



Snohomish County

Planning and Development Services

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MEMORANDUM

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: Sarah Titcomb, Principal Planner and Steve Skorney, Senior Planner

SUBJECT: Land Use Element

DATE: April 7, 2023

INTRODUCTION

The purpose of this staff report is to outline and provide information on staff recommended amendments to Snohomish County's GMA 2024 Comprehensive Plan ("Plan" or "2024 Update") Land Use (LU) Element. A briefing on the recommended amendments will occur at the April 25, 2023, Planning Commission meeting.

BACKGROUND

The LU Element is comprised of interrelated land use goals which form the basis of the county's land use strategy described through 15 subelements and accompanying maps. Each subelement includes goals, objectives, and policies to carry out the land use strategy. The maps of the LU Element, including the Future Land Use Map (FLUM), will be presented at a separate Planning Commission briefing.

The Growth Management Act (GMA) is the central driver behind the LU Element as Land Use and Rural Elements are mandatory elements pursuant to RCW 36.70A.070. The LU Element has existed within the Snohomish County GMA Comprehensive Plan and included both mandatory elements since its initial adoption in 1995. The LU Element has been amended during each major update as well as several annual updates. The primary drivers of the amendments proposed for the 2024 Update include state regulations, regional policies, countywide policies, and public input.

VISION 2050 was adopted by the Puget Sound Regional Council (PSRC) and the multicounty planning policies (MPPs) therein were updated in 2020 to have a new focus on equity and continued attention on efficient use of urban land. The countywide planning policies (CPPs) were revised in 2021 in coordination with Snohomish County Tomorrow (SCT) to incorporate the newly adopted VISION 2050. The CPPs also have a new focus on equity as well as a renewed emphasis on urban infill and compact urban growth. The cooperative planning process of SCT also generated 2044 initial growth targets for the county in 2022 that allocate projected population and employment growth within city and county areas using the Office of Financial Management's (OFM) population projections and guidance from PSRC's VISION 2050. The initial growth targets indicate a need to increase urban growth accommodations and decrease rural growth accommodations. Another important influence on the proposed amendments for the LU

Element are the June 12, 2020, Executive Proclamation¹ on racial justice and public input received during the 30-day public comment period for the LU Element’s preliminary draft policy amendments. Finally, the proposed amendments also reflect the Plan’s Vision Statement, an aim to streamline and reorganize the element to be more user friendly, and numerous housekeeping amendments.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS

There are over 350 individual policies spread across the 14 existing subelements of the LU Element. Over 250 policies are proposed to be amended in some way, and the county is also proposing a new subelement (Goal LU EQ 1) focused on equity. The proposed changes within the LU Element range from minor housekeeping changes, such as updating dates, ensuring consistent formatting, and renumbering policies, to the addition of entirely new policies and the proposed repeal of unnecessary policies. Attachment A provides a table of all proposed amendments to the policies of the LU Element as well as findings for each amendment. Attachment B provides the proposed amendments to the narrative of the LU Element, and Attachment C provides findings for the proposed major narrative amendments. The text below summarizes the proposed amendments and findings.

- A new section in the LU Element narrative that discusses the Vision Statement to describe how the LU Element fits into the Vision for 2044;
- A newly proposed subelement with a narrative, a goal, and supporting objectives and policies focused on equity to be consistent with the MPPs and CPPs;
- Revised growth allocations for urban and rural development along with an increase in the minimum net density required in new urban development to implement growth targets;
- Reorganization of all policies focused on annexation under one new objective to be more user friendly;
- Reorganization of transportation related land use policies within the element and inclusion of policies from the Transportation Element into one location for clarity;
- New objectives and polices focused on Countywide Centers to be consistent with the MPPs and CPPs;
- Revitalization of the small area and neighborhood structure subelement to focus on the neighborhood scale;
- Repeal of redundant policies and code-like policies and criteria in rural, forest, and mineral subelements to allow policies to guide code; and
- Addition of new policies to allow the restoration and conservation of agricultural lands to align with public sentiment and CPPs.

