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Docket Cycle Update Ordinance 24-112 (ECAF 2024-2999)					
Hearing Date: Wednesday, January 8, 2025 @ 10:30 a.m.					
Council Staff: Ryan Countryman PDS Staff: Hilary McGowan DPA: Jessica Kraft-Klehm					
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Adopted:
Effective:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-112

RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.74 SCC; CONCERNING THE
DOCKET CYCLE UPDATE

WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations; and

WHEREAS, the County Council adopted chapter 30.74 SCC, "Growth Management Act Public Participation Program Docketing," (docket procedures) in 2002 to comply with the requirements of RCW 36.70A.130 and .470; and

WHEREAS, the County Council made substantial revisions to the county's public participation docket procedures (chapter 30.74 SCC) in 2010 via Amended Ordinance No. 10-022, and in 2017 via Ordinance No. 17-100; and

WHEREAS, the County Council also amended the submittal requirements for docket proposals in SCC 30.74.020 in 2011 via Amended Ordinance No. 11-050, however, not all of the amended language was reflected in the ordinance in strikeout and underline format and a code reviser note was added to the online published code explaining the discrepancy; and

WHEREAS, the County Council affirms the amendments to SCC 30.74.020 that were adopted by Amended Ordinance No. 11-050 are reflected in the online published code as intended; and

WHEREAS, in 2022 the Washington State Legislature enacted Engrossed Second Substitute House Bill 1241 that changed the GMA comprehensive plan update cycle in RCW 36.70A.130 from every eight years to every ten years; and

WHEREAS, the County's timelines for reviewing docket proposals in chapter 30.74 SCC are aligned to the former eight-year comprehensive plan update cycle and are now out of sync with the current 10-year update cycle; and

WHEREAS, amendments to the docketing procedures in chapter 30.74 SCC are proposed to align the requirements for submitting and reviewing docket proposals with the new comprehensive plan update cycle and to ensure consistency with requirements in the GMA and chapter 30.74 SCC; and

1 WHEREAS, the Snohomish County Planning Commission (the “Planning Commission”) was
2 briefed by PDS staff about the proposed code amendments, and following a public hearing to receive
3 public testimony voted to recommend approval of the proposed amendments contained in this
4 ordinance; and

5
6 WHEREAS, on _____, 2024, the Snohomish County Council (“County Council”) held a
7 public hearing after proper notice, and considered public comment and the entire record related to the
8 code amendments contained in this ordinance;

9
10 NOW, THEREFORE, BE IT ORDAINED:

11
12 Section 1. The County Council makes the following findings:

- 13
14 A. The County Council adopts and incorporates the foregoing recitals as findings as if set forth fully
15 herein.
16
17 B. Amendments to the docket schedule for major and minor docket applications in SCC 30.74.015 are
18 to be consistent with the County’s 10-year comprehensive plan update cycle.
19
20 C. Amendments to the docket proposal submittal requirements in SCC 30.74.020(1)(e) include an
21 explanation of how the proposed amendment is consistent with the Puget Sound Regional Council’s
22 VISION 2050 Multicounty Planning Policies (MPP). The amendment will ensure consistency with the
23 initial review and evaluation criteria in SCC 30.74.030(1)(a), specifically whether the proposed
24 amendment is consistent with the countywide planning policies (CPPs), the MPPs, the GMA, and
25 other applicable state and federal laws.
26
27 D. The County Council also provides the following legislative history of SCC 30.74.020(2) in order to
28 eliminate the need for the Code Reviser Note to SCC 30.74.020 in the published online code.
29
30 1. The submittal requirements for docket proposals in SCC 30.74.020 was amended by Amended
31 Ordinance No. 10-022 to add a new subsection (2) concerning docket proposals that include an
32 expansion of an Urban Growth Area (UGA) that would increase the residential land capacity.
33
34 2. SCC 30.74.020(2) was amended by Amended Ordinance No. 11-050 to be more consistent with
35 earlier 2011 revisions to the CPPs and general policy plan of the comprehensive plan that
36 addressed UGA expansions and contractions.
37
38 3. Amended Ordinance No. 11-050 included the text of all proposed changes to SCC 30.74.020(2),
39 however not all changes were reflected in underline and strikeout format.
40
41 4. The Code Reviser included all the changes that were intended by Amended Ordinance No. 11-
42 050 in the online published code under the authority in SCC 1.02.020(2)(g), and added the

1 following Code Reviser Note that shows those amendments that were not correctly reflected in
2 underline and strikeout format:

3
4 (2) If a proposal includes an expansion of an Urban Growth Area that would result
5 in a net increase in residential or employment land capacity and the most recent
6 Buildable Lands Report indicates that no additional (~~residential~~) land capacity of
7 that type is needed in that Urban Growth Area, the proposal must also include
8 removal of land from that Urban Growth Area so that the (~~residential~~) land
9 capacity is not increased. The properties proposed for removal from the Urban
10 Growth Area must be contiguous with the Urban Growth Area boundary and be
11 rural in character with rural densities.
12

13 5. The County Council affirms the amendments to SCC 30.74.020(2) that were adopted through
14 Amended Ordinance No. 11-050 are reflected in the published online code as intended and the
15 Code Reviser Note will be removed.
16

17 E. Amendments to the final docket processing requirements in SCC 30.74.060(1) include adding
18 federally recognized Indian tribes in the distribution list for public notification in the comprehensive
19 plan and the final docket. The amendment is to better align with the requirement in RCW
20 36.70A.110(9) to notify and consult with affected federally recognized Indian tribes regarding
21 proposed revisions to the County's urban growth areas. The state legislature recently adopted the
22 amendments to RCW 36.70A.110(9) through Senate Bill 5834 that became effective on June 6, 2024.
23

24 F. Amendments to the final docket approval criteria in SCC 30.74.060(2) will add that the proposed
25 amendment must be consistent with the MPPs, to ensure consistency with the docket proposal
26 submittal requirements in SCC 30.74.020 and the initial review and evaluation criteria in SCC
27 30.74.030(1).
28

29 G. In developing the amendments, the County considered the following GMA goals:
30

31 GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into
32 sprawling, low-density development.
33

34 The amendment to update the docket cycle to reflect the comprehensive plan update cycle supports
35 the GMA goal to reduce sprawl through allowing the county to use demographic and other updated
36 data from the state for development assessments of how the county is growing and its growth
37 needs.
38

39 GMA Goal 11 – Citizen participation and coordination. Encourage the involvement of citizens in
40 the planning process, including the participation of vulnerable populations and overburdened
41 communities, and ensure coordination between communities and jurisdictions to reconcile
42 conflicts.
43

1 The amendment to add federally recognized Indian tribes to the required distribution list for the
2 final docket supports the citizen participation and coordination GMA goal through ensuring that
3 coordination is consistent amongst all jurisdictions and tribes in the county. Updating the docket
4 cycle to reflect the comprehensive plan update schedule also ensures that the public's expectations
5 for amending the comprehensive plan can better reflect changes related to major and minor docket
6 applications and annual versus major updates for the comprehensive plan.
7

