



Snohomish County

Planning and Development Services

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MEMORANDUM

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: Henry Jennings, Planner

SUBJECT: Proposed Tribal Coordination Element

DATE: August 8, 2023

INTRODUCTION

The purpose of this staff report is to outline and provide information on staff recommended amendments to Snohomish County's GMA Comprehensive Plan; the Tribal Coordination Element. A briefing on the recommended amendments will occur at the August 22nd, 2023, Planning Commission meeting.

BACKGROUND

A Tribal Coordination element is not a required element under current state law. Snohomish County recognizes the importance of coordinating with tribal partners on issues of shared concern. As such, the County is bringing this element forth to establish a policy framework that recognizes the effective relationships that currently exist, and to enhance future coordination by clarifying the roles and responsibilities of the County and continuing to ensure that tribal partners are included in the planning process. Currently, the Stillaguamish, Tulalip, and Sauk-Suiattle Tribes have trust land holdings within the boundaries of Snohomish County. Other tribes within Western Washington claim usual and accustomed rights to hunting and fishing within Snohomish County. However, the initial focus of the element is on the aforementioned tribes with land holdings within Snohomish County. This proposed element does not place any requirements or responsibilities on the tribes mentioned above. Rather, it is intended to utilize County mechanisms to recognize and support tribal cultures, and to clarify the responsibilities of Snohomish County staff in coordinating on matters of shared concern.

An earlier version of this element was originally proposed for adoption in 2016. While that element was not adopted, it served as the basis for this proposed element. All policies were closely reviewed, and updates were made to reflect changes in the intervening period between the 2016 proposed element and the 2024 proposed element. New policies were added to emphasize the importance of building climate resiliency, and many policies were updated with more inclusive language and to better reflect Snohomish County's plans for coordinating with tribal governments.

The County directly engaged with the Stillaguamish and Tulalip Tribes in developing this element. An offer to participate was extended to the Sauk-Suiattle Tribe, and although they have not yet participated

in the development of the element at this time, the door will remain open should they elect to participate in the future.

PROPOSED COMPREHENSIVE PLAN AMENDMENTS

The Tribal Coordination Element is a new addition to the County's comprehensive plan that demonstrates Snohomish County's ongoing commitment to working together with tribal partners on issues of shared concern. It includes an introduction, narrative, and policy tables developed with input from the Tulalip and Stillaguamish Tribes. A general section applies to the County's interaction with all tribes with trust lands in Snohomish County. Specific sections for the Stillaguamish, Tulalip, and Sauk-Suiattle tribes were also created to address specific concepts such as quarterly meetings between Tribal and County staff. This element is an important foundation to ensure an enduring relationship between the County and the tribes based on mutual respect, open communication, and transparency to continue building a framework of collaborative regionalism.

The policies contained within the proposed element are consistent with current practices and establish comprehensive plan policy backing for continued quarterly meetings with the Tulalip Tribes, as well as support to establish a recurring meeting schedule with the Stillaguamish Tribe. The policies within this element support the 2013 Memorandum of Understanding Between the Tulalip Tribes and Snohomish County Establishing Process for Coordinated Long-Range Planning & Information Sharing, signed on 5/30/2013.

The draft element is shown in Attachment B. Attachment A includes the Goals, Objectives, and Policies along with findings articulating the rationale for the proposed amendment.

ANALYSIS

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

Compliance with State Law

The proposed Tribal Coordination Element establishes a policy framework to build on existing collaborative planning efforts, increase recognition and support of tribal cultures, and specifically address coordination with the Tulalip, Stillaguamish, and Sauk-Suiattle Tribes. A Tribal Coordination Element is not a mandatory element under the Revised Code of Washington (RCW) 36.70A.070, but has been developed as an optional element under RCW 36.70A.080. The policies further multiple GMA planning goals, including new planning goal 14.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change and resiliency. Ensure that comprehensive plans, development regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster

resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

The proposed amendments to the Comprehensive Plan are consistent with GMA planning goal 11, Citizen Participation and Coordination RCW 36.70A.020(11), 13, Historic preservation RCW 36.70A.020(13), and 14, Climate change and resiliency 36.70A.020(14).

Compliance with the Multi-County Planning Policies

Puget Sound Regional Council's VISION 2050 emphasizes regional collaboration, including with federally recognized tribes, to facilitate a common vision.

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

MPP-RC-4 Coordinate with tribes in regional and local planning, recognizing the mutual benefits and potential for impacts between growth occurring within and outside tribal boundaries.

The proposed Tribal Coordination Element is consistent with VISION 2050 and MPPs RC-1 and RC-4. Attachment A contains a table that demonstrates this consistency.

Compliance with the Countywide Planning Policies

The Snohomish County Countywide Planning Policies (CPPs) are guided by the GMA and VISION 2050 and reflect the county's local circumstances. The CPPs support coordination between the comprehensive plans of the County and the 19 cities and towns. The CPPs support coordination with tribal governments on matters of land use, historic preservation, and capital facilities.

The CPPs contain policies specific to coordination with tribes. These policies reinforce VISION 2050 guidance on coordination with tribes. CPPs JP-7 and DP-37 clearly direct the County to coordinate with tribes on matters of planning efforts and historic preservation:

CPP 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 Tribal Reservation lands.

CPP DP-37

The County and cities are encouraged to protect and preserve historical, cultural, and archaeological resources in a manner consistent with state law and local policies and in collaboration with state agencies and tribes. The County and cities should consider the potential impacts of development to culturally significant sites and tribal treaty fishing, hunting, and gathering grounds and should work with tribes to protect Tribal Reservation lands from encroachment by incompatible land uses and development both within reservation boundaries and on adjacent land.

The proposed Tribal Coordination Element is consistent with the CPPs. Attachment A contains a table that demonstrates this consistency.

PUBLIC PARTICIPATION

The GMA requires early and continuous public participation (GOAL 11). Public participation to date has included:

- Ongoing conversations with the Stillaguamish and Tulalip Tribes.
- Providing an opportunity for tribes to participate in SEPA Scoping which began in November 2021 and ended in February 2022.
- Making draft policies available for a 30-day early public comment period which began on 5/1/2023 and ended on 5/31/2023.
- Making information available continuously through the 2024 Update project website.

A total of six comments on the Tribal Coordination Element were received during the 30-day public comment period. The comments were largely supportive, and most expressed support for the protection of treaty resources and inclusion of climate change into policies. One commenter left a detailed summary of proposed changes intended to refocus the Element on coordination with non-tribal residents of properties near reservations. This request was not able to be accommodated as it is not within the scope of this Element. A comment letter was received from the Snoqualmie Tribe requesting inclusion in the Element. This request was not able to be accommodated as the focus of the Element is on the three tribes which have reservation boundaries within Snohomish County.

Additional public comments are available 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 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 regulations and standards 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 Tribal Coordination Element

Attachment C—Narrative Findings Table