Narrative

The LU Element includes proposed amendments to the narrative text of the element to remove outdated information, clarify the intention of each subelement, and provide helpful context for the goals, objectives, and policies. There is also newly proposed language that describes how the LU Element will help move the county toward the Plan’s Vision for 2044.

Equity Subelement

¹ Dave Somers “Proclamation.” *Snohomish County Executive*. June 12, 2020, <https://snohomishcountywa.gov/DocumentCenter/View/74331/Racial-Justice-Proclamation-June-2020>

A new equity subelement (Goal EQ 1) is proposed within the LU Element to be consistent with the Vision Statement as well as VISION 2050, the CPPs, the Executive's June 12, 2020, Proclamation, and public sentiment. Planning decisions have historically upheld and instituted social and racial inequities. The new goal, objectives, and policies acknowledge this history and commit to improving the county through measures such as eliminating barriers to public participation in decision making, identifying historically and currently marginalized communities, and making investments that meet the needs of current and future residents and employers, particularly in historically and currently marginalized communities. The new subelement helps demonstrate Snohomish County's commitment to equitably and meaningfully engage and plan with historically and currently marginalized communities.

Initial Growth Targets

The initial growth targets were approved by County Council on February 23, 2022, and changed the necessary accommodation of population within urban growth areas (UGAs) of the county from 91.5% to 95.5%, and reduced the rural accommodation from 8.5% to 4.5%. Proposed amendments to policies 1.A.1 and 6.A.1 set forth the allocations, and there are further amendments throughout the Plan that aim to help achieve these changes. For instance, the minimum net density required in new urban developments is proposed to be increased from 4 to 6 dwelling units per net acre in policy 2.A.1, and rural cluster subdivisions are proposed to be permitted but no longer encouraged within proposed amendments to policy 6.B.1. Other policies focused on increasing densities, especially within Transit Emphasis Corridors and Centers, also help to implement the initial growth targets by encouraging and incentivizing growth within urban areas.

Annexation and Transportation Policies

Within the LU Element, all policies related to annexation are proposed to be compiled under a new objective 1.E so it is easier for the public and cities to find. Similarly, all transportation related land use policies within the LU Element and Transportation Element (TE) are proposed to be reorganized under objective 2.B. Moving these policies from the TE and into the LU Element allows the TE to focus on identification of Transit Emphasis Corridors and the infrastructure within the corridors, and the LU Element to focus on the land use planning necessary in the corridors.

Centers, Small Area and Neighborhood Structure, and Resource Subelements

Countywide centers were newly added to the list of centers in the MPPs and CPPs, and Appendix I of the CPPs lists candidates for countywide centers. A new objective and policies (under objective 3.A) are proposed to be consistent with this regional and countywide change to formally recognize the countywide centers. The County is also proposing two new centers designations within the Urban Core Subarea Plan that will be incorporated into the centers subelement (Goal 3) and discussed within the future land use map descriptions. These include Light Rail Communities and Mixed-Use Corridors. Another proposed amendment in the LU Element is to reduce the number of policies within the small area and neighborhood structure subelement (Goal 5). While the county does not create neighborhood plans, there is the potential for the county to aid neighborhoods in the future and the proposed amendments help to clarify this and streamline the policies. There are also a number of redundant or code-like policies and criteria in the rural, forest, and mineral subelements that are proposed for repeal. For instance, policy 7.C.4 that discusses permitted uses in agricultural lands near airports is proposed for repeal as the policy is redundant. It is implemented in Chapter 30.32E of the Snohomish County Code (SCC) and Goal 12 of the LU Element requires that all development near airports be compatible with FAA requirements.