8 H. The amendments are consistent with the following multicounty planning policies (MPPs) from Puget
9 Sound Regional Council VISION 2050:
10

11 MPP-RGS-2 – Use consistent countywide targeting processes for allocating populations and
12 employment growth consistent with the regional vision, including establishing: (a) local
13 employment targets, (b) local housing targets based on population projections, and (c) local
14 growth targets for each designated regional growth center and manufacturing/industrial center.
15

16 MPP-RGS-4 – Accommodate the region's growth first and foremost in the urban growth area.
17 Ensure that development in rural areas is consistent with the regional vision and the goals of the
18 Regional Open Space Conservation Plan.
19

20 MPP-RGS-6 – Encourage efficient use of urban land by optimizing the development potential of
21 existing urban lands and increasing density in the urban growth area in locations consistent with
22 the Regional Growth Strategy.
23

24 MPP-RGS-9 – Focus a significant share of population and employment growth in designated
25 regional growth centers.
26

27 The change to update the docket cycle to reflect the comprehensive plan update cycle supports
28 these MPP Regional Growth Strategy goals by also aligning with US census products that are inputs
29 for demographic projections. These demographic projections are necessary to identify population
30 and employment growth and to better encourage the efficient use of urban land and regional
31 growth centers. Dockets in this new timeline will be processed using this data to be better aligned
32 with state, regional, and local policies and regulations to focus growth in non-rural areas. Proposed
33 amendments to include consistency with the MPPs during submittal and final review also ensure
34 that each docket proposal incorporates and is consistent with the important policies of VISION 2050.
35

36 I. The amendments are consistent with the following countywide planning policies (CPPs):
37

38 JP-3 – Encourage policies that allow accessible, effective and frequent interjurisdictional
39 coordination relating to the consistency of comprehensive plans in a particular Urban Growth
40 Area (UGA) and to the expansion of a UGA.
41

42 JP-7 Snohomish County Tomorrow, the County, and cities should coordinate countywide and
43 local planning efforts with tribes, recognizing the shared benefits and impacts of growth
44 occurring within and outside of Tribal Reservation lands.
45

1 The amendment to add federally recognized Indian tribes to the required distribution list for the
2 final docket supports these CPPs through expanding interjurisdictional coordination for docket
3 proposals and potential expansions of the UGA.

4
5 The amendments are also consistent with DP-2, which establishes requirements for expansion of
6 UGA boundaries.

7
8 The amendment to update the docket cycle to reflect the comprehensive plan update cycle supports
9 this CPP policy by allowing for the most up-to-date demographic projections to be used for docket
10 cycle changes to the UGA. These demographic projections provide essential information for
11 processing docket applications and reports such as the Buildable Lands Report and the Growth
12 Monitoring Report. Additionally, the proposed change to update the submittal requirements to
13 include the MPPs supports this CPP to align with regional policies and projections that the county
14 utilizes for docket and UGA expansion review.

15
16 J. The amendments are consistent with and help implement the county’s comprehensive plan. The
17 following policies apply to the code amendments in this ordinance:

18
19 LU 1.A.9 – Expansion of the boundary of an individual UGA to include additional residential,
20 commercial, or industrial land capacity shall not be permitted unless it complies with the
21 Growth Management Act, is consistent the Countywide Planning Policies and complies with the
22 criteria established in Countywide Planning Policy DP-2.

23
24 LU 1.C.4 – The county may consider the expansion of UGA boundaries as part of an update to
25 the Comprehensive Plan as required by the GMA, or as a part of a growth target and plan
26 reconciliation process that follows an update. In situations where urban infrastructure or special
27 regulatory controls are needed and anticipated but are not in place to serve the population and
28 employment allocated to the UGA the county may defer implementing zoning. Where such UGA
29 expansions with deferred implementing zoning are approved, no rezoning of properties within
30 the expansion area may occur until: (1) necessary capital facilities plan updates have been
31 completed and adopted by the utility provider; or (2) the necessary development regulations
32 have been adopted.

33
34 The amendment to update the docket cycle to reflect the comprehensive plan update cycle supports
35 these land use policies by aligning requirements for UGA boundary line changes to align with the
36 requirements in CPP DP-2. Positioning the docket cycle updates to the new 10-year comprehensive
37 plan update better aligns with US census products that are inputs for demographic projects as used
38 by the state, region, and county for evaluating dockets. Additionally, amending the MPP review
39 criteria to be consistent at all stages promotes further alignment with review for potential UGA
40 boundary changes.

41
42 Goal IC – Promote the coordination of planning, financing, and implementation programs
43 between the county and local jurisdictions including tribal governments.

1 The amendment to add tribes to the required distribution list of the final docket review supports
2 this GPP through promoting coordination of planning between the county and tribal governments.

3
4 K. Procedural requirements.

- 5
6 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC
7 30.73.010.
8
9 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments
10 was transmitted to the Washington State Department of Commerce for distribution to state
11 agencies on July 9, 2024.
12
13 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
14 non-project action have been satisfied through the completion of an environmental checklist
15 and the issuance of a determination of non-significance on July 9, 2024.
16
17 4. The public participation process used in the adoption of this ordinance complies with all
18 applicable requirements of the GMA and the SCC, including but not limited to, RCW 36.70A.035,
19 RCW 36.70A.140, and chapter 30.73 SCC.
20
21 5. The Planning Commission was briefed on the proposed amendments at its June 25, 2024,
22 meeting and conducted a public hearing on the proposed amendments at its July 23, 2024,
23 meeting, resulting in its letter on August 7, 2024, recommending approval of the code
24 amendments contained in this ordinance.
25
26 6. The Washington State Attorney General last issued an advisory memorandum, as required by
27 RCW 36.70A.370, in October of 2024 entitled “Advisory Memorandum and Recommended
28 Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional
29 Takings of Private Property” to help local governments avoid the unconstitutional taking of
30 private property. The process outlined in the State Attorney General’s 2024 advisory
31 memorandum was used by Snohomish County in objectively evaluating the regulatory changes
32 proposed by this ordinance.
33

34 L. These amendments are consistent with the record.
35

36 Section 2. The county council makes the following conclusions:
37

- 38 A. The proposal complies and is consistent with the GMA, Washington State law, and the Snohomish
39 County Code.
40
41 B. The proposal complies and is consistent with the goals, objectives and policies of the county’s
42 comprehensive plan.
43
44 C. The county has complied with all SEPA requirements with respect to this non-project action.
45

1 D. The public participation process used in the adoption of this ordinance complies with all applicable
2 requirements of the GMA and Title 30 SCC.

