

1
2 Adopted:
3 Effective:

4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 24-112

8
9 RELATING TO GROWTH MANAGEMENT; AMENDING CHAPTER 30.74 SCC; CONCERNING THE
10 DOCKET CYCLE UPDATE
11

12 WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the Growth Management
13 Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the
14 comprehensive plan or development regulations; and
15

16 WHEREAS, the County Council adopted chapter 30.74 SCC, "Growth Management Act Public
17 Participation Program Docketing," (docket procedures) in 2002 to comply with the requirements of RCW
18 36.70A.130 and .470; and
19

20 WHEREAS, the County Council made substantial revisions to the county's public participation
21 docket procedures (chapter 30.74 SCC) in 2010 via Amended Ordinance No. 10-022, and in 2017 via
22 Ordinance No. 17-100; and
23

24 WHEREAS, the County Council also amended the submittal requirements for docket proposals in
25 SCC 30.74.020 in 2011 via Amended Ordinance No. 11-050, however, not all of the amended language
26 was reflected in the ordinance in ~~strikeout~~ and underline format and a code reviser note was added to
27 the online published code explaining the discrepancy; and
28

29 WHEREAS, the County Council affirms the amendments to SCC 30.74.020 that were adopted by
30 Amended Ordinance No. 11-050 are reflected in the online published code as intended; and
31

32 WHEREAS, in 2022 the Washington State Legislature enacted Engrossed Second Substitute
33 House Bill 1241 that changed the GMA comprehensive plan update cycle in RCW 36.70A.130 from every
34 eight years to every ten years; and
35

36 WHEREAS, the County's timelines for reviewing docket proposals in chapter 30.74 SCC are
37 aligned to the former eight-year comprehensive plan update cycle and are now out of sync with the
38 current 10-year update cycle; and
39

40 WHEREAS, amendments to the docketing procedures in chapter 30.74 SCC are proposed to align
41 the requirements for submitting and reviewing docket proposals with the new comprehensive plan
42 update cycle and to ensure consistency with requirements in the GMA and chapter 30.74 SCC; and
43

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

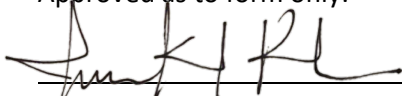
- APPROVED
- EMERGENCY
- VETOED

DATE:

County Executive

ATTEST:

Approved as to form only:

 11/7/2024

Deputy Prosecuting Attorney