

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Joint Meeting with the Planning Commission to Discuss the Proposed Process to Review and Amend the Comprehensive Plan and Development Code for Compliance with the Growth Management Act (GMA) with Specific Emphasis on Environmental Regulations

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Planning Director and Anna Kolousek, Assistant Planning Director

PROBLEM/ISSUE STATEMENT: State law requires cities to update their Comprehensive Land Use Plans and Development Regulations to reflect local needs, new data, and new state and federal laws that have emerged since the adoption of these plans every five years and no later than September 1, 2002. Although the City adopted its Comprehensive Plan and Development Code less than five years ago, the GMA still requires action to review by September 1, 2002. In addition, every city with critical area policies and regulations is required to review those policies and regulations to assure compliance with GMA, including the "best available science" requirements. The City Council goal #4 to: "Develop a water quality and environmental program to comply with state and federal regulations for 2002" also addresses the need to update the existing environmental regulations. Therefore, staff recommends coordinating the GMA update with the implementation of Council Goal #4.

ALTERNATIVES ANALYZED: There are three available:

- (1) Do Nothing: The City could choose not to meet the State's deadline by taking no legislative action to review its plans and regulations by September 1, 2002.
- (2) Review and Amend: The City could identify Comprehensive Plan policies and/or Development Code regulations that need to be revised and take legislative action to revise them.
- (3) Review, Amend and Schedule: The City could review the Comprehensive Plan and Development Code to determine if there are sections that need to be revised; adopt a resolution by September 1, 2002 that identifies those sections of the Comprehensive Plan and development regulations that are in compliance and a schedule for completing analysis and drafting of amendments; and prepare an Ordinance to amend those sections of the Comprehensive Plan and Development Code that have been adequately analyzed and are ready for amendment by the September 1, 2002 deadline. This is recommended alternative by staff.

FINANCIAL IMPACT: The Washington State Department of Community, Trade, and Economic Development awarded the City a grant of \$42,000 to fulfil the mandates of the GMA and to update the environmental sections of the Development Code. In addition to this grant, \$8,000 will be used from the 2002 Adopted Budget that provides

funding for preparation of environmental regulations to comply with the state and federal requirements. The review of all other policies and development regulations including public participation for the entire process will be performed as part of the Planning and Development Services 2002 Work Program.

RECOMMENDATION

No action is required. This information is being presented for the purposes of gaining Council and Planning Commission input and support for the proposed strategy, outcomes, and timeline for responding to the GMA mandate to "take action to review and if needed revise" Comprehensive Plans and Development regulations and the coordinated strategy and schedule for achieving Council Goal #4.

Approved By: City Manager LB City Attorney 

INTRODUCTION

State law requires cities to update their Comprehensive Land Use Plans and Development Regulations every five years and no later than September 1, 2002. In addition, an initial component of achieving Council Goal #4 to: "Develop a water quality and environmental program to comply with state and federal regulations for 2002" is also to review and update existing policies and regulations. Therefore, staff recommends coordinating this work with the GMA update. This report outlines a process to accomplish both tasks.

BACKGROUND

Staff has not previously discussed with Council the requirements of the GMA for update of the Comprehensive Plan and development regulations in 2002. Staff would like to take this opportunity to: 1) Introduce the Council to the GMA requirements for updating Comprehensive Plans and development regulations; and 2) Propose a strategy to meet these requirements.

The Growth Management Act (GMA) RCW 36.70A.130(1) states that, "Not later than September 1, 2002, and at least every five years thereafter, a county or city shall take action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure that the plan and regulations are complying with the requirements of this chapter." The GMA update process includes the following steps:

Step 1: Determine whether revision is needed to ensure the plan and regulations are complying with GMA's requirements. The City determines the need, but this determination can be reviewed by the Growth Management Hearing Board if challenged.

Step 2: Revise those plans and regulations for which a needed revision has been determined.

