

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2352

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO PROCEDURES FOR AMENDING THE CITY'S COMPREHENSIVE PLAN, LAND USE DESIGNATION MAP, AND LAND USE DEVELOPMENT CODE; BY REPEALING SNOHOMISH MUNICIPAL CODE SECTIONS 14.15.020 AND 14.15.030; ADOPTING A NEW SMC 14.15.020 ENTITLED "AMENDMENT PROCEDURES"; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City has the authority under common law and Title 35A Revised Code of Washington (RCW) to adopt regulations related to zoning and land uses and the processing of land use development permits; and

WHEREAS, RCW 36.70A.140 requires the City to establish a broadly disseminated public participation program for the amending of comprehensive plans and development regulations; and

WHEREAS, RCW 36.70A.470(2) requires each county and city planning under RCW 36.70A.040 to include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments and the suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130; and

WHEREAS, the City has adopted a Land Use Development Code under Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by determining an ordinance changing the procedures contained herein is categorically exempt from SEPA review as a procedural action pursuant to WAC 197-11-800(19); and

WHEREAS, on April 19, 2018 the proposed amendments contained herein were transmitted to the State Department of Commerce as required by RCW 36.70A.106; and

WHEREAS, on June 6, 2018, following notice as required by law, the Planning Commission held a duly-noticed public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

WHEREAS, the Planning Commission adopted Findings of Facts & Conclusions and recommended City Council approval of the proposed code amendments which are attached hereto as Exhibit A and incorporated by this reference; and

WHEREAS, at a public meeting July 17, 2018, the City Council received staff and citizen input and considered the recommendation of the Planning Commission and all persons who wished to be heard on the matter were heard; and

WHEREAS, the City Council has determined that it is in the public interest to enhance the regulations related to the process for amending the City’s comprehensive plan and Development Code especially regarding specifying how the public may participate in the process, as set forth below and in the attached Exhibit B.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Recitals as Findings. The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 2. Adoption of Planning Commission Findings. The Planning Commission findings as set forth in “Exhibit A” are hereby adopted and incorporated by reference, including but not limited to the findings that the Development Code regulations and amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 3. SMC 14.15.020 and SMC 14.15.030 repealed. SMC 14.15.020, entitled “Initiation of Amendments”, and SMC 14.20.030 entitled “Scheduling Consideration of Proposed Amendments”, are each hereby repealed in their entirety.

Section 4. New Section SMC 14.15.020 adopted. A new SMC 14.15.020 entitled “Amendment Procedures” is hereby adopted to read as set forth in attached “Exhibit B” which is hereby incorporated herein by this reference as though fully contained herein.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 6. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 4th day of September, 2018.

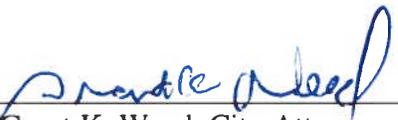
CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:

By 
Pat Adams, City Clerk

Approved as to form:

By 
Grant K. Weed, City Attorney

Date of Publication: 9-8-18

Effective Date: 9-13-18

EXHIBIT A

Snohomish Planning Commission Findings of Fact & Conclusions

Based on the review of the proposed repeal and replacement of Snohomish Municipal Code 14.15.020 regarding the process for amending the City's Comprehensive Plan and Land Use Development Code, the Planning Commission of the City of Snohomish makes the following Findings of Fact:

1. The City has the authority under RCW Title 35A to adopt regulations related land use development.
2. The City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City.
3. The Washington State Growth Management Act (RCW 36.70A) places an emphasis on facilitating public participation in developing comprehensive plans and development regulations, requires municipalities to include procedures whereby any interested person may suggest plan and regulation amendments, and establishes rules for amending comprehensive plans.
4. Pursuant to SMC 14.15.070 and RCW 36.70A.106, on April 23, 2018, the city notified the Washington State Department of Commerce of the City's intent to amend the Land Use Development Code to establish a comprehensive docketing and review process for proposed amendments to the Comprehensive Plan and development regulations.
5. Pursuant to the State Environmental Policy Act, the City of Snohomish, as the designated lead agency for review of the proposed amendment, determined the proposed code amendment is categorically exempt from SEPA review as a procedural action pursuant to WAC 191-11-800(19).
6. A Notice of Planning Commission Public hearing consistent with Snohomish Municipal Code requirements was published on May 12, 2018.
7. Currently, Snohomish Municipal Code does not provide for an adequate process for amending the Comprehensive Plan and Land Use Development Code that is consistent with state requirements.
8. The following Comprehensive Plan goal supports the proposed code amendment:
GOAL LU 1.5: Engage interested agencies, property owners, and other stakeholders in the public planning process.
9. On June 6, 2018 the City of Snohomish Planning Commission held a public hearing to consider the proposal to repeal and replace SMC 14.15.020 with a more comprehensive process to amend the City's Comprehensive Plan and Land Use Development Code that provides for the opportunity for the public to propose amendments and to have meaningful participation in the process. After hearing a staff presentation on the proposed ordinance, asking questions, and receiving public testimony, the public hearing was closed and the Commission deliberated before making its recommendation to the City Council that the proposed code amendment be approved.

