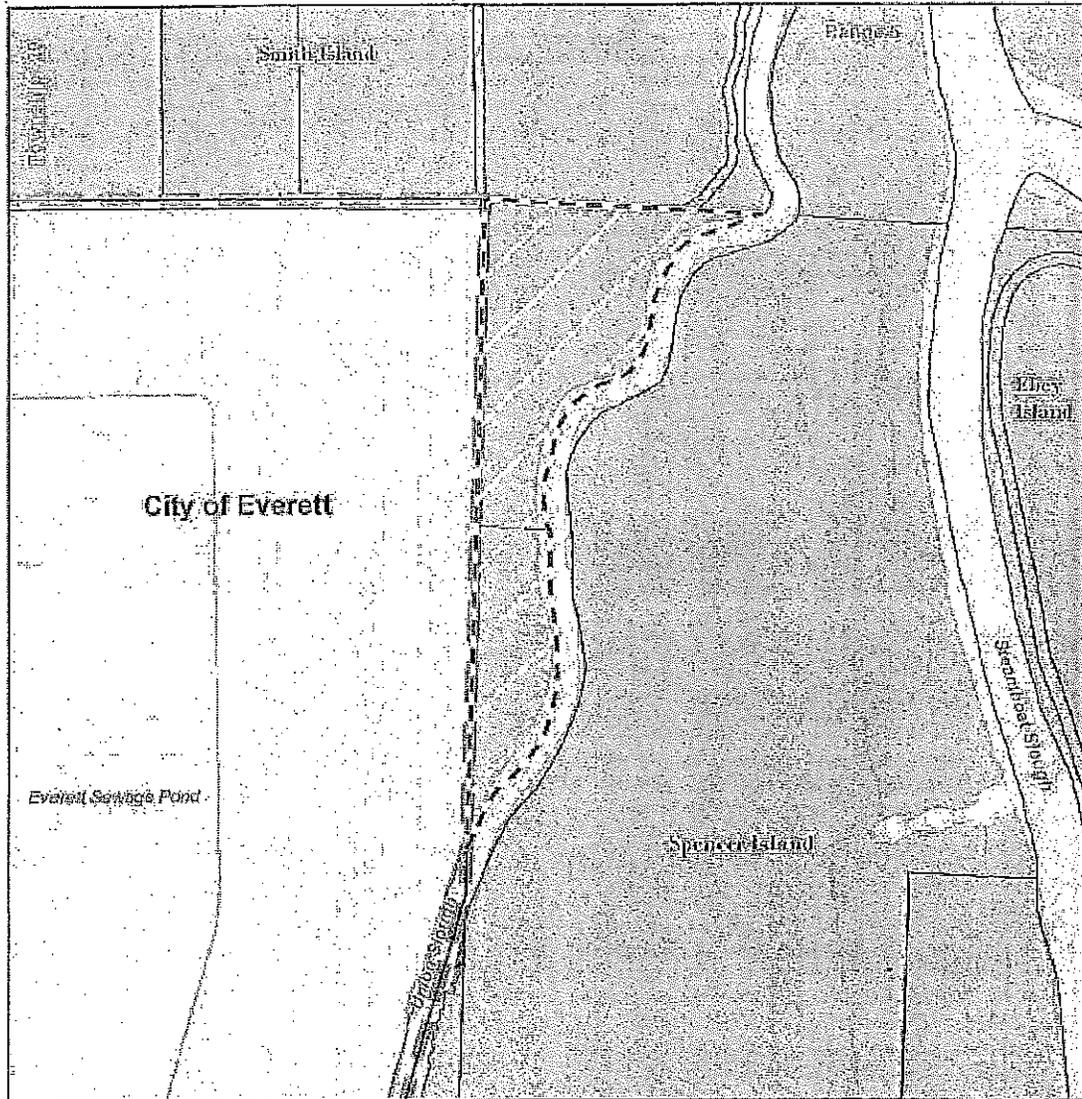
ORDINANCE No. 14-131  
RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING  
FUTURE LAND USE MAP AMENDMENTS TO THE SNOHOMISH  
COUNTY GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN,  
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URBAN GROWTH AREA (EVR1 - CITY OF EVERETT) - 6