Council Goal #4, "Develop a water quality and environmental program to comply with state and federal regulations" is intertwined with this GMA requirement. This goal has evolved from a 2001 goal to prepare a comprehensive strategy to respond to Endangered Species Act (ESA), Clear Water Act (CWA), and Shoreline Management Act (SMA). As the response to these laws your Council authorized in 2001 a contract with Tetra Tech/KMC to prepare the Inventory and Characterization of Stream and Wetland Resources. This report is in draft form and will provide basic local data for the analysis and preparation of "best available science" (BAS) information for the City circumstances. To achieve Goal #4, the Comprehensive Plan Environment chapter and associated development regulations need to be reviewed and most likely amended. These are also anticipated tasks needed to meet the GMA.

Coordinating the review, policy development (Comprehensive Plan amendments), and drafting of new or revised regulations in the Development Code is the most efficient approach to achieve Goal #4 and comply with the GMA's requirements for updating environmental regulations. The benefits of combining GMA and Goal #4, rather than addressing them separately, include:

- Savings (time and cost) for the community through more efficient planning and tailored environmental policies and regulations for compliance with GMA and Endangered Species Act (ESA);
- Greater degree of environmental protection due to a better understanding of how much growth the "environment" can handle;
- Greater degree of certainty about what kinds of environmental protection will be required and what kinds of developments will be allowed in critical areas;
- Reduction of time and cost to developers to obtain permits for some projects.

ALTERNATIVES ANALYSIS

Staff reviewed the language in the Growth Management Act; the Technical Bulletins and issue papers prepared by the Washington State Office of Community Development (OCD) to aid local governments in the review and amendment of local plans and regulations; and attended regional workshops regarding the GMA update and how to address "best available science" (BAS). Based on the review of these resources, staff has identified three (3) strategies the City may consider to respond to the requirements of the GMA:

STRATEGIES

(1) Do Nothing: The City could choose not to meet the State's deadline by taking no legislative action to review its plans and regulations by September 1, 2002. The consequences could be as follows:

- A failure to take action to comply with a requirement of the GMA may be challenged under RCW 36.70A.280(1).
- A petition to review alleging a "failure to act" claim may be filed at any time.
- Economic sanctions are available against a county or city that fails to act by September 1, 2002 under RCW 36.70A.340.

(2) Review and Amend: The City could identify Comprehensive Plan policies and/or Development Code regulations that need to be revised and take legislative action to revise them.

(3) Review, Amend and Schedule: The City could review the Comprehensive Plan and Development Code to determine if there are sections that need to be revised; adopt a resolution by September 1, 2002 that identifies those sections of the Comprehensive Plan and development regulations that are in compliance and a schedule for completing analysis and drafting of amendments; and prepare an Ordinance to amend those sections of the Comprehensive Plan and Development Code that have been adequately analyzed and are ready for amendment by the September 1, 2002 deadline. This strategy is recommended by staff and described in more detail below.

Recommended Strategy: Review, Amend, and Schedule

The proposed strategy has four parts: 1) Review the Comprehensive Plan and development regulations; 2) Review the environmental policies and regulations; 3)

Amend or schedule analysis to amend those policies and regulations that are not in compliance with the GMA; and 4) Proposed Public Participation Plan.

1. **Review:** Using the Technical Bulletins issued by OCD, the comment letter on the Development Code from OCD dated 4/18/00 (Please see Attachment A), a compiled list of all germane state laws passed since 1995, and issue papers prepared by OCD (Please See Attachment B), staff will review the following Comprehensive Plan Chapters and associated development regulations: Land Use; Housing; Transportation; Utilities; Parks and Open Space, and Recreation; Capital Facilities; Essential Public Facilities; Economic Development; and Community Design for consistency with the GMA and make recommendations accordingly. Note: The review of the environmental policies and regulations is not contained in this part of the strategy due to the complexity of the issues. Please see part 2 below.

Financial Impacts: The review of the policies and regulations is proposed to be completed "in house" as part of the ongoing work program for Planning and Development Services.

2. **Review and Amend Environmental Policies, Procedures and Regulations:** The complexity of environmental policies and regulations necessitates an experienced team in many disciplines. The City published a RFQ for consulting team to assist staff in the preparation of "best available science" and identification of appropriate range of options for environmental policies, procedures and regulations, including each critical area (wetlands, streams, fish and wildlife habitat, geological hazard areas, aquifer recharge areas, and frequently flooded areas). (Please see Attachment C: RFQ). These options will serve as a basis for alternative actions for regulatory compliance. The following factors will be documented and considered in preparation of the environmental and critical area amendments:

- (a) Review and analysis of existing policies and regulations;
- (b) Review of the data contained in the Tetra/KCM report together with other appropriate studies;
- (c) Analysis of the above evidence together with thorough review of public comments and information generated in accordance with SEPA review;
- (d) Analysis whether the proposed amendments are within the parameters specified in the GMA as directed by provisions of RCW 36.70A.172 (Please see Attachment D: OCD Issue Paper on Critical Areas).