3
4 E. The amendment proposed by this ordinance does not result in an unconstitutional taking of private
5 property for a public purpose.
6

7 Section 3. The County Council bases its findings and conclusions on the entire record of the
8 County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion,
9 and any conclusion which should be deemed a finding, is hereby adopted as such.
10

11 Section 4. Snohomish County Code Section 30.74.015, last amended by Amended Ordinance No.
12 18-025 on April 25, 2018, is amended to read:
13

14 **30.74.015 Annual docket process.**

15
16 (1) The department shall give initial consideration to proposed amendments every year according
17 to the procedures and criteria in SCC 30.74.030 and 30.74.040.
18

19 (2) The county council shall consider which amendments should be processed further according to
20 the procedures in SCC 30.74.050 and the following schedule:
21

22 (a) In the (~~first~~) second year and (~~fifth~~) sixth year following an update of the
23 comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall
24 consider which amendments should be processed further on a docket of minor
25 amendments.
26

27 (b) In the (~~second~~) third year following an update of the comprehensive plan as
28 required by RCW 36.70A.130(3)(a), the county council shall consider which
29 amendments should be processed further on a docket that may include major and
30 minor amendments.
31

32 (c) In the (~~sixth~~) eighth year following an update of the comprehensive plan as
33 required by RCW 36.70A.130(3)(a), the county council shall consider which
34 amendments should be processed further on a docket concurrently with the next
35 update of the comprehensive plan under RCW 36.70A.130(3)(a) and may include
36 major and minor amendments.
37

38 (3) The county council has the legislative discretion to place a proposed amendment on the final
39 docket for further consideration, to direct that the proposed amendment not be processed
40 further, or to address a proposal pursuant to one of the options set forth in SCC 30.74.050(3)
41 when the recommendation from the department is that the proposal not be further processed.
42

43 (4) The department shall process the final docket of proposed amendments according to the
44 procedures and the criteria in SCC 30.74.060.
45

46 (5) An applicant may withdraw their proposed amendment at any time during the docket process.

1
2 Section 5. Snohomish County Code Section 30.74.020, last amended by Amended Ordinance No.
3 11-050 on September 28, 2011, is amended to read:
4

5 **30.74.020 Submittal requirements.**
6

7 (1) Any person proposing amendments to the comprehensive plan or development regulations
8 under this chapter must submit the following to the department:
9

- 10 (a) A description of the proposed amendment including proposed map or text changes;
11
12 (b) The location of the property that is the subject of amendment on an assessor map
13 dated and signed by the applicant, if the proposal is for a future land use map
14 amendment;
15
16 (c) A legal description and a notarized signature of one or more owners, if a rezone is
17 requested by owners concurrent with a requested future land use map amendment;
18
19 (d) An explanation of why the amendment is being proposed;
20
21 (e) An explanation of how the proposed amendment is consistent with the GMA, the
22 multicounty planning policies, the countywide planning policies, and the goals and
23 objectives of the comprehensive plan;
24
25 (f) If applicable, an explanation of why existing comprehensive plan language should be
26 added, modified, or deleted; and
27
28 (g) A SEPA checklist.
29

30 (2) If a proposal includes an expansion of an Urban Growth Area that would result in a net
31 increase in residential or employment land capacity and the most recent Buildable Lands
32 Report indicates that no additional land capacity of that type is needed in that Urban Growth
33 Area, the proposal must also include removal of land from that Urban Growth Area so that the
34 land capacity is not increased. The properties proposed for removal from the Urban Growth
35 Area must be contiguous with the Urban Growth Area boundary and be rural in character with
36 rural densities.
37

38 Section 6. Snohomish County Code Section 30.74.060, last amended by Amended Ordinance No.
39 17-100 on November 29, 2017, is amended to read:
40

41 **30.74.060 Processing of final docket.**
42

43 (1) The department shall distribute the final docket to any state or local agency and federally
44 recognized Indian tribe which is required by law to review and evaluate proposed amendments
45 and revisions to the comprehensive plan and implementing development regulations. The

1 department shall also conduct any review required by SEPA of the proposed amendments and
2 revisions listed on the final docket.

3
4 (2) The department will process the final docket in accordance with chapter 30.73 SCC, except as
5 provided to the contrary in this section. The department shall prepare a report including a
6 recommendation on each proposed amendment and forward the report to the planning
7 commission. The department will recommend approval if all the following criteria are met:
8

9 (a) The proposed amendment and any related proposals on the current final docket
10 maintain consistency with other plan elements or development regulations;

11
12 (b) All applicable elements of the comprehensive plan, including but not limited to the
13 capital plan and the transportation element, support the proposed amendment;

14
15 (c) The proposed amendment more closely meets the goals, objectives and policies of
16 the comprehensive plan than the relevant existing plan or code provision;

17
18 (d) The proposed amendment is consistent with the countywide planning policies;

19
20 (e) The proposed amendment is consistent with the multicounty planning policies;

21
22 ~~((e))~~ (f) The proposed amendment complies with the GMA; and

23
24 ~~((f))~~ (g) New information is available that was not considered at the time the relevant
25 comprehensive plan or development regulation was adopted that changes underlying
26 assumptions and supports the proposed amendment.

27
28 (3) Unless otherwise directed by the county council, any county department that conducts review
29 and evaluation of the proposed amendments, including any necessary environmental review
30 pursuant to SEPA, shall complete its evaluation prior to action by the planning commission on
31 the proposed amendments, except that a final or final supplemental environmental impact
32 statement must be completed no later than seven days prior to final action by the county
33 council.
34

35 (4) For final dockets that are limited to minor proposals by SCC 30.74.015(2)(a), the department and
36 the planning commission shall complete their processing of the final docket and transmit final
37 recommendations to the county council within 12 months of the date the county council sets
38 the final docket, except as provided by subsection (6) of this section.
39

40 (5) For final dockets that may include major or minor proposals under SCC 30.74.015(2)(b), the
41 department and the planning commission shall complete their processing of the final docket and
42 transmit final recommendations to the county council within 24 months of the date the county
43 council sets the final docket, except as provided by subsection (6) of this section.
44

45 (6) If the department determines that a proposed amendment on the final docket requires
46 additional time for processing, the department shall seek direction from the county council on

1 whether to shift that proposed amendment to a future batch or whether to keep it in its current
2 batch and delay final action on the entire batch.

3
4 (7) Consistent with SCC 30.73.070(1), the county council is not required to take action on any
5 proposed amendment on the final docket. The options available to the county council include,
6 but are not limited to:

7
8 (a) Adopting the proposed amendment from the final docket;

9
10 (b) Amending and adopting the proposed amendment consistent with chapter 30.73
11 SCC;

12
13 (c) Removing the proposed amendment from the final docket by motion;

14
15 (d) Not introducing an ordinance to approve the proposed amendment;

16
17 (e) Delaying consideration of the proposed amendment to a future docket; or

18
19 (f) Otherwise not taking action on the proposed amendment.

20
21 (8) If the county council removes a proposed amendment from the final docket by motion under
22 subsection (7)(c) of this section, it shall refund to the applicant the unspent portion of the
23 money the applicant paid to the county for SEPA environmental review and studies in
24 connection with the proposed amendment being on the final docket.

25
26 (9) If the county council does not take action on a proposed amendment within one year of the
27 planning commission hearing on that proposed amendment, the proposed amendment shall be
28 removed from the final docket and not processed further.

29
30 (10)The applicant shall be responsible for the cost of printing, publishing, and mailing of any SEPA
31 notification required for the applicant's final docket proposal by chapter 30.61 SCC.

