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**RESOURCE STEWARDSHIP DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings,  
Interim Director

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Jeremy Davis, Senior Planner

**DATE:** October 18, 2017

**SUBJECT:** Summary of Thurston County Docketing Process (Chapter 2.05 TCC)

**1. Overview**

The Growth Management Act (RCW 36.70A) requires each county to establish a docketing process to consider comprehensive plan amendments and development regulation amendments on an annual basis. Thurston County Code, Chapter 2.05 establishes the County process for docketing, and what items are covered by the separate Official Development Code Docket and the Comprehensive Plan Amendment Docket.

The purpose of the two dockets are to provide information to the public about potential changes to the comprehensive plan and development regulations the County is considering. The Board chooses the proposed amendments from the preliminary dockets, which are maintained year-round. Anyone can propose amendments to the comprehensive plan and development regulations. Items proposed by staff are subject to review by the Board prior to being officially added to the preliminary docket. Whether or not to keep a preliminary docket item for future consideration, or to place a preliminary docket item on the docket is a legislative decision that is at the discretion of the Board.

A step-by-step illustration of the comprehensive plan and development code amendment process is attached. Items proposed for the preliminary docket are gathered through guidance of the Board, analysis of changing state and federal laws, requests by cities, citizen request, and issues raised during implementation of existing codes.

The steps generally include:

1. Board Review of Preliminary Docket
2. 20-Day Written Public Comment Period
3. Board Review of Public Comments
4. Direction from Board on final Official Docket
5. Submission of Docket for Adoption
6. Docket Adoption

Once items are placed on the Official Docket by the Board, they are forwarded to the Planning Commission for review and recommendation as allowed by the County budget and staffing resources.

The Official Comprehensive Plan Docket includes amendments to the Thurston County Comprehensive Plan and all associated plans and subarea plans. Amendments to the development regulations that may involve a comprehensive plan amendment are also placed on this docket. An example of this may be a proposed amendment to the development regulations that is inconsistent with the comprehensive plan, or that is not sufficiently addressed by the comprehensive plan.

The current Official Development Code Docket expires at the end of 2017. In Thurston County, the Development Code Docket includes amendments to the following (Chapter 2.05 TCC):

- Chapter 17.09, State Environmental Policy Act
- Chapter 17.15, Agricultural Activities Critical Areas Ordinance
- Title 18, Platting and Subdivision
- Title 19, Shoreline Master Program for the Thurston Region
- Title 20 (Rural) Zoning
- Title 21 Lacey UGA Zoning
- Title 22 Tumwater UGA Zoning
- Title 23 Olympia UGA Zoning
- Title 24 Critical Areas Ordinance

Amendments to other titles, chapters and sections of the Thurston County Code relating to a land use control regulation may be included as deemed necessary by the Board. Examples include Title 25 Impact Fees, Title 26 Code Enforcement, Chapter 17.20 Mineral Extraction Code and Chapter 17.25, Forest Lands Conversion Ordinance.

## **2. Preliminary Development Code Docket Organization**

Staffing and funding for completing proposed amendments is typically very limited especially with the significant work needed for the periodic Comprehensive Plan update. Staff makes a recommendation on the amendments based on the Comprehensive Plan, staff's analysis and state mandates.

In the past, projects on the preliminary docket were divided into four priority areas. The organization of the docket has changed for this cycle to separate out interjurisdictional, periodic update requirements, and high and low priority county amendments. Economic impact analysis has not typically been included during the preliminary docketing stage.

The docket areas include:

### *Priority A: High Priority County Amendments - Yellow*

Amendments deemed high priority by the County. These items would be taken up as staffing resources allow as directed by the Board.

### *Interjurisdictional Amendments – Light Green*

These are docket items to address interjurisdictional requests from other government organizations such as fire districts, cities, and/or quasi-governmental organizations.

### *Comprehensive Plan Update Amendments - Purple*

These are high priority docket items that will be addressed with the periodic update process and staff. These amendments include mandates from the Growth Management Act or are due to changes in state law or case law.