Note: The required revisions to the Shoreline Master Program (SMP) are not part of this process. Washington State Department of Ecology (DOE) adopted in November 2000 a rule that allows two options for local governments to proceed with updates to the SMP. The approach for the SMP amendments will be presented to your Council as a separate process prior to the November 2002 deadline (identified in DOE rule).

Financial Impacts: The Washington State Department of Community, Trade, and Economic Development awarded the City grant of \$42,000 to fulfil the mandates of the GMA and to update the environmental sections of the Development Code. In addition to this grant, \$8,000 will be used from the 2002 adopted budget that provides funding for preparation of environmental regulations to comply with the state and federal requirements (Please see Attachment E: Grant Contract).

3. **Amend/Schedule:** Upon completion of the review of each Chapter of the Comprehensive Plan and associated development regulations staff and the consultant will: a) Confirm that the chapter or regulation is in compliance with GMA; or b) Determine that an amendment is needed to bring the chapter or regulation into compliance with GMA. If an amendment is needed, staff will: a) draft a proposed amendment; or b) recommend a schedule for analysis and development of an amendment. Reasons for scheduling an amendment as opposed to drafting an amendment (except the amendment to the environmental regulations) at this time include: a) the chapter or regulations proposed for amendment are likely to be affected by anticipated changes in the GMA growth targets; or b) the amendment that is needed has significant technical and legal liability requiring additional analysis beyond current resources.

Financial Impacts: Staff will make a recommendation based on the outcome of the review of the Comprehensive Plan and development regulations regarding the anticipated financial impacts of preparing amendments to these documents in order to comply with the GMA.

4. **Public Participation:** Local governments are required by the GMA to ensure that there are adequate opportunities for public participation in the 2002 Update. Staff proposes the following plan for public participation:
- Amendments to the Comprehensive Plan are accepted year round. Staff advertised in the November 22nd issue of Shoreline Enterprise, on the City web site, and on the cable access channel a final "call" for amendments with the deadline for accepting applications on January 15, 2002. No applications were received from the public.
 - Staff will advertise an invitation to the public to review and provide written public comments on all amendments proposed as a result of the staff review of the Comprehensive Plan and development regulations for compliance with the GMA. The public will also be encouraged to comment on the draft resolution that identifies those chapters and sections of the Comprehensive Plan and Development Code that are in compliance and the proposed schedule for developing amendments to other policies and regulations as identified.
 - A SEPA Threshold Determination will be prepared in conjunction with the draft amendments and resolution. The public will have the opportunity to comment on the issues in compliance with the State Environmental Policy Act (SEPA).
 - As required, appropriate state and regional agencies and surrounding jurisdictions will be made aware of the availability of the proposed amendments, draft resolution, and SEPA documents and invited to review and comment on them.
 - Staff will advertise and encourage all interested persons to provide oral testimony on the proposed amendments and draft resolution at a public hearing to be conducted by the Planning Commission.
 - A method for discussion and analysis of the public comments will follow the effective model utilized during the preparation of the Development Code and amendments.
 - Council may choose to conduct a second public hearing on the proposed amendments and draft resolution to provide for additional public review and input.

Financial Impacts: Staff proposes to conduct the public participation component "in house" as part of the ongoing work program for Planning and Development Services.

What we have learned from other jurisdictions: The Planning Director has been in regular contact with Planning Directors from around the region. The 2002 GMA update has been the topic of many discussions. Jurisdictions throughout the state have been making pleas to the state legislature to extend the deadline for this update. Planning leaders around the state have maintained that the September 1, 2002 deadline should coincide with the anticipated allocation of growth targets from the State Office of Financial Management. If the growth targets are dramatically increased or decreased, this would have a profound effect on whether or not the City's plans and regulations are in compliance with GMA. To date, the City has not yet received confirmation of its new growth targets. In addition, the State legislature is still being asked to consider the extension of the September 1, 2002 deadline.