Agricultural Lands Subelement

There are also proposed new and revised policies that could allow the restoration and conservation of agricultural lands if desired by the property owner (policies 7.B.8, 7.C.13, 7.D.9, and 7.D.11). One issue of concern regarding the natural environment in the county is the historic conversion of natural estuary areas into farmland by constructing flood control structures, and the subsequent removal or breaching of these control structures to allow the return of natural inundation processes restoring habitat for anadromous fish. The proposed new policies clarify that the restoration of habitat is not considered an intrusion on agricultural uses. There is also a new policy (7.D.8) proposed to specifically implement strategies to preserve agricultural lands. Together these new and revised policies are consistent with GMA planning goals that support farms, the environment, and fish with a special focus on anadromous fish.

ANALYSIS

The following analysis provides a summary of the proposed amendments' compliance with state law as well as regional and countywide planning policies.

Compliance with State Law

The GMA requires mandatory elements to be included within comprehensive plans. The LU Element of the Snohomish County Plan incorporates the requirements in RCW 36.70A.070(1) and (5) for a Land Use Element and Rural Element.

The GMA planning goals in RCW 36.70A.020 also guide the development and adoption of comprehensive plans. The LU Element's proposed amendments comply with the GMA planning goals listed below by encouraging development within existing urban areas before UGA expansion and discouraging growth in rural areas. For instance, revised policy 2.A.1 increases the minimum net density in urban developments, and policy 2.A.5 encourages residential urban infill and redevelopment of underutilized lands. These amendments work to direct growth in urban areas where there is already adequate supply of public facilities, reduce sprawl of urban style development into rural areas, and protect resource areas. Additionally, higher densities in urban areas could result in more housing stock and affordable housing. New and revised policies in the LU Element also encourage land use planning and transportation planning to go hand in hand when developing. This can be seen, for instance, in revised policy 3.B.3 that states centers shall be within ½ mile of high-capacity transit stations. Within the resource subelements of the LU Element, new and revised policies also encourage protection and conservation of land and open spaces. In particular, new policy 7.D.11 supports habitat restoration for projects that have multiple benefits for agricultural lands, anadromous fish, and the environment. Finally, the new equity subelement (Goal EQ 1) focuses on reducing barriers for public participation in the planning process. The LU Element is specifically in compliance with the following list of GMA goals as described above:

- GMA Goal 1: Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- GMA Goal 2: Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- GMA Goal 3: Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- GMA Goal 4: Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

- GMA Goal 8: Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- GMA Goal 9: Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- GMA Goal 11: Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Compliance with the Multi-County Planning Policies

The proposed amendments comply with the VISION 2050 Multi-County Planning Policies (MPPs) by encouraging urban infill and redevelopment, creating a new equity subelement that prioritizes services and funding to historically and currently marginalized communities, and incorporating countywide centers into the Plan. Further compliance is demonstrated through proposed revisions to the open space subelement that incorporate the Regional Open Space Conservation Plan, proposed revisions to the urban design subelement that encourage efficient and green building design, and new policies that support habitat restoration and conservation efforts. Many of the newly proposed policies or amendments to existing policies utilize language from the MPPs. The LU Element is specifically in compliance with the following list of MPPs:

- MPP-RC-2: Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities.
- 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-11: Encourage growth in designated countywide centers.
- MPP-En-12: Identify, preserve, and enhance significant regional open space networks and linkages across jurisdictional boundaries through implementation and update of the Regional Open Space Conservation Plan.
- MPP-En-15: Provide parks, trails, and open space within walking distance of urban residents. Prioritize historically underserved communities for open space improvements and investments.
- MPP-CC-2: Reduce building energy use through green building and retrofit of existing buildings.
- MPP-DP-2: Reduce disparities in access to opportunity for the region's residents through inclusive community planning and targeted public and private investments that meet the needs of current and future residents and businesses.
- MPP-DP-8: Conduct inclusive engagement to identify and address the diverse needs of the region's residents.
- MPP-DP-9: Support urban design, historic preservation, and arts to enhance quality of life, support local culture, improve the natural and human-made environments, promote health and well-being, contribute to a prosperous economy, and increase the region's resiliency in adapting to changes or adverse events.