32
33 (11)The applicant shall be responsible for the cost of printing, publishing, and mailing of notice for
34 any public hearing required for the applicant's final docket proposal by chapter 30.73 SCC.

35
36 Section 7. Severability and Savings. If any section, sentence, clause, or phrase of this ordinance
37 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
38 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
39 constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however,
40 that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or
41 court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the
42 effective date of this ordinance shall be in full force and effect for that individual section, sentence,
43 clause, or phrase as if this ordinance had never been adopted.

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PASSED this _____ day of _____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council


- APPROVED
- EMERGENCY
- VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

 11/7/2024

Deputy Prosecuting Attorney



Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

ECAF: 2024-2999

Ordinance: 24-112

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

EXHIBIT # 3.2.001

FILE ORD 24-112

Subject: Code Amendment – Comprehensive Plan Docket Cycle.

Scope: Ordinance 24-112 would amend Chapter 30.74 SCC concerning the docket cycle.

Duration: N/A

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted:

None

Background:

The Growth Management Act (GMA), RCW 36.70A, requires Snohomish County to have a process for considering changes to the comprehensive plan proposed by the public or other agencies. This process is known as docketing. With limited exceptions, jurisdictions may update their comprehensive plans no more than once per year.

Major periodic updates occur based on a review cycle in RCW 36.70A.130. The docketing cycle in Chapter 30.74 SCC is based on a former 8-year GMA cycle for periodic plan updates. SCC 30.71.015 establishes timeframes for consideration of minor and major docket proposals within the periodic update cycle. In 2022, the Legislature changed the periodic review cycle to a 10-year period.

Ordinance 24-112 would amend Chapter 30.74 SCC to reflect the new 10-year cycle for periodic plan updates. It also lists consistency with Multicounty Planning Policies as a review requirement¹, adds language to include federally recognized Indian Tribes in docketing notification, and makes housekeeping changes.

Request:

Move to General Legislative Session on December 11, 2024, to set time and date for a public hearing. Suggested: Wednesday, January 8, 2025, at 10:30 am.

¹ Consistency with the MPPs is already a GMA requirement that Snohomish County has been applying during docket review based on state law. Inclusion in county code improves clarity of the requirements for docket applicants.



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604

Everett, WA 98201-4046

(425) 388-3311

www.snoco.org**MEMORANDUM**

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: Hilary McGowan, Senior Planner

SUBJECT: Memo: Proposed Code Amendments Relating to the Docket Cycle Update

DATE: June 6, 2024

INTRODUCTION

The purpose of this staff report is to provide information about proposed code amendments related to the docket cycle and docket process. A briefing to the Planning Commission on the proposed code amendments is scheduled for June 25, 2024. The proposed code relates to the docket cycle, docket noticing requirements, and consistency among docket application submittal requirements and review criteria.

BACKGROUND & FINDINGS

Chapter 30.74 of the Snohomish County Code (SCC) establishes a process for the public to propose amendments to the comprehensive plan and implementing development regulations adopted under the Growth Management Act (GMA). The proposed amendments to Chapter 30.74 SCC aim to resolve four issues described below.

- (1) Align with the 10-year GMA Update Cycle. On March 31, 2022, the Washington State Legislature passed [Engrossed Second Substitute House Bill 1241](#), amending RCW 36.70A.130, that changed the GMA Comprehensive Plan update cycle from every 8 years, to every 10 years. The change to a 10-year comprehensive plan update cycle supports comprehensive planning through better aligning with US census products that are inputs for demographic projections. The County's docket cycle is based around the old 8-year comprehensive update cycle, and amendments are proposed to the docket schedule in SCC 30.74.015 to be consistent with the new 10-year cycle. This alignment will also allow the county to utilize the demographic projections from the state in the county's reviews.
- (2) Submittal Requirements to include Multi-County Planning Policies (MPPs). The submittal requirements for processing docket proposals in SCC 30.74.020 need to be consistent with the requirements for the initial county staff review of docket applications detailed within SCC 30.74.030. The proposed amendment would update the docket submittal requirements in SCC 30.74.020(1)(e) to add consistency with the Puget Sound Regional Council's VISION 2050 MPPs which is already included in the initial review criteria in SCC 30.74.030(a).
- (3) Incorporate 2011 Amendments to Resolve a Code Reviser's Note. SCC 30.74.020 includes a code reviser note that informs the public that amendments to SCC 30.74.020 were adopted by the County Council in 2011 by Amended Ordinance No. 11-050, although not all amendments were correctly displayed in the ordinance in the underline/strikeout format. Regardless of the error in the

Ordinance, the text of SCC 30.74.020(2) as intended in Amended Ordinance No. 11-050 is reflected in current code. The code reviser's note shows the amended language in Amended Ordinance No. 11-050 that was not reflected correctly in strikeout/underline format. The code reviser note in SCC 30.74.020 is proposed to be stricken as the current code already reflects the changes made in Amended Ordinance No. 11-050.

- (4) Processing of Final Docket Requirements to include MPPs and Notification to Tribes. The requirements for processing the final docket in SCC 30.74.060 need to be consistent with the requirements for initial county staff review of docket applications detailed within SCC 30.74.030 and state law noticing requirements. The proposed amendment would update the final docket approval criteria in SCC 30.74.060(2) to add consistency with the Puget Sound Regional Council's VISION 2050 MPPs, which is included in the initial review criteria in SCC 30.74.030(a) and is proposed to be included in the submittal requirements in SCC 30.74.020(1)(e). SCC 30.74.060(1) is also proposed to be amended to include tribes in the distribution list for public notification of the final docket. The proposed amendment is consistent with new legislation that requires counties to notify affected federally recognized Indian tribe(s) of any proposed revision(s) to the Comprehensive Plan. This new legislation was enacted by [SB 5834](#), becomes effective on June 6, 2024, and will be codified at RCW 36.70A.110(9)(b).

SUMMARY OF PROPOSED CHANGES

- (1) Amend SCC 30.74.015 to reflect a 10-year docket cycle instead of the current 8-year docket cycle.
- (2) Amend SCC 30.74.020(1)(e) to add consistency with the MPPs to the docket submittal requirements.
- (3) Remove the code reviser note in SCC 30.74.020.
- (4) Amend SCC 30.74.060 to add consistency with the MPPs to the final docket approval criteria and add tribes to the required distribution list for the final docket review.

The table below provides the docket cycle as described within the amended SCC 30.75.015. It will not be included in code; the table is provided here for illustrative purposes.