Exhibit A  
Ordinance No. 14-131  
EVR1 – City of Everett  
Map 1  
GPP Future Land Use Map Amendment



Final Docket XVII  
 City of Everett (EVR1)  
 June 10, 2015

Council Adopted Future Land Use Map  
 Comprehensive Plan Amendment



<p>FLU Map Amendment:</p> <p><b>EVR1</b></p> <p>SW UGA Expansion</p> <p>No FLU redesignation</p>	<p>City of Everett</p> <p>Adjacent Parcel</p> <p>UGA Boundary</p> <p>Future Land Use Map Designation</p> <p>Residential Commercial Farmland</p>	<p>Scale: 1" = 100'</p> <p>North arrow</p> <p>Source: Snohomish County Department of Planning and Development, Aerial, Geographic Data, and other sources. This map is for informational purposes only and does not constitute a warranty of accuracy or completeness. The City of Everett is not responsible for any errors or omissions in this map. The City of Everett is not responsible for any actions taken based on this map. The City of Everett is not responsible for any damages, loss, or injury resulting from the use of this map. The City of Everett is not responsible for any actions taken based on this map. The City of Everett is not responsible for any damages, loss, or injury resulting from the use of this map.</p>
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Map: \\snohomish\gis\mxd\Map\Map\City\ComprehensivePlanAmendment\_EVR1\_FLU\_060915.mxd 6/9/2015

Exhibit A

Exhibit B  
Ordinance No. 14-131  
EVR1 – City of Everett  
Zoning Map Amendment



Exhibit H

Notice of Adoption of Snohomish County's FSEIS for their Shoreline Management Plan



**ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT**

***Smith Island Municipal Annexation***

***ANNX #15-001***

**Description of Proposal:** The City of Everett is proposing to annex unincorporated Snohomish County territory on Smith Island. The property is within the City's Urban Growth Area, is owned by the City, and is of a municipal purpose. The City's Comprehensive Plan designation of 2.8: Public/Quasi Public Facilities is currently applied to the area. Zoning of the site is proposed to be A-1: Agriculture Rural Flood Fringe District. The City proposes to adopt Snohomish County's Shoreline Management Program and interim Snohomish County Shoreline Management Program Resource and Aquatic designations for the subject area, until the City updates the Shoreline Master Program to include this area.

**Proponent:** City of Everett Planning and Community Development Department

**Location of Proposal:** Portion of Smith Island, west of Union Slough, south of 12<sup>th</sup> St NE.

**Title of Document Being Adopted:** Final Supplemental Environmental Impact Statement for Snohomish County Shoreline Management Program Update.

**Agency that Prepared Document Being Adopted:** Snohomish County Planning and Development Services.

**Date Adopted Document was Prepared:** The FSEIS was issued on August 25, 2010.

**Description of Document Being Adopted:** Snohomish County revised their Shoreline Management Program (SMP) as required by state law, RCW 90.58. The purpose of the document was to analyze the potential environmental impacts of the county's proposed updates to their SMP considering three proposed alternatives that evaluated maintaining the existing County SMP, modifying the County SMP to comply with new state SMP Guidelines, and modifying County SMP to be in compliance with new state SMP Guidelines with a reduced jurisdictional boundary.

**If the Document Being Adopted has been Challenged (WAC 197-11-630), Please Describe:** The document being adopted was not challenged.

Document is Available to Read at: The City of Everett Planning Department, 2930 Wetmore Avenue, Suite 8-A, Everett, WA, from 8:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision makers.

Name of Agency Adopting Document: City of Everett Planning and Community Development Department.

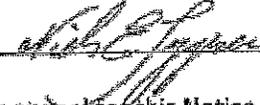
Contact Person: Niels Tygesen, phone: 425.257.8731

Responsible Official: Allan Giffen

Title: Director, Planning and Community Development Department

Address: 2930 Wetmore Avenue, Suite 8-A, Everett, WA 98201

Date: July 29, 2015

Signature:  FOR A.G.