- MPP-DP-26: Implement the adopted framework to designate countywide centers to ensure compatibility within the region.
- MPP-DP-32: Contribute to improved ecological functions and more appropriate use of rural lands by minimizing impacts through innovative and environmentally sensitive land use management and development practices.
- MPP-DP-39: Support long-term solutions for the environmental and economic sustainability of agriculture and forestry within rural areas.

Compliance with the Countywide Planning Policies

CPPs establish a countywide framework for developing and adopting county, city, and town comprehensive plans. The proposed amendments of the LU Element comply with the CPPs and help implement them within the county. For example, new objective 3.A and the policies therein state that the county shall designate countywide centers, and proposed revisions to policy 3.F.1 help the policy to better align with the CPPs such as CPP-DP-10 by bringing in specific language from the CPP. The LU Element amendments encourage infill development in urban areas, promote compact growth and preservation of open spaces, and include a new subelement on equity that includes inclusive planning. The LU Element is specifically in compliance with the following list of CPPs:

- CPP-DP-8: If applicable, the County and cities shall designate and provide for the development of local, countywide, and regional centers consistent with the Regional Growth Strategy, the Regional Centers Framework, and the Countywide Center Criteria contained in Appendix I
- CPP-DP-9: Jurisdictions that have designated regional growth centers and manufacturing/ industrial centers shall direct a significant share of population and employment growth to those areas through the provision of land use policies and infrastructure investments that support growth levels and densities consistent with the regional vision.
- CPP-DP-10: The County and cities shall coordinate the designation and planning of regional, countywide, and local centers with transit service and other service providers to promote well-designed and transit oriented developments that enhance economic development opportunities for all residents, address environmental goals, and reduce vehicle miles traveled and greenhouse gas emissions from transportation.
- CPP-DP-14: The County and cities should promote and focus new compact urban growth in local centers, countywide centers, regional centers, and transit emphasis corridors.
- CPP-DP-15: The County and cities should adopt policies, development regulations, and design guidelines that allow for infill and redevelopment of underutilized lands and other appropriate areas.
- CPP-DP-35: Jurisdictions should identify and plan for the development of parks, civic places, and public spaces, especially in or adjacent to centers.
- CPP-DP-38: The County and cities should reduce disparities in access to opportunity for all residents through inclusive community planning and making investments that meet the needs of current and future residents and businesses.
- CPP-DP-39: The County and cities should include measures in comprehensive plans, subarea plans, and development regulations that are intended to reduce and mitigate the impacts of displacement on marginalized residents and businesses as a result of development and redevelopment, particularly in regional, countywide, and other urban centers.

- CPP-DP-40: The County and cities should address the safety, health, and well-being of residents and employee in countywide and local planning through:
 - Adoption of development standards that encourage design and construction of healthy buildings and facilities;
 - Provision of infrastructure that promotes physical activity; and
 - Incorporating a focus on health and well-being, including the reduction of existing disparities between population groups, into countywide and local decision-making processes.
- CPP-DP-42: The County and cities should conserve designated industrial land for future industries and related jobs by:
 - Protecting industrial land from encroachment by incompatible uses and development on adjacent land;
 - Discouraging non-industrial uses on industrial land unless such uses support and enhance existing industrial land uses; and
 - Discouraging conversion of industrial land to other land use designations unless it can be demonstrated that a specific site is not suitable for industrial uses.
- CPP-Env-3: The County and cities shall work collaboratively to create goals and policies intended to implement and address the needs identified in the Regional Open Space Conservation Plan.
- CPP-CC-4: The County and cities should use natural systems to reduce carbon in the atmosphere by establishing programs and policies that maintain and increase natural resources that sequester and store carbon, such as forests, vegetative cover, wetlands, farmland, and estuaries.