Proposed 10-Year Docket Cycle Table as stated in SCC 30.74.015

	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Years Following Update	0	1	2	3	4	5	6	7	8	9	10
Minor Amendments Considered		<i>Apply</i>	<i>Set</i>	<i>Adopt</i>							
Minor and Major Amendments Considered (ex. UGA Adjustments)			<i>Apply</i>	<i>Set</i>		<i>Adopt</i>					
Minor Amendment Considered						<i>Apply</i>	<i>Set</i>	<i>Adopt</i>			
Minor, Major, and 2034 Update								<i>Apply</i>	<i>Set</i>		<i>Adopt</i>

PROPOSED CODE AMENDMENTS

Proposed Language	Findings
<p>SCC 30.74.015 Annual docket process.</p> <p>(1) The department shall give initial consideration to proposed amendments every year according to the procedures and criteria in SCC 30.74.030 and 30.74.040.</p> <p>(2) The county council shall consider which amendments should be processed further according to the procedures in SCC 30.74.050 and the following schedule:</p> <p>(a) In the (first) <u>second</u> year and (fifth) <u>sixth</u> year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be processed further on a docket of minor amendments.</p> <p>(b) In the (second) <u>third</u> year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be processed further on a docket that may include major and minor amendments.</p> <p>(c) In the (sixth) <u>eighth</u> year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be</p>	<p>Engrossed Second Substitute House Bill 1241, passed in 2022, amended RCW 36.70A.130, so that the GMA Comprehensive Plan update cycle changed from every 8 years to every 10 years. The change in state law impacts the County’s docket cycle schedule for major and minor docket applications, which is based around the old 8-year GMA comprehensive update cycle. Amendments to the docket schedule in SCC 30.74.015 are proposed to be consistent with the 10-year comprehensive plan update cycle.</p>

<p>Processed further on a docket concurrently with the next update of the comprehensive plan under RCW 36.70A.130(3)(a) and may include major and minor amendments.</p> <p>(3) The county council has the legislative discretion to place a proposed amendment on the final docket for further consideration, to direct that the proposed amendment not be processed further, or to address a proposal pursuant to one of the options set forth in SCC 30.74.050(3) when the recommendation from the department is that the proposal not be further processed.</p> <p>(4) The department shall process the final docket of proposed amendments according to the procedures and the criteria in SCC 30.74.060.</p> <p>(5) An applicant may withdraw their proposed amendment at any time during the docket process.</p>	
<p>SCC 30.74.020 Submittal requirements.</p> <p>(1) Any person proposing amendments to the comprehensive plan or development regulations under this chapter must submit the following to the department:</p> <ul style="list-style-type: none"> (a) A description of the proposed amendment including proposed map or text changes; (b) The location of the property that is the subject of amendment on an assessor map dated and signed by the applicant, if the proposal is for a future land use map amendment; (c) A legal description and a notarized signature of one or more owners, if a rezone is requested by owners concurrent with a requested future land use map amendment; (d) An explanation of why the amendment is being proposed; (e) An explanation of how the proposed amendment is consistent with the GMA, <u>the multicounty planning policies</u>, the countywide planning policies, and the goals and objectives of the comprehensive plan; (f) If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted; and (g) A SEPA checklist. <p>(2) If a proposal includes an expansion of the Urban Growth Area that would result in a net increase in residential or employment land capacity and the most recent Buildable Lands Report indicates that</p>	<p>Proposed amendment to add consistency with the multicounty planning policies to the submittal requirements so they are consistent with the requirements for the initial county staff review of docket applications detailed within SCC 30.74.030.</p> <p>The code reviser's note shows the amended language in Amended Ordinance No. 11-050 that was not reflected correctly in strikeout/<u>underline</u> format. The code reviser note in SCC 30.74.020 is proposed to be stricken as the current code already reflects the changes made in Amended Ordinance No. 11-050.</p>

<p>no additional land capacity of that type is needed in that Urban Growth Area, the proposal must also include removal of land from that Urban Growth Area so that the land capacity is not increased. The properties proposed for removal from the Urban Growth Area must be contiguous with the Urban Growth Boundary and be rural in character with rural densities.</p> <p>((* Code Reviser Note: Amendments to SCC 30.74.020 were adopted by the County Council in Amended Ordinance No. 11-050 but not all amendments were incorporated into the ordinance in underline/strikeout format.</p> <p>((2) If a proposal includes an expansion of an Urban Growth Area that would result in a net increase in residential or employment land capacity and the most recent Buildable Lands Report indicates that no additional ((residential)) land capacity of that type is needed in that Urban Growth Area, the proposal must also include removal of land from that Urban Growth Area so that the ((residential)) land capacity is not increased. The properties proposed for removal from the Urban Growth Area must be contiguous with the Urban Growth Area boundary and be rural in character with rural densities.</p> <p>The correct material is included pursuant to SCC 1.02.020(2)(g.))</p>	
<p>SCC 30.74.060 Processing of final docket.</p> <p>(1) The department shall distribute the final docket to any state or local agency <u>and tribe</u> which is required by law to review and evaluate proposed amendments and revisions to the comprehensive plan and implementing development regulations. The department shall also conduct any review required by SEPA of the proposed amendments and revisions listed on the final docket.</p> <p>(2) The department will process the final docket in accordance with chapter 30.73 SCC, except as provided to the contrary in this section. The department shall prepare a report including a recommendation on each proposed amendment and forward the report to the planning commission. The department will recommend approval if all the following criteria are met:</p> <p>(a) The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations;</p> <p>(b) All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment;</p> <p>(c) The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision;</p>	<p>SCC 30.74.060(1) is a proposed to be amended to include tribes in the distribution list for public notification of the final docket. This proposed amendment is consistent with new legislation in SB 5834, effective on June 6, 2024, and codified at RCW 36.70A.110(9)(b) that states a county must notify the affected federally recognized Indian tribe of the proposed revision(s).</p> <p>Proposed amendment to be consistent with the requirements for initial county staff review of docket applications detailed within SCC 30.74.030, and the proposed amendment to SCC 30.74.020.</p>

(d) The proposed amendment is consistent with the countywide planning policies;

(e) The proposed amendment is consistent with the multicounty planning policies;

((e)) (f) The proposed amendment complies with the GMA; and

((f)) (g) New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes underlying assumptions and supports the proposed amendment.

(3) Unless otherwise directed by the county council, any county department that conducts review and evaluation of the proposed amendments, including any necessary environmental review pursuant to SEPA, shall complete its evaluation prior to action by the planning commission on the proposed amendments, except that a final or final supplemental environmental impact statement must be completed no later than seven days prior to final action by the county council.

(4) For final dockets that are limited to minor proposals by SCC 30.74.015(2)(a), the department and the planning commission shall complete their processing of the final docket and transmit final recommendations to the county council within 12 months of the date the county council sets the final docket, except as provided by subsection (6) of this section.

(5) For final dockets that may include major or minor proposals under SCC 30.74.015(2)(b), the department and the planning commission shall complete their processing of the final docket and transmit final recommendations to the county council within 24 months of the date the county council sets the final docket, except as provided by subsection (6) of this section.

(6) If the department determines that a proposed amendment on the final docket requires additional time for processing, the department shall seek direction from the county council on whether to shift that proposed amendment to a future batch or whether to keep it in its current batch.