There is no appeal for this Notice of Adoption.

Exhibit I  
Planning Commission Resolution 15-06

**CITY OF EVERETT  
PLANNING COMMISSION  
RESOLUTION NO. 15-06**



**Smith Island Municipal Annexation**

**A Resolution recommending that City Council set zoning of A-1: Agriculture Rural Flood Fringe District, and adopt interim Snohomish County Shoreline Management Program Resource and Aquatic designations for the Smith Island Municipal Annexation area.**

WHEREAS, the Everett City Council passed a resolution on July 29, 2015, calling for annexation of the subject area; and

WHEREAS, the Land Use designation of the adjacent City owned property of 27.35 total acres (includes shoreline area) is 2.8: Public/Quasi Public Facilities with equivalent zoning of A-1: Agriculture Rural Flood Fringe District; and

WHEREAS, the subject property's Land Use designation is 2.8: Public/Quasi Public Facilities adopted in Ordinance 3288-12; and

WHEREAS, the equivalent zoning, according to the Land Use Element of the Comprehensive Plan, lists Existing Zoning as the implementing zone for the 2.8: Public/Quasi Public Facilities designation; and

WHEREAS, the equivalent zoning of A-1: Agriculture Rural Flood Fringe District for the subject property is the most appropriate designation to keep consistency with the zoning of adjacent property; and

WHEREAS, the subject property is designated as Resource and Aquatic by Snohomish County's Shoreline Management Program; and

WHEREAS, the City will be required to update its Shoreline Master Program by June 30, 2019; and

WHEREAS, the interim adoption of Snohomish County's Shoreline Management Program and equivalent designations for the subject property are the most appropriate designations until the City updates the Shoreline Master Program to include this property; and

WHEREAS, the City's responsible official issued a Determination of Non-significance SEPA No.11-047 for the proposed zoning and a Notice of Adoption of Snohomish County's FSEIS for their Shoreline Management Plan was issued for the proposed interim shoreline designations; and

WHEREAS, the Planning Commission held a Public Hearing on the proposed zoning and interim Shoreline Management Program Designations on August 4, 2015; and

WHEREAS, the Planning Commission finds;

- I. The Everett Comprehensive Plan designation of 2.8: Public/Quasi Public Facilities has already been adopted and put in place for the annexation area.

2. The A-1: Agriculture Rural Flood Fringe District implementing zone is consistent with existing land use policies of the Everett Comprehensive Plan.
3. The recommended A-1: Agriculture Rural Flood Fringe District is consistent with the Comprehensive Plan map designation of 2.8: Public/Quasi Public Facilities and is the best fit for the anticipated future uses in the area.
4. The interim Snohomish County Shoreline Management Program Resource and Aquatic designations are consistent with existing land use policies of the Everett Comprehensive Plan.
5. The recommended interim Snohomish County Shoreline Management Program Resource and Aquatic designations are consistent with the Comprehensive Plan map designation of 2.8: Public/Quasi Public Facilities and are the best fit for the anticipated future uses in the area.
6. The proposed zoning and Shoreline Management Program designations bear a substantial relation to public health, safety or welfare and promote the best long-term interests of the Everett community.

**NOW THEREFORE, THE PLANNING COMMISSION RECOMMENDS:**

1. That City Council adopts A-1: Agriculture Rural Flood Fringe District as the zoning for the annexation area, (Exhibit A).
2. That City Council adopts Snohomish County Shoreline Management Program and designations of Resource and Aquatic as interim Shoreline Master Program designations for the annexation area, (Exhibit B).

