



Snohomish County
Planning and Development Services

MEMORANDUM

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TO: Jared Mead, Council Chair
Nate Nehring, Council Vice-Chair
Megan Dunn, Councilmember
Sam Low, Councilmember
Strom Peterson, Councilmember

Dave Somers
County Executive

FROM: Frank Slusser, Senior Planner

SUBJECT: Final Docket XXI Post Planning Commission Supplemental Memo
– Town of Darrington (DR1)

DATE: March 26, 2024

PDS is providing this supplemental staff report to describe revisions that were made to the DR1 – Town of Darrington docket proposal subsequent to consideration by the Snohomish County Planning Commission. These revisions address the concerns identified in the staff recommendation to the Planning Commission and the recommendation of the Planning Commission, as detailed below. As a result, the revised proposal is consistent with the review criteria for a recommendation to approve found in Snohomish County Code (SCC) 30.74.060(2).

This memorandum also recognizes testimony provided to the Planning Commission by Sauk-Suiattle Indian Tribe Tribal Councilmember Kevin Lenon at the Planning Commission public hearing on October 24, 2023, and in written testimony submitted into the public hearing record by Nino Maltos II, Chairman of the Sauk-Suiattle Indian Tribe Tribal Council dated October 31, 2023.

Revised Proposal

The staff recommendation to the Planning Commission on the DR1 proposal as studied in the draft environmental impact statement (DEIS) and considered by the Planning Commission was to recommend denial due to inconsistencies with the review criteria as described in the September 11, 2023, staff report.

During deliberations, the Planning Commission made the following recommendation for the DR1 proposal as described in the Planning Commission Recommendation Letter dated January 16, 2024:

DR1 – Town of Darrington: A **motion** was made by Commissioner Campbell recommending the Town of Darrington continue to work with County staff on a docket application that can meet final approval criteria [Motion approved 9-0.] The recommendation is based on the findings in the September 11, 2023, PDS staff report and public testimony that the proposal as studied for the Draft Environmental Impact Statement (DEIS) and evaluated for the staff recommendation is inconsistent with the Growth Management Act (GMA), the Multicounty Planning Policies

(MPPs), the Countywide Planning Policies (CPPs), and the Snohomish County GMACP policies and should be denied...

The proposal was subsequently revised with confirmation of Mayor Dan Raskin of the Town of Darrington in his email dated January 26, 2024. These revisions to Addition Areas 1 and 2 resolve the concerns identified in the staff recommendation to Planning Commission, as detailed below. There were no revisions to the Removal Area.

Revisions to North Addition (Addition Area 1)

1. The westernmost 4.5 acres of the proposed north addition area that is currently designated Commercial Forest – Forest Transition Area on the Snohomish County Growth Management Act Comprehensive Plan (GMACP) Future Land Use (FLU) Map and encumbered with critical areas, were removed from the north addition area. As a result, the revised DR1 proposal does not add any designated resource lands to the Urban Growth Area (UGA), and it reduces the amount of critical areas being added to the UGA by 4.5 acres. This revision helps resolve inconsistencies with the following approval criteria:
 - SCC 30.74.060(2)(a) by providing consistency with Snohomish County GMACP Land Use Element policy LU 1.A.7 (proposed to be renumbered as LU 1.A.6 as part of the 2024 Update) by not adding designated resource lands to the UGA; and
 - SCC 30.74.060(2)(e) by providing consistency with RCW 36.70A.130(3)(c)(ii) by not adding designated resource lands to the UGA, and by providing consistency with RCW 36.70A.130(3)(c)(iii) by reducing the amount of critical areas being added to the UGA to under 15% of the total added area.

2. The northernmost parcels and adjacent right-of-way comprising 19.9 acres of the proposed north addition area, which were proposed for redesignation to Urban Low Density Residential-3 (ULDR-3), were removed from the north addition area. The parcels removed are those that are north of the prominent utility easement and a road right-of-way, resulting in a well-defined northern physical boundary at that location. This revision reduces the additional residential development capacity in the north addition and helps resolve inconsistencies with the following approval criteria:
 - SCC 30.74.060(2)(b) by reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity in a UGA without sanitary sewer service;
 - SCC 30.74.060(2)(c) by reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity consistent with GMACP policy LU 1.A.14 (proposed to be renumbered as LU 1.A.11 as part of the 2024 Update) for UGA swaps;
 - SCC 30.74.060(2)(d) by reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity consistent with Countywide Planning Policies (CPP) policy DP-3 for UGA swaps; and
 - SCC 30.74.060(2)(e) by:
 - reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity through UGA expansion in a UGA that has sufficient capacity to achieve the adopted initial 2044 growth targets consistent with RCW 36.70A.110(2) of the GMA; and
 - reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity in a UGA that has sufficient capacity to achieve the adopted initial 2044 growth targets and is not served by high-capacity transit consistent with the GMA requirement