In Technical Bulletin 1.3 issued by OCD on 11/2/01 it is stated that, "Since the 2002 requirements for updating GMA plans and regulations is based on an earlier deadline than the requirement for incorporating new population figures from OFM, local governments have discretion to decide whether to omit the new OFM population data (and decisions that would be driven by it) from the 2002 Update process." (Please see Attachment F). Therefore, staff recommends reviewing all sections of the Comprehensive Plan and development regulations, but only amending those policies and regulations that are not likely to be affected by potential changes to the City's growth targets.

Summary of Outcomes and Schedule

| Expected Outcome | Timeline |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Advertise a "call" for amendments to the Comprehensive Plan for 2002 | Advertised: 11/22/01 Deadline: January 15, 2002 – No applications received. |
| Establish Process for Comprehensive Plan and Code Amendments and Public Review | January 2002 |
| RFQ Published | February 27, 2002 |
| Initial research & organization to determine extent of revisions needed to update the Comprehensive Plan & Development Code for consistency w/ updates to State law, comment letter from the State on the Development Code, emerging needs, & updated data | February 2002 |
| Consultant Selection for revisions to Environment Chapter of the Comprehensive Plan and associated environmental regulations in the Development Code | March 2002 |
| Seek City Council (CC) & Planning Commission (PC) Support for the Process – Workshop. | March 18, 2002 |
| Prepare Draft Code and Comprehensive Plan Revisions and SEPA review | April -May 2002 |

| | |
|-----------------------------------------------------------------------|----------------------------------|
| Draft Code and Comprehensive Plan Amendments for Public and PC review | May 2002 |
| PC Workshop | May – June 2002 |
| Send amendments to OCD for review and comment | June 2002 |
| PC Public Hearing & Recommendation to Council | June-July 2002 |
| City Council Action on Development Code & Comprehensive Plan | August 26, 2002 (Report due 8/8) |
| Submittal to State | September 1, 2002 |

RECOMMENDATION

No action is required. This information is being presented for the purposes of gaining Council and Planning Commission input and support for the proposed strategy, outcomes, and timeline for responding to the GMA mandate to "take action to review and if needed revise" Comprehensive Plans and Development regulations and the coordinated strategy and schedule for achieving Council Goal #4.

ATTACHMENTS

| | |
|--------------|--------------------------------------------------------------|
| Attachment A | Comment Letter from OCD on Development Code |
| Attachment B | OCD Issue Paper on Comprehensive Plans and Development Codes |
| Attachment C | RFQ for Environmental Consultant Team |
| Attachment D | OCD Issue Paper on Critical Area Regulations |
| Attachment E | GMA Grant Contract |
| Attachment F | Technical Bulletin 1.3 |

ATTACHMENT A

April 18, 2000

The Honorable Scott Jepsen, Mayor
City of Shoreline
17544 Midvale Avenue North
Shoreline, Washington 98133

Dear Mayor Jepsen:

Thank you for sending us your draft development code and engineering standards. The Department of Community, Trade, and Economic Development (CTED) appreciates the time, energy, and resources that these documents represent. Much of your development code is exemplary work, especially your emphasis on the importance of design standards for promoting a livable, compact urban environment. This letter contains our comments and concerns.

We especially like the following:

General comments:

- The purpose statements at the beginning of each chapter clarify the intent of your regulations and link them to the goals and policies of your comprehensive plan.
- The regulations are clearly written, easy to read, and well organized.
- The illustrations throughout the document are extremely helpful in informing applicants and the public about what the City's desired outcomes for the regulations are.

Chapter III – Procedures and Administration

- Your procedural requirements are well organized and easy for applicants and the public to understand. The targets for the issuance of permits are reasonable and show a commitment to issuing permits in a timely manner. Requiring neighborhood meetings for Type B and C permits provides for early and effective citizen participation in the permit process and can lead to education and mitigation of neighborhood concerns early in the permitting process that, in the long run, can save the applicant time and money.