  
 \_\_\_\_\_  
 Planning Commission Chair

8/3/15  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Planning Commission Secretary

For: Commissioner Beck, Commissioner Tisdell, Commissioner Adams, and Chair Stewart  
 Against: None  
 Absent: Commissioner Zelinski, Commissioner Jordison, Commissioner Sand, and Commissioner Holland  
 Abstain: None

Exhibit A  
Zoning Designation

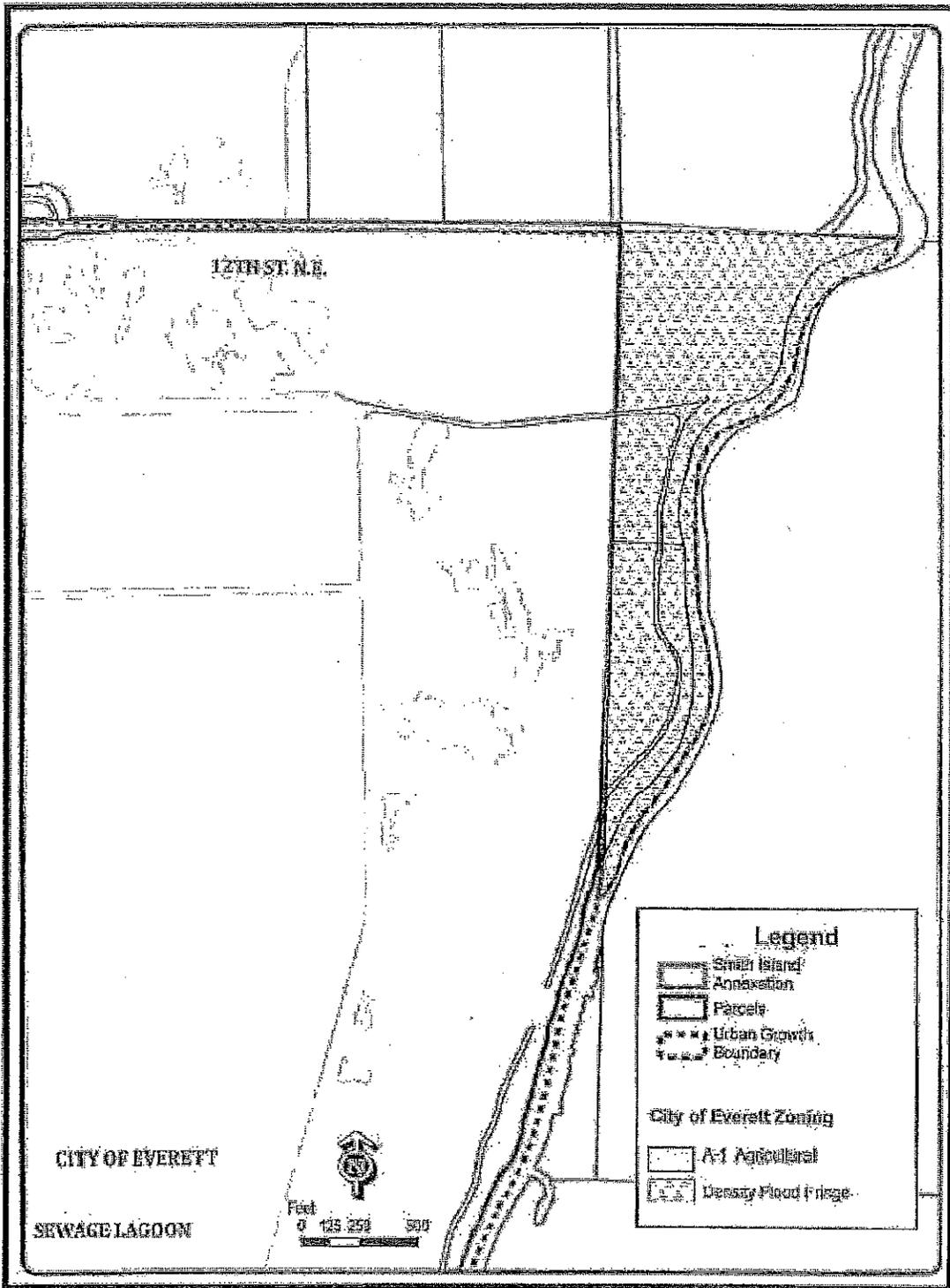


Exhibit B  
Shoreline Master Program Designations