(7) Consistent with SCC 30.73.070(1), the county council is not required to take action on any proposed amendment on the final docket. The options available to the county council include, but are not limited to:

(a) Adopting the proposed amendment from the final docket;

<p>(b) Amending and adopting the proposed amendment consistent with chapter 30.73 SCC;</p> <p>(c) Removing the proposed amendment from the final docket by motion;</p> <p>(d) Not introducing an ordinance to approve the proposed amendment;</p> <p>(e) Delaying consideration of the proposed amendment to a future docket; or</p> <p>(f) Otherwise not taking action on the proposed amendment.</p> <p>(8) If the county council removes a proposed amendment from the final docket by motion under subsection (7)(c) of this section, it shall refund to the applicant the unspent portion of the money the applicant paid to the county for SEPA environmental review and studies in connection with the proposed amendment being on the final docket.</p> <p>(9) If the county council does not take action on a proposed amendment within one year of the planning commission hearing on that proposed amendment, the proposed amendment shall be removed from the final docket and not processed further.</p> <p>(10)The applicant shall be responsible for the cost of printing, publishing, and mailing of any SEPA notification required for the applicant’s final docket proposal by chapter 30.61 SCC.</p> <p>The applicant shall be responsible for the cost of printing, publishing, and mailing of notice for any public hearing required for the applicant’s final docket proposal by chapter 30.73 SCC.</p> <p>(11)The applicant shall be responsible for the cost of printing, publishing, and mailing of notice for any public hearing required for the applicant’s final docket proposal by chapter 30.73 SCC.</p>	
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ANALYSIS

The following analysis provides a summary of the proposed code amendments' compliance with state law, regional, countywide planning policies, and county comprehensive plan policies.

Compliance with State Law

The Growth Management Act (GMA) contains planning goals, contained in RCW 36.70A.020, which guide the development of local comprehensive plans and development regulations. The following planning goals apply to the proposed code change:

GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Analysis: The proposed amendment to update the docket cycle to reflect the Comprehensive Plan update cycle supports the GMA goal to reduce sprawl through allowing the county to use demographic and other updated data from the state for developing assessments of how the county is growing and its growth needs.

GMA Goal 11 – Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

Analysis: The proposed amendment to add tribes to the required distribution list for the final docket review supports the citizen participation and coordination GMA goal through ensuring that coordination is consistent amongst all jurisdictions and tribes in the county.

Compliance with the Multi-County Planning Policies

The proposed amendments are consistent with the following multicounty planning policies (MPPs) from the Puget Sound Regional Council’s VISION 2050:

MPP-RC-1 – Coordinate planning efforts among jurisdictions, agencies, federally recognized tribes, ports, and adjacent regions, where there are common borders related regional issues, to facilitate a common vision.

Analysis: The proposed amendment to add tribes to the required distribution list for the final docket review supports this MPP through providing consistent and coordinated efforts to include tribes in the docket review process.

MPP-RGS-2 – Use consistent countywide targeting processes for allocating populations and employment growth consistent with the regional vision, including establishing: (a) local employment targets, (b) local housing targets based on population projections, and (c) local growth targets for each designated regional growth center and manufacturing/industrial center.

MPP-RGS-4 – Accommodate the region’s growth first and foremost in the urban growth area. Ensure that development in rural areas is consistent with the regional vision and the goals of the Regional Open Space Conservation Plan.

MPP-RGS-6 – Encourage efficient use of urban land by optimizing the development potential of existing urban lands and increasing density in the urban growth area in locations consistent with the Regional Growth Strategy.

MPP-RGS-9 – Focus a significant share of population and employment growth in designated regional growth centers.

Analysis: The proposed change to update the docket cycle to reflect the Comprehensive Plan update cycle supports these MPP Regional Growth Strategy goals through providing a docket cycle that reflects comprehensive planning that aligns with US census products that are inputs for demographic projections. These demographic projections are necessary to identify population and employment growth and to better encourage the efficient use of urban land and regional growth centers. Dockets in

this new timeline will be processed using this data to be better aligned with state, regional, and local policies and regulations to focus growth in non-rural areas. Proposed amendments to include consistency with the MPPs during submittal and final review also ensure that each docket proposal incorporates and is consistent with the important policies of VISION 2050.

Compliance with the Countywide Planning Policies

The proposed amendments are consistent with the following countywide planning policies (CPPs):

JP-3 – Encourage policies that allow accessible, effective and frequent interjurisdictional coordination relating to the consistency of comprehensive plans in a particular Urban Growth Area (UGA) and to the expansion of a UGA.

JP-7 Snohomish County Tomorrow, the County, and cities should coordinate countywide and local planning efforts with tribes, recognizing the shared benefits and impacts of growth occurring within and outside of Tribal Reservation lands.

Analysis: The proposed amendment to add tribes to the required distribution list for the final docket review supports these CPPs through expanding interjurisdictional coordination for docket proposals and potential expansions of the UGA.

DP-2 – An expansion of the boundary of an individual Urban Growth Area (UGA) that results in a net increase of residential, commercial or industrial land capacity shall not be permitted unless:

- a. The expansion is supported by a land capacity analysis adopted by the County Council pursuant to RCW 36.70A.110;*
- b. The resulting total additional population capacity within the Snohomish County composite UGA as documented by both City and County comprehensive plans does not exceed the total 20-year forecasted UGA population growth by more than 15 percent;*
- c. The expansion otherwise complies with the Growth Management Act;*
- d. Any UGA expansion should have the support of affected cities. Prior to issuing a decision on a UGA boundary change, the County shall consult with the affected cities and give substantial weight to a city's position on the matter. If the County Council approves and expansion or contraction of a UGA boundary that is not supported by an affected city, it shall include in its findings how the public interest is served by the UGA expansion or contraction despite the objection of an affected city; and*
- e. One of the following conditions is met:*
 - 1. The expansion is a result of the most recent buildable lands review and evaluation required by RCW 36.70A.215 and performed per policy GF-7 following the procedures in Appendix E.*
 - 2. The expansion is a result of the review of UGAs at least every eight years to accommodate the succeeding twenty years of projected growth, as projected by the State Office of Financial Management, and adopted by the County as the 20-year urban allocated population projection as required by RCW 36.70A.130(3).*
 - 3. Both of the following conditions are met for expansion of the boundary of an individual UGA to include additional residential land:*
 - a. Population and growth in the UGA (city plus unincorporated UGA) since the start of the twenty-year planning period, equals or exceeds fifty percent of the additional population capacity estimated for the UGA at the*