Chapter IV – Zoning and Use Provisions

- Allowing for accessory dwelling units with reasonable standards, manufactured homes, apartments and townhouses, mobile home parks, and cottage housing in your residential general zone offers a mixture of housing choices for a variety of economic segments and lifestyles in your community and diversity to your neighborhoods.
- Your provisions for adding affordable housing for low-income and moderate-income groups to your residential general zone are innovative and commendable. Requiring the owner of the affected parcels to execute a covenant for these units to remain as affordable housing for 30 years ensures that this affordable housing will be long term. Requiring that a proportional amount of the affordable housing units must be completed at or prior to the market rate dwellings ensures that affordable units will be constructed. Offering density bonuses and exceptions such as waiving side yard requirements and allowing affordable units to be attached gives incentives for encouraging the development of these units.

Chapter V – General Development Standards

- Because you have provided for many affordable housing options in your residential general zone, it is critical that these housing types fit the character of existing neighborhoods and are accepted by current residents. Providing for this variety of housing types and ensuring that they are built is a key strategy that should be used by cities to help promote the goals of the Growth Management Act (GMA) to prevent sprawl, to encourage development in urban areas where adequate services exist or can be provided in an efficient manner, and to make available a variety of residential densities and housing types for all economic segments of the population [RCW 36.70A.020((1), (2), (4))]. To provide the success of your plan and the GMA, it is important that these projects that promote a different types of housing are built. For this reason, including design standards for single-family and multifamily dwellings and commercial buildings will help ensure acceptability for the mixture of housing types that your plan provides. It will also allow for infill and redevelopment of commercial areas and could shorten the time that it takes to get these developments approved by decreasing resistance from neighborhood groups and potential appeals of these projects.
- Single-family design standards. You have included simple and easy to administer design standards for single-family homes in these regulations. Offering a choice of standards also gives flexibility to the applicants (2.C-2).

Also, requiring garages for single-family homes either to be detached from or attached to a house to be “set back at least five feet further than the house facade that is located at the minimum front yard setback line” will help provide for a more attractive street and will encourage your streets to be more pedestrian-friendly (2.C-1.1).

- Multifamily design standards. Your parking standards promote access from alleys and require parking at the side or behind buildings. They also direct coordination between parking areas, pedestrian connections, and open space and emphasize pedestrian circulation

and safety. These standards will help give Shoreline better pedestrian safety and more walkable streets (3.B-2 and 3.B-5).

Your proposed standards that will require primary facades and building entries to face the street will provide for neighborhood safety and more pedestrian-friendly streets (3.C-1.1 and 3.C-1.2).

Requiring breaking large buildings into smaller components through a range of techniques and discouraging the use of certain building materials and blank walls will assist applicants in obtaining approval for building projects that are acceptable to neighborhoods (3.C-1.3 and 3.C-1.4).

- **Mixed-Use, Commercial and Other Non-Residential Development Design Standards.** Providing the incentive of allowing for increased height to encourage the development of buildings with a mix of residential and commercial uses is a good strategy to encourage services and employment opportunities near where people live. It also helps reduce automobile trips (Exception 4.B-1-1d).

Your street frontage, pedestrian and bicycle circulation, lighting, and building design standards support your strategy for promoting pedestrian and bicycle safety and for encouraging walking and bicycling as an alternative to automobile use. These requirements will also help establish Shoreline as an attractive community in which to live, work, shop, and do business (4.B-2, 4.B-3, 4.B-4).

- **Tree Conservation, Land Clearing, and Site Grading Standards.** Your regulations require "that no clearing shall be allowed on site for the sake of preparing that site for sale or future development where no specific plan for future development has been prepared." This requirement is important to assure that trees which are retained fit in with future development and conserve tree cover in Shoreline for as long as possible (5.B-7).

Providing the option to require a professional evaluation and/or a tree protection plan to be prepared by a certified arborist helps ensure that the most appropriate trees are preserved and in the most suitable configuration (5.E-2).

Other provisions that deal with the retention of trees provide incentives for tree retention, flexibility in how to provide for tree preservation, protection of trees during development, and assurance of the long-term survival of the trees that are retained.

Chapter VI – Parking, Access, and Circulation

- Your standards allowing for the reduction of parking and for shared parking are a good way to lessen the amount of impervious surface in your City (6.B-2).