Based on the foregoing Findings of Fact, the Snohomish Planning Commission hereby makes the following conclusions:

1. The proposed code amendment will implement and be consistent with the goals and policies of the City of Snohomish Comprehensive Plan.
2. The proposed code amendment is consistent with the Washington State Growth Management Act.
3. The proposed code amendment is consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW).
4. The proposed code amendments will protect the public health, safety, and general welfare.
5. The proposed code amendment establishes a process for amending the City's Comprehensive Plan and Land Use Development Code that provides the public with the opportunity to proposed amendments and to participate early and continuously in a meaningful way in the amendment process.

Date: June 6, 2018

By: Hank Eskridge
Hank Eskridge, Planning Commission Chair

EXHIBIT B

SMC 14.15.020 Amendment procedures.

A. Purpose. The purpose of this section is to:

1. Create procedures, consistent with the requirements of RCW 36.70A.130, .140, and .470, for processing proposals to amend the city's Comprehensive Plan, Land Use Designation Map, and Land Use Development Code;
2. Provide a process for the public and interested parties to propose amendments to the Comprehensive Plan and to the Land Use Development Code; and
3. Provide the public and interested parties with opportunities to participate in the amendment process.

B. Comprehensive Plan and Land Use Designation Map Amendments. The city, in carrying out its Comprehensive Plan review function, may find instances where it is necessary to amend all or part of the plan's text and/or maps. The following procedural steps shall govern all amendments to the Comprehensive Plan or Land Use Designation Map:

1. The city's Comprehensive Plan shall be subject to continuing evaluation and review by the city. Any amendment or revision to the Comprehensive Plan shall conform to Chapter 36.70A RCW.
2. Initiation of Amendments
 - a. Site-Specific Land Use Designation Map Amendment proposals shall only be initiated by a person with ownership interest in at least a portion of the affected site, the City Council, City of Snohomish Planning Commission, or city staff.
 - b. Comprehensive Plan amendment and area-wide Land Use Designation Map amendment proposals may be initiated by citizens, any interested person, the Planning Commission, city staff, City Council, the City's designated hearing examiner and staff of other agencies.
 - c. The proposed amendments or revisions to the Comprehensive Plan shall be docketed and considered by the city no more frequently than once every calendar year except that amendments may be considered more frequently under the circumstances provided for in RCW 36.70A.130(2)(a)(i-v).
3. The Planning Director shall establish an annual docketing process whereby any interested person, the Planning Commission, city staff, City Council, City's designated hearing examiner and staff of other agencies may submit applications to amend the city's Comprehensive Plan. That process shall include, but not be limited to, an:
 - a. Annual application period August 1 – September 30;
 - b. Application form and a checklist of required information to be submitted with the application; and

- c. Public outreach program during the annual application period to ensure public awareness of the docketing process and the ability for the public to submit applications proposing amendments to the Comprehensive Plan, Land Use Designation Map, and Land Use Development Code.
4. After the application deadline, the Planning Director shall compile a Preliminary Docket consisting of a listing of all docket applications that were determined to include all of the required submittal items. The Preliminary Docket shall include a:
 - a. Brief description of the proposed amendment;
 - b. Preliminary staff analysis of the proposal as to whether it is in the interest of the public health, safety, and welfare of Snohomish residents; and
 - c. Staff recommendation as to whether it should be placed on the Final Docket.

If no applications are received, compiling a Preliminary Docket is not required.
5. The City Council, at an annual docket public hearing held in October or November, shall consider all of the proposals on the Preliminary Docket and decide which, if any, shall be placed on the Final Docket. Criteria the City Council may use in considering the application may include, but are not limited to, whether the proposal is consistent with their vision for the City and whether there are adequate staff resources to properly evaluate and process the proposal. Decisions by the City Council on which items to place on the Final Docket are legislative and discretionary. If no applications are received the City Council shall not hold an annual docket public hearing and a Final Docket will not be approved for that year.
6. The Planning Director shall research and analyze all items placed on the Final Docket by the City Council. The Planning Director shall process each item as a Comprehensive Plan or Land Use Designation Map amendment to be brought to the City Council, with a Planning Commission recommendation, for their consideration during an annual Comprehensive Plan amendment public hearing. All Final Docket items shall be processed or reported on within one (1) calendar year of when the item was placed on the Final Docket. This time limit may be extended with City Council approval.
7. Only amendment proposals placed on the Final Docket may be forwarded to the Planning Commission for consideration. All amendment proposals to be considered in a calendar year shall be considered concurrently so the cumulative effect of the various proposals can be ascertained. However, pursuant to RCW 36.70A.130(2)(a)(i-v), certain amendments to the Comprehensive Plan that are not on the Final Docket may be forwarded to the Planning Commission – at any time during the year and independent of other amendments – even if it means amending the Comprehensive Plan more than once a year.
8. It is the responsibility of the Planning Director to review and oversee the preparation of all materials to express, explain, or depict the various aspects or elements of the text or map amendments including the documentation required by the State Environmental

Policy Act. The Planning Director may require applicants to provide materials and studies as deemed necessary to understand the proposal and its implications.