for consistency with the Puget Sound Regional Council VISION 2050 Multicounty Planning Policies (MPPs) RGS-4, RGS-6, and RGS-12.

3. The southeast corner of the north addition area, comprising 9.5 acres east of the top of a steep slope and an area within the 100-year floodplain of the Sauk River, was removed from the proposal. This area is designated Rural Conservancy in the Snohomish County Shoreline Management Program (SMP). This revision reduces the amount of critical areas being added to the UGA by 9.5 acres. This revision helps resolve inconsistencies with the following approval criteria:
 - SCC 30.74.060(2)(a) by providing consistency with the SMP, an element of the GMACP, by not adding an area designated Rural Conservancy to the UGA; and
 - SCC 30.74.060(2)(e) by:
 - not expanding the UGA into the 100-year floodplain consistent with RCW 36.70A.110(8) which prohibits expansion of a UGA into the floodplain of a river west of the Cascade Mountains with mean annual flow of one thousand or more cubic feet per second except in special circumstances; and
 - resolving an inconsistency with RCW 36.70A.130(3)(c)(iii) by reducing the amount of critical areas being added to the UGA to less than 15% of the total added area.

Revisions to South Addition (Addition Area 2)

4. The western 1.7-acre parcel in the proposed south addition area, which was proposed for redesignation to Urban Low Density Residential-3 (ULDR-3) and is encumbered with critical areas, was removed from the south addition area. This revision slightly reduces the additional residential development capacity in the south addition, and it reduces the amount of critical areas being added to the UGA by 1.6 acres. This revision helps resolve inconsistencies with the following approval criteria:
 - SCC 30.74.060(2)(c) by reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity consistent with GMACP policy LU 1.A.14 (proposed to be renumbered as LU 1.A.11 as part of the 2024 Update) for UGA swaps;
 - SCC 30.74.060(2)(d) by reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity consistent with CPP policy DP-3 for UGA swaps, and
 - SCC 30.74.060(2)(e) by:
 - reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity through UGA expansion in a UGA that has sufficient capacity to achieve the adopted initial 2044 growth targets consistent with RCW 36.70A.110(2) of the GMA;
 - contributing to a proposal that is consistent with the GMA provision for UGA adjustments in RCW 36.70A.130(3)(c)(iii) by reducing the amount of critical areas being added to the UGA to less than 15% of the total added area; and
 - reducing the residential capacity contributing to a proposal that does not increase residential, commercial, or industrial capacity in a UGA that has sufficient capacity to achieve the adopted initial 2044 growth targets and is not served by high-capacity transit consistent with the GMA requirement for consistency with the Puget Sound Regional Council VISION 2050 Multicounty Planning Policies (MPPs) RGS-4, RGS-6, and RGS-12.

Analysis of Revised Proposal

The revised DR1 – Town of Darrington docket proposal consists of FLU Map amendments to:

1. Removal Area: remove 262 acres from the western part of the Town of Darrington UGA and redesignate from ULDR-3, Urban Industrial (UI), and Public/Institutional Use (P/IU) to Rural Residential-Rural Diversification (RR-RD), Commercial Forest-Forest Transition Area (CF-FTA), and Rural Industrial (RI), and rezone the area from Heavy Industrial (HI) and R-12,500 to Rural Diversification (RD), Forestry (F), and RI.
2. North Addition: add 125.4 acres to the north of the Town of Darrington UGA and redesignate from Low Density Rural Residential (LDRR), RI, and RR-RD with the Rural Urban Transition Area (RUTA) overlay to P/IU, UI, and ULDR-3, and rezone the area from F, RD, and RI to R-12,500 and HI.
3. South Addition: add 6.2 acres to the south of the Town of Darrington UGA and redesignate from Rural Residential-5 (RR-5) to ULDR-3 and rezone the area from RD to R-12,500.