PUBLIC PARTICIPATION

The GMA requires early and continuous public participation (GOAL 11 and RCW 36.70A.140). Public participation on the LU Element has been provided to date through:

- An opportunity to provide comment on land use issues through the SEPA Scoping period which began on November 1 and ended on December 3, 2021;
- An opportunity to provide comments on LU Element preliminary draft policy amendments during a 30-day comment period from December 30, 2022, to January 31, 2023; and
- New information posted continuously on the 2024 Update project website.

The county received nearly 100 comment letters during the LU Element's 30-day comment period. The public comment themes are listed below, and a discussion of how public comments influenced the LU Element is also provided. All public comments can be found in the index of record.

Public Comment Themes:

- Support for the new equity subelement as well as specific suggestions to amend policy language to be more inclusive.
- Retain strong requirements for UGA expansion and encourage infill development before expanding UGA boundaries. There were also comments requesting strategies to slow growth throughout the county as well as requests to ensure high quality developments.
- Requests on how the county should prioritize topics. For instance, some commenters requested that the county prioritize wildlife and the environment above economic development, and others requested economic development over housing.

- Protect urban tree canopy, and the environment more broadly, as well as mitigate against climate change. This was inclusive of requests to direct development away from areas that could be impacted by landslides, flooding, and sea level rise.
- Protect working farms and keep rural growth to 4.5% of countywide growth.
- Require more public notice and better public engagement from the county during the preparation of plans like the comprehensive plan, the code amendments process, and during land use development proposal review.
- Retain the Cathcart related policies previously proposed for repeal. There were also comments on specific land use development applications and road projects.

Many of the themes discussed in the public comment letters were already incorporated into the draft policies, although public comments also inspired changes to the proposed LU Element in Attachments A and B. For instance, one of the new draft equity subelement objectives put out for public review was to work to eliminate barriers to participation in all aspects of land use planning, especially for historically marginalized communities. Public comments noted that communities are not only historically marginalized and may also be currently marginalized. In response to those comments, the policies in Goal EQ 1 now include the language “historically and currently marginalized communities.” Further, the LU Element draft policy amendments that went out for public comment directed 95.5% of all new growth into urban areas and reduced rural growth to 4.5%. Public comments suggested specific strategies that the county could utilize to limit rural growth and protect farmlands. This inspired in depth policy discussion for rural areas and a new policy 7.D.8 to direct the county to evaluate and implement strategies to preserve farmlands, including an increase to the minimum lot size of the agricultural zone as requested by the public.

Further revisions were made to existing and proposed policies based on public input. This included adding text to policies, such as “within UGAs” in policy 2.A.5 to specify where infill will be encouraged, as well as removing text. Narrative language within the Centers subelement was also amended to clarify how the county addresses centers within the countywide and regional context due to public comment. Other minor text edits were made to policies to be responsive to public comments such as keeping the “shall” directive within policy 7.D.7, changing “mutual benefits” to “multiple benefits” in policy 7.D.10 to ensure that the policy to restore habitat is feasible, and increasing the applicability of mineral resource inventory exceptions in policy 9.A.2. There were also public comments to retain policies that were proposed for repeal in the 30-day comment period. The county considered all of these requests and determined that policy 6.E.4 focused on the Rural Business zone, and all policies related to the County Cathcart site, should be retained in the LU Element because of their continued importance.

All public comments and the county’s responses can be found in the index of records.

ENVIRONMENTAL REVIEW

The County issued a Determination of Significance (DS) for the 2024 Update to the Plan on November 1, 2021. A Draft Environmental Impact Statement (DEIS) will likely be issued in September 2023. A Final Environmental Impact Statement (FEIS) will be issued before adoption of the 2024 Update to the Plan.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed amendments to the comprehensive plan will be transmitted to the Washington State Department of Commerce for the entirety of the 2024 Update to the Plan in September 2023.

STAFF RECOMMENDATION

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

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing, consider the proposed comprehensive plan 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: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Long Range Planning Manager
Ryan Countryman, Legislative Analyst

Attachments:

Attachment A—Policy Summary Table

Attachment B—Draft Land Use Element

Attachment C – Summary of proposed changes to narrative and findings