9. The Planning Director may request other city boards or agencies or other governmental entities to provide comments and recommendations on Comprehensive Plan amendments. In proposing any changes to its Comprehensive Plan, the city shall notify the Department of Commerce of its intent to adopt such amendments at least sixty days prior to final adoption. The city shall transmit a complete and accurate copy of approved amendments to the Department of Commerce in accordance with state law.
10. Letters of support or objection to a proposed Comprehensive Plan amendment may be filed by any interested party. The letters must be filed by the date of the City Council public hearing unless an extension of time is granted.
11. The city may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the city's Comprehensive Plan. Techniques not listed may also be used.
 - a. Provide for an opportunity to submit written comments;
 - b. Hold informational public meetings to explain the proposed amendment;
 - c. Use the city's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment.
12. The Planning Commission shall consider proposed amendments placed on the Final Docket at a public hearing then make written findings of fact and conclusions and a recommendation to the City Council on each proposed amendment. The Commission shall make one of four decisions in considering amendments:
 - a. Approval in the form submitted for public hearing;
 - b. Approval with changes;
 - c. Approval in part;
 - d. Disapproval.
13. City Council Action.
 - a. After receipt of the Planning Commission's findings and recommendations on proposed Comprehensive Plan or map amendments, the Council shall consider the proposed amendments at a public meeting. The Council shall make one of the following decisions in considering amendments:
 - i. Approval in accordance with the findings and recommendations submitted by the Planning Commission;
 - ii. Approval with modifications; provided, that the Council shall hold its own public hearing before making any substantial modification to any Comprehensive Plan amendment recommended by the Planning Commission;
 - iii. Refer all or part of the plan text or map amendment proposal back to the Planning Commission for further consideration;

- iv. Disapprove.
 - b. If the Council's decision is alternative (iii), the Council must specify which matters it wishes reconsidered by the Planning Commission.
- 14. Notice of Public Hearing. Notice of all public hearings shall be made in accordance with state and local laws.
- 15. Appeals of Decisions. All requests for review by a growth management hearings board shall be initiated by filing a petition in accordance with Chapters 36.70A, 43.21C or 90.58 RCW. Only parties of record may initiate an appeal of the City Council's final decision.
- C. Development Regulation Code Amendments.** From time to time, it may be necessary to amend development regulations within the code to allow for the implementation of the Comprehensive Plan. Petitions or applications for development regulation code amendments shall be evaluated on their compatibility with the goals, objectives, policies and recommendations of the Comprehensive Plan.
 - 1. Development regulation code amendments may be initiated by the city at any time.
 - 2. Development regulation code amendments shall be initiated by citizens, the Planning Commission, or any interested party including applicants, hearing examiners, and staff of other agencies pursuant to the annual docketing procedure described in subsection (B)(2) above.
 - 3. Proposed development regulation code amendments shall only be forwarded to the Planning Commission for consideration if:
 - a. Initiated by the city; or
 - b. Placed on a Final Docket by the City Council, pursuant to subsection (B)(2) above.

Proposed development regulation code amendments do not have to be considered concurrently with other proposed amendments and may be enacted at any time. Unlike Comprehensive Plan amendments, they are not subject to the requirement for concurrent review and cumulative effect analysis and once-a-year limitation.

 - 4. Processing of Development Regulation Amendments
 - a. The city may use any or all of the following techniques to provide for early and continuous public participation in the development and/or amendments of the city's Comprehensive Plan. Techniques not listed may also be used.
 - i. Provide for an opportunity to submit written comments;
 - ii. Hold informational public meetings to explain the proposed amendment;
 - iii. Use the city's website and social media to provide information, documents, and to announce all public meetings related to the proposed amendment;
 - b. A public hearing shall be held by the Planning Commission on the proposed development regulation code amendment after the proposed amendment has been reviewed for consistency with the Comprehensive Plan. Upon completion of the public hearing, the Planning Commission shall issue findings of fact and conclusions

and make a recommendation to the City Council on the proposed development regulation code amendment.

- c. Upon receipt of a development regulation code amendment recommendation from the Planning Commission, the City Council shall consider the matter at a public meeting, and may take the following actions:
 - i. Concur with the Planning Commission's recommendation and adopt the code amendment substantially in the form as presented;
 - ii. Remand the matter to the Planning Commission with instructions regarding the City Council's concerns and direction; or
 - iii. Conduct another public hearing prior to making any substantial change in the development regulation code amendment recommended by the Planning Commission.