This proposal is consistent with all of the criteria in SCC 30.74.060(2). It resolves the major issues causing inconsistencies in the proposal that was studied for the original staff recommendation and considered by the Planning Commission:

- It does not add to the UGA any area within the 100-year floodplain.
- It does not include any designated resource land within the UGA addition area.
- Rather than increasing the population capacity by 38, the population capacity would fall by 5 persons relative to the No Action capacity estimate – and still be sufficient to accommodate the adopted initial 2044 growth target.
- Critical areas, as defined in GMA,¹ make up approximately 15.6 acres within the addition areas, 11.9% of the area being added to the UGA – less than 15% as required by RCW 36.70A.130(3)(c)(iii).

The staff recommendation to the County Council is to approve the revised DR1 – Town of Darrington docket proposal.

Comments from Sauk-Suiattle Indian Tribe Tribal Council

Written testimony was submitted into the public hearing record by Nino Maltos II, Chairman of the Sauk-Suiattle Indian Tribe Tribal Council dated October 31, 2023. The comments express concern regarding a lack of government to government consultation and a lack of notice of the proposal in advance of the Planning Commission hearing. The testimony identifies that 65.84 acres of land owned by the Sauk-Suiattle Indian Tribe are included within the UGA removal area, that it is not clear the GMA applies to tribally owned lands, and that the Sauk-Suiattle Indian Tribe's management of its lands should not be affected by this proposal.

Based on Snohomish County Assessor records, there are two parcels comprising 66.71 acres owned by the Sauk-Suiattle Indian Tribe within the UGA removal area of the DR1 proposal.² The PDS database

¹ Note that unbuildable area for capacity calculations includes some areas that are not critical areas under GMA, including major utility easements and non-fish bearing streams, and regulatory buffers for wetlands, as examples. Per RCW 36.70A.030(11), critical areas are defined: "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

² Assessor parcel data also shows that there are three parcels owned by Sauk-Suiattle Indian Tribe within the area west of and adjacent to the UGA removal area that is proposed as part of the Executive Recommended 2024 Update for deletion of the RUTA designation on the FLU Map as a technical amendment to the FLU Map if the DR1 proposal

does not include any records showing tribal trust status of these properties. There are FLU designations shown for those properties both on the current and the proposed FLU Map. The smaller parcel of the two, which is 0.87 acres at 44211 State Route 530 NE, is shown as “Tribes” on the County’s official zoning map with no zoning designation.

Regarding consultation on the 2024 Update generally, beginning in 2022 and continuing through the end of 2023, emails were sent by PDS staff to Nino Maltos II, Chairman of the Sauk-Suiattle Indian Tribe, and Kevin Joseph, Tribal Historic Preservation Officer, using contact information provided by the Washington State Department of Archaeology and Historic Preservation, and other email addresses identified as contact information on the Sauk-Suiattle Indian Tribe's official website. The emails contained invitations to consult on the development of the Tribal Coordination Element and on the 2024 Comprehensive Plan Update. While no response was received to any email sent regarding the 2024 Update or Tribal Coordination Element, PDS welcomes the participation of the Sauk-Suiattle Indian Tribe should they choose to consult on the Update or Tribal Coordination Element.

Notification of the Planning Commission public hearing for the DR1 docket proposal and the broader 2024 Update was performed in at least two ways:

- According to the mailing list, eight postcard notices were mailed to the office of the Sauk-Suiattle Indian Tribe at 5318 Chief Brown Ln, Darrington, WA 98241-9420 for properties in or near the proposed DR1 land use amendments, and one was mailed to Occupant at 44211 State Route 530 NE, Darrington, WA 98241-0001. These were mailed on or around September 6, 2023.
- Notice of the public hearing was also posted on a sign on the north side of SR 530 adjacent to the removal area at a location roughly one-half mile east of the 44211 State Route 530 NE property on October 9, 2023.

If these notices were not received, thankfully the Sauk-Suiattle Indian Tribe Tribal Council did learn of the public hearing in time to provide testimony.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager

is approved, because that area would no longer be adjacent to the UGA and would therefore not meet criteria to be designated within the RUTA.