- start of the planning period. Acceptable sources of documentation are the most recent Snohomish County Tomorrow (SCT) Growth Monitoring Report (GMR) or the buildable lands review and evaluation (Buildable Lands Report [BLR]), and*
- b. An updated residential land capacity analysis conducted by city and County staff for the UGA confirms the accuracy of the above finding using more recent residential capacity estimates and assumptions, and any new information presented at public hearings that confirms or revises the conclusions is considered.*
- 4. Both of the following conditions are met for the expansion of the boundary of an individual UGA to include additional employment land:*
 - a. Employment growth in the UGA (city plus unincorporated UGA) since the start of the twenty-year planning period, equals or exceeds fifty percent of the additional employment capacity in the UGA at the start of the planning period. Acceptable sources of documentation are the most recent SCT GMR or the buildable lands review and evaluation (BLR), and*
 - b. An updated employment land capacity analysis conducted by city and County staff for the UGA confirms the accuracy of the above finding using more recent employment capacity estimates and assumptions.*
 - 5. The expansion will correct a demonstrated mapping error.*
 - 6. Schools (including public, private, and parochial), places of worship, institutions and other community facilities that primarily serve urban populations within the urban growth area in locations where they will promote the local desired growth plans should be located in an urban growth area. In the event that it is demonstrated that no site within the UGA can reasonably or logically accommodate the proposed facilities, urban growth area expansions may take place to allow the development of these facilities provided that the expansion area is adjacent to an existing UGA.*
 - 7. In UGAs where the threshold in Condition 4 has not been reached, the boundary of an individual UGA may be expanded to include additional industrial land if the expansion is based on the criteria contained in RCW 36.70A.365 for the establishment of major industrial development. This assessment shall be based on a collaborative County and city analysis of large developable industrial site needs in relation to land supply. "Large developable industrial sites" may include land considered vacant, redevelopable, and/or partially-used by the Buildable Lands Program (per GF-7 and Appendix E of these CPPs) and may include one or more large parcels or several small parcels where consolidation is feasible.*
 - 8. The expansion will result in the realization of a significant public benefit as is evidenced by Transfer of Development Rights (TDR) to the expansion area from Agriculture or Forest lands designated as TDR sending areas. The expansion area shall not be a designated forest or agricultural land of long-term significance.*
 - 9. The expansion will permanently preserve a substantial land area containing one or more significant natural or cultural feature(s) as open space adjacent to the revised UGA boundary and will provide separation between urban and rural areas. The presence of significant natural or cultural features shall be determined by the respective legislative bodies of the county and the city or cities immediately adjacent to the proposed expansion, and may include, but are not limited to,*

- landforms, rivers, bodies of water, historic properties, archeological resources, unique wildlife habitat, and fish and wildlife conservation areas.*
10. *The expansion is a response to a declaration by the County Executive, or the County Council by resolution, of a critical shortage of affordable housing which is incurable in a timely manner by the implementation of reasonable measures or other instrumentality reasonable available to the jurisdiction, and the expansion is reasonably calculated to provide affordable housing.*
 11. *The expansion will result in the economic development of lands that no longer satisfy the designation criteria for natural resource lands and the lands have been redesignated to an appropriate non-resource land use designation. Provided that expansions are supported by the majority of the affected cities and towns whose UGA or designated MUGA is being expanded and shall not create a significant increase in total employment capacity (as represented by permanent jobs) of and individual UGA, as reported in the most recent Snohomish County Tomorrow Growth Monitoring Report in the year of expansion.*

Analysis: The proposed change to update the docket cycle to reflect the Comprehensive Plan update cycle supports this CPP policy through providing the most up-to-date demographic projections to be used for docket cycle changes to the UGA. These demographic projections provide essential information for processing docket applications and reports such as the Buildable Lands Report and the Growth Monitoring Report. Additionally, the proposed change to update the submittal requirements to include the MPPs supports this CPP to align with regional policies and projections that the county utilizes for docket and UGA expansion review.

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments would be consistent with and help implement the Snohomish County Growth Management Act Comprehensive Plan (GMACP) – General Policy Plan (GPP). The following policies apply to the code amendments as proposed in this report.

LU 1.A.10 – Expansion of the boundary of an individual UGA to include additional residential, commercial industrial land capacity shall not be permitted unless it complies with the Growth Management Act, is consistent the Countywide Planning Policies and complies with the criteria established in Countywide Planning Policy DP-2.

LU 1.C.5 – The county may consider the expansion of UGA boundaries as part of an update to the Comprehensive Plan as required by the GMA, or as a part of a growth target and plan reconciliation process that follows an update. In situations where urban infrastructure or special regulatory controls are needed and anticipated but are not in place to serve the population and employment allocated to the UGA the county may defer implementing zoning. Where such UGA expansions with deferred implementing zoning are approved, no rezoning of properties within the expansion area may occur until: (1) necessary capital facilities plan updates have been completed and adopted by the utility provider; or (2) the necessary development regulations have been adopted.

Analysis: The proposed change to update the docket cycle to reflect the Comprehensive Plan update cycle supports these GPP land use policies through aligning requirements for UGA boundary line changes to align with the requirements in CPP DP-2. Aligning the docket cycle updates to the new 10-

update cycle better aligns with US census products that are inputs for demographic projects as used by the state, region, and county for evaluating dockets.

Goal IC – Promote the coordination of planning, financing, and implementation programs between the county and local jurisdictions including tribal governments.

Analysis: The proposed amendment to add tribes to the required distribution list for the final docket review supports this GPP through promoting coordination of planning between the county and tribal governments.

Environmental Review

Staff has completed a SEPA checklist for this proposed code amendment and will be issuing a Determination of Non-significance in June 2024. The fourteen-day public comment period will conclude prior to the Planning Commission briefing on June 25, 2024.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce in June 2024.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

August 7, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to the Docket Cycle Update

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend regulations for the Docket Cycle Update. The Planning Commission had a briefing on this topic on June 26, 2024, and a public hearing on July 23, 2024.

The Docket Cycle Update code project proposes to amend the docket cycle timeline in Chapter 30.74 SCC from every 8 years to every 10 years. The change was prompted from the WA State Legislature amending the Comprehensive Plan timeline in Engrossed Second Substitute House Bill 1241 in 2022. This proposed code project will also update submittal requirements to include MPPs for processing docketing proposals, remove a code reviser's note, and add in docketing noticing requirements to include tribes.

There were no written comments received by the Planning Commission from the public prior to the July 23 hearing, and no member of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the July 23, 2024, Planning Commission meeting, Commissioner Campbell made a motion, seconded by Commissioner Sievers, recommending **APPROVAL** of code amendments as submitted by staff.

VOTE (Motion):

8 in favor (*Brown, Bush, James, Larsen, Campbell, Pedersen, Sheldon, Sievers*)

0 opposed

0 abstention

Motion PASSED

Respectfully submitted,

Robert Larsen

Robert Larsen (Aug 8, 2024 10:56 PDT)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 24-112, relating to Growth Management; amending Chapter 30.74 SCC; concerning the docket cycle update

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Hilary McGowan

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 11/21/24

PURPOSE: To amend chapter 30.74 SCC to update the docket cycle to reflect the changes in RCW 36.70A.130 that adjust the comprehensive plan cycle from every eight years to every ten years. To amend SCC 30.74.020 to require the docket submittal requirements with the initial review requirements and evaluation criteria in SCC 30.74.030(1)(a). To amend SCC 30.74.060(1) to include federally recognized Indian Tribes in the distribution list for public notification in the comprehensive plan and the final docket in order to align with a similar requirement in RCW 36.70A.110(9) and amends the final docket approval criteria in SCC 30.74.060(2) to include consistency with the multicounty planning policies, to ensure consistency with the docket proposal submittal requirements and initial review and evaluation criteria in chapter 30.74 SCC. To remove a Code Reviser note that is fully reflected in the published online code as intended.