The Honorable Scott Jepsen

April 18, 2000

Page 4

- Your standards for providing pedestrian access and circulation continue your emphasis on pedestrian safety (6.C-1).
- Your standards for requiring bicycle parking helps support bicycling as an alternative to auto use (6.C-2).

Chapter VIII -- Special Overlay Districts

- Having maps of critical areas available is a good way to assist applicants in identifying critical areas. It is also important that your ordinance requires that the presence, type, extent, boundaries, and classification of critical areas be made by a qualified wetland specialist according to criteria that you have established. Updating your maps annually to reflect the most current data will be useful to the City and to applicants (6.D-1).
- Clarifying that in the event there are conflicting regulations, the regulations which provide the most protection to critical areas will provide for better environmental protection (6 K).
- Requiring that the critical area and its associated buffer be placed in a separate tract on which development is prohibited and be protected by an easement through a permanent protective mechanism ensures permanent protection of the critical area. Requiring that the location and limitations associated with the critical area be shown on the face of the deed gives notice to current and future property owners that critical areas on their property will be protected (6.M).
- Your provisions for a monitoring and contingency program based on scientific procedures that includes sampling points, monitoring reports, and measurable objectives are essential to making sure that mitigation projects are successful (8.E-7).

We have some suggestions for strengthening your regulations:

- We like the way your regulations for preserving trees, in certain cases, requires a professional evaluation from a certified arborist and how your regulations for protecting geologically hazardous areas require that a geotechnical engineer or geologist provide studies that evaluate the risk and set out the conditions for development in these areas. We recommend that you define what qualifications are needed for qualified consultants that are required by regulations to recommend mitigation projects for wetlands and fish and wildlife habitat areas. We recommend that a wetland consultant have certification by the Society of Wetland Scientists as a Wetland Professional Scientist or a Wetland Professional in Training (Chapter VIII, 5.E-6 and 8.E-5).

We have the following concerns about your ordinance, which you should address:

Chapter II – Definitions

- Definition of family. To the extent that the limit of eight unrelated persons has the effect or intent of restricting housing for persons with disabilities or other protected classes, it could violate the Federal Fair Housing Act and the Washington Laws Against Discrimination. We recommend that you consult the City's attorney on this issue, particularly in light of the U.S. Supreme Court decision regarding restrictions imposed by the City of Edmonds. See City of Edmonds v. Oxford House, 514 US, 1995 (page 17).

Chapter III – Procedures and Administration

- To the extent that this provision prevents “the detrimental overconcentration of a particular use within the City or within the immediate area of the proposed use” has the effect or intent of restricting housing for persons of disabilities or protected classes, CTED has the same concern and advice as expressed in the above paragraph (7(b) B.6).

Chapter IV – Permitted Uses

- Community Residential Facility-I is permitted as a conditional use in residential general zones and Community Residential Facility-II is permitted only in Neighborhood Business, Community Business, Regional Business, and Industrial Zones. Again, to the extent the limitations on these uses has the effect or intent of restricting housing for persons of disabilities or protected classes, CTED has the same concern and advice as we did in the preceding two paragraphs (4B. Use Tables, Table1).

Chapter VIII – Special Overlay Districts

- We recommend you reexamine your proposed wetland buffers. This is important because of the listings under the Endangered Species Act and because RCW 36.70A.172 now requires counties and cities to include best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas and give special consideration to conservation and protection measures to preserve and protect anadromous fisheries. We encourage you to adopt the recommendations as provided in the Department of Ecology's (Ecology) *Model Wetlands Protection Ordinance* (Ecology Publication #93-504) based on the proposed land use (e.g., high intensity, low intensity). Ecology's recommend buffers are the following:

| <i>Wetland</i> | <i>High-intensity</i> | <i>Low-intensity</i> |
|----------------|-----------------------|----------------------|
| Category I | 300 feet | 200 feet |
| Category II | 200 feet | 100 feet |
| Category III | 100 feet | 50 feet |
| Category IV | 50 feet | 25 feet |

We recognize that in already urbanized areas these larger recommended buffers may not be possible to achieve. We also recommend that you include your sources of BAS in your findings when you adopt your ordinance or include them in this ordinance (8.C-2). CTED and Ecology can provide you with technical assistance in this area.