### *Priority B: Low Priority County Amendments - Orange*

While important, it is unlikely that staffing resources will allow the processing of amendments at this priority level. If docketed, these projects may be addressed throughout the year as part of another higher priority proposal, or as necessary to solve a pressing issue.

### **3. Amending an Official Docket**

Once the official docket is adopted by the Board, it may be amended at any time by following the same process as initial adoption. Generally, this includes Board direction to add an item, review of the proposed docket item by the Board, a 20-day written public comment period, and final amendment of the docket by the Board.

### **4. Development Code Amendment Process**

While each development regulation amendment proposal is somewhat unique, the process is similar for each amendment. Not all steps outlined below are required for each amendment. Simple amendments can be taken through the process fairly quickly once they are on the docket. The basic steps include the following:

1. Placement on the Official Docket
2. Scoping and Allocation of Staffing Resources
3. Contact with Stakeholders
4. Draft Regulation Development
5. Specialized Committee Review (e.g. Agricultural Committee)
6. Open House (For Significant Amendments)
7. Planning Commission Review, Hearing and Recommendation
8. Board Review, Hearing and Decision

# General Docket Process Steps (Legislative)

## Comprehensive Plan and Code Amendments

**Preliminary Docket Review** Board reviews preliminary docket, usually during a briefing

**20-Day Written Comment Period** Staff makes final edits, publishes the legal notice, notifies interested parties, and analyzes written comments for the Board to review.

**Board Reviews Written Comments** Typically takes place at a board briefing

**Board Gives Direction on Proposed Docket** Usually happens at the same time as when the Board reviews written comments

**Develop Final Official Docket** Can take about one week, depending on staff workload.

**Submit for Adoption** The docket is adopted at a regularly scheduled Board meeting, which are held on Tuesdays.

**Board adopts Official Docket** After it has been established, the docket is published on the County's home page.

Under state law (RCW 36.70A.470), the **purpose** of the docketing process is to provide a way for interested parties to suggest Comprehensive Plan and development code amendments to the Board. It is also designed to make the public aware of proposed items that are under consideration.

It is the Board's discretion to place, or remove, any item on the official docket.

**Note: All board briefings are open to the public.**

# Becoming an Amendment

## Step 2: Planning Commission Review Process

### Staff Review of Draft Amendments

Staff reviews draft code amendments, prepares a staff report, completes an initial legal review and develops alternatives.

### Planning Commission Review

Planning Commission reviews preliminary draft amendments over the course of one or more meetings. After review, they set a public hearing with a 20-day notice.

### Planning Commission Public Hearing

The public has the opportunity to give comments to the Planning Commission at the public hearing.

### Recommendation to the Board

Planning Commission decides on the preliminary draft amendments. Their decision, along with a minority report (if available) is sent to the Board as a recommendation.

- **State Environmental Policy Act (SEPA) Determination**
- **Commerce 60-Day Review**
- **Sent to Board to review**

Proposed amendments are sent to the Department of Commerce for a 60-day review, except under special circumstances.

**Note: All Planning Commission meetings are open to the public.**

# Becoming an Amendment

## Step 3: Board of County Commissioners Review Process

### Board Reviews Planning Commission Recommendation

Board begins review process after it receives the recommendation from the Planning Commission.

### Board Briefing

Staff provide all available recommendations and a summary of public comments received during the Planning Commission review process. The board will give staff feedback for desired changes and set the public hearing with a 20-day notice.

### Public Hearing

Public comment is given at the hearing. Staff prepares a review of the comments for the board.

### Board Briefing and Direction

Board reviews public comments and recommends any changes to proposed amendments. Board gives staff final direction to prepare amendments for adoption.

### Develop Ordinance

Staff draft an ordinance with proposed amendments to development code or comprehensive plan. Requires legal review prior to adoption.

### Board Decision

Staff submit ordinance for adoption at a regularly scheduled board meeting.

### Notice of Adoption

Notice is published in the County's newspaper of record. 60-day appeal period begins.

**Note: All board briefings are open to the public.**