BACKGROUND: This ordinance amends chapter 30.74 SCC, “Growth Management Act Public Participation Program Docketing.” In 2022 the Washington State Legislature enacted Engrossed Second Substitute House Bill 1241 that changed the GMA comprehensive plan update cycle in RCW 36.70A.130 from every eight years to every ten years. The County’s timelines for reviewing docket proposals in chapter 30.74 SCC are aligned to the former eight-year comprehensive plan update cycle and are now out of sync with the current ten-year update cycle. Amendments to the docketing procedures in chapter 30.74 SCC will align the requirements for submitting and reviewing docket proposals with the new comprehensive plan update cycle and ensure consistency with the requirements in the GMA and chapter 30.74 SCC. This ordinance also includes findings to support the removal of a Code Reviser Note to SCC 30.74.020(2) in the published online code.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: [Click or tap here to enter text.](#)

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Reviewed/approved by Risk – Shelia Barker and Finance – Nathan Kennedy 11/20/24 – AATF: Jessica Kraft-Klehm 11/7/24

Docket Cycle Update

Snohomish County Council Briefing

Hilary McGowan, Senior Planner

Summary of Proposed Amendments

1

Align docket cycle with 10-year GMA Update Cycle

2

Create consistent docket review requirements

3

Remove a Code Reviser's note

4

Add language to include Tribes in docketing notification

1 Align docket cycle with 10-year GMA Update Cycle

- Current GMA Comprehensive Plan Update cycle is every 8 years
- On March 31, 2022, House Bill 1241 amended RCW 36.70A.130 that changed the Comprehensive Plan Update cycle to every 10 years
- The change supports comprehensive planning through better aligning with the US census for demographic projections
- Amendments to the docket schedule in SCC 30.74.015 are proposed to be consistent with the 10-year comprehensive plan update cycle

1 Align docket cycle with 10-year GMA Update Cycle

Proposed 10-Year Docket Cycle Table as stated in SCC 30.74.015

	2024	2025	2026	2027	2028	2029	2030	2031	3032	2033	2034
Years Following Update	0	1	2	3	4	5	6	7	8	9	10
Minor Amendments Considered		Apply	Set	Adopt							
Minor and Major Amendments Considered (ex. UGA Adjustments)			Apply	Set		Adopt					
Minor Amendment Considered						Apply	Set	Adopt			
Minor, Major, and 2034 Update								Apply	Set		Adopt

1 Align docket cycle with 10-year GMA Update Cycle

SCC 30.74.015 Annual docket process.

- (1) The department shall give initial consideration to proposed amendments every year according to the procedures and criteria in SCC 30.74.030 and 30.74.040.
- (2) The county council shall consider which amendments should be processed further according to the procedures in SCC 30.74.050 and the following schedule:
 - (a) In the ~~((first))~~ second year and ~~((fifth))~~ sixth year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be processed further on a docket of minor amendments.
 - (b) In the ~~((second))~~ third year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be processed further on a docket that may include major and minor amendments.

1 Align docket cycle with 10-year GMA Update Cycle

(c) In the ~~((sixth))~~ eighth year following an update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall consider which amendments should be processed further on a docket concurrently with the next update of the comprehensive plan under RCW 36.70A.130(3)(a) and may include major and minor amendments.

(3) The county council has the legislative discretion to place a proposed amendment on the final docket for further consideration, to direct that the proposed amendment not be processed further, or to address a proposal pursuant to one of the options set forth in SCC 30.74.050(3) when the recommendation from the department is that the proposal not be further processed.

(4) The department shall process the final docket of proposed amendments according to the procedures and the criteria in SCC 30.74.060.

(5) An applicant may withdraw their proposed amendment at any time during the docket process.

2 Create consistent docket review requirements

- Initial county staff review of docket applications (SCC 30.74.030) require staff to consider MPPs in processing applications
- Currently, application submittal requirements (SCC 30.74.020) and staff final docket reviews (SCC 30.74.060(2)) are not required to include MPPs for processing
- The proposed amendment updates the criteria to add consistency throughout the entire docket submittal and review process

2 Create consistent docket review requirements

SCC 30.74.020(1) Submittal requirements.

(1) Any person proposing amendments to the comprehensive plan or development regulations under this chapter must submit the following to the department:

- (a) A description of the proposed amendment including proposed map or text changes;
- (b) The location of the property that is the subject of amendment on an assessor map dated and signed by the applicant, if the proposal is for a future land use map amendment;
- (c) A legal description and a notarized signature of one or more owners, if a rezone is requested by owners concurrent with a requested future land use map amendment;
- (d) An explanation of why the amendment is being proposed;
- (e) An explanation of how the proposed amendment is consistent with the GMA, the multicounty planning policies, the countywide planning policies, and the goals and objectives of the comprehensive plan;
- (f) If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted; and
- (g) A SEPA checklist.

2 Create consistent docket review requirements

SCC 30.74.060(2) Processing of final docket.

(2) The department will process the final docket in accordance with chapter 30.73 SCC, except as provided to the contrary in this section. The department shall prepare a report including a recommendation on each proposed amendment and forward the report to the planning commission. The department will recommend approval if all the following criteria are met:

- (a) The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations;
- (b) All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment;
- (c) The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision;
- (d) The proposed amendment is consistent with the countywide planning policies;
- (e) The proposed amendment is consistent with the multicounty planning policies;
- ((e)) (f) The proposed amendment complies with the GMA; and
- ((f)) (g) New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes underlying assumptions and supports the proposed amendment.

3 Resolve Code Reviser's note

- SCC 30.74.020 includes a code reviser note that informs the public that amendments to SCC 30.74.020 were adopted by the County Council in 2011 by Amended Ordinance No. 11-050
- Not all amendments were correctly displayed in the ordinance in underline/strikeout format
- Current text in SCC 30.74.020(2) is shown as intended, therefore the code reviser note can be removed

4

Add language to include Tribes in docketing notification

- SCC 30.74.060(1) (Processing of Final Docket) is proposed to be amended to include tribes in the distribution list for public notification of the final docket
- This is consistent with the new legislation (SB 5834) that became effective on June 6, 2024
- The legislation requires counties to notify affected federally recognized Indian tribe(s) of any proposed revision(s) to the Comprehensive Plan

4

Add language to include Tribes in docketing notification

SCC 30.74.060(1) Processing of final docket.

(1) The department shall distribute the final docket to any state or local agency and federally recognized Indian tribe which is required by law to review and evaluate proposed amendments and revisions to the comprehensive plan and implementing development regulations. The department shall also conduct any review required by SEPA of the proposed amendments and revisions listed on the final docket.

Questions?

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.004

FILE ORD 24-112

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By:

N. Nehring
Councilmember Date

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

_____ Move to Council to schedule public hearing on: _____

_____ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

N. Nehring
Committee Chair

EXHIBIT 3.2.002

Planning and Community Development Committee – December 3, 2024

[Minutes](#) and [Video](#)