- Your regulations recommend that when buffers are averaged, the smallest buffer can be less than 10 feet. We recommend that you increase the smallest buffer to no less 50 feet. Ecology's publication, *Wetland Buffers: Use and Effectiveness*, concludes that buffers of less than 50 feet are generally ineffective. This publication is considered a good source for BAS.
- We are concerned that your stream classification system could omit some important habitat values. We recommend you review Washington Department of Natural Resources' (DNR) Forest Practices Board's water typing system for classification of stream type (WAC 222-16-030) and incorporate that guideline in your regulations.
- We also recommend that you reevaluate your stream buffers. The Washington Department of Fish and Wildlife (DFW) has established recommendations for stream buffers based on DNR typing system for streams (8.B).

These recommendations include the following stream classification and recommended buffer widths for rivers and streams in Washington state:

| | |
|--------------------------------------------------------|----------|
| Type 1 and 2 | 250 feet |
| Type 3 (5-20 feet wide) | 200 feet |
| Type 3 (less than 5 feet wide) | 150 feet |
| Type 4 and 5 (low mass wasting ¹ potential) | 150 feet |
| Type 4 and 5 (high mass wasting potential) | 225 feet |

DFW can provide you with technical assistance on stream typing and their appropriate buffers (8.C-2).

- A design guideline that you might want to consider adding to your guidelines for multi-family and commercial buildings is a guideline on window treatment, which is a key component in producing attractive buildings. A guideline that directs that window treatments

¹ Mass wasting is a general term for a variety of processes by which large masses of rock or earth material are moved down slope by gravity either slowly or quickly (i.e., erosion or slope failure).

The Honorable Scott Jepsen
April 18, 2000
Page 7

provide relief, detail, and variation on the façade by employing well proportioned openings that are designed to create shade and shadow detail.

Congratulations to you, your planning commission, involved citizens, and staff on your good work these draft development regulations represent. If you have any questions or concerns about these comments, please call me at (360) 753-4315. We look forward to receiving your adopted development regulations.

Sincerely



Holly Gadbow
Senior Planner
Growth Management Program

HG:lw

cc: Timothy Stewart, Planning and Development Services Director, City of Shoreline
Anna Kolousek, City of Shoreline
Millard Deusen, Washington Department of Fish and Wildlife
Scott Boettcher, Department of Ecology

ATTACHMENT B

2002 Update: Issues To Consider When Reviewing Comprehensive Plans and Development Regulations

The Washington State Office of Community Development (OCD) and state agencies that review and comment on comprehensive plans and development regulations have prepared the following set of questions. Its purpose is to help guide Washington counties and cities with the required review and evaluation, and if necessary, the revision of comprehensive plans and development regulations, including ordinances to protect critical areas and conserve resource lands, for consistency with the Growth Management Act (GMA), as required by RCW 36.70A.130(1). The deadline for any needed changes is September 1, 2002. These questions have been designed to help local planners, elected officials, planning commissions, and citizens focus on key aspects of city and county comprehensive plans and development regulations that may need review due to: (a) amendments to the GMA since the adoption of local plans or regulations; (b) other new laws or events, such as Endangered Species Act listings, that might impact local plans or regulations, and (c) the availability of new data or ideas that may be incorporated into plans or regulations to strengthen them.

These questions are not an exhaustive list. OCD, with help from state agencies, has also prepared supplemental materials that include: checklists for comparing comprehensive plans and development regulations with basic requirements of the GMA; a chronological order of the amendments to the GMA since 1995; and a summary of statutory planning deadlines related to the GMA. We will continue to prepare technical assistance materials and distribute them as soon as they are available.

Please call OCD at (360) 725-3000 if you need further information on the 2002 update requirement or if you have questions about the resources listed below.

Questions shown in italics are not necessarily a requirement of the GMA. They may reflect other laws or state-recommended approaches.

Part A: Changes to the Growth Management Act (1995-2001)

The questions in this section relate to new requirements, based on key amendments made to the GMA between 1995 and 2001.

Best Available Science

- Have you reviewed your critical areas ordinances to see if they incorporate the best available science and special consideration for anadromous fisheries as required by RCW 36.70A.172?
- Did you identify sources of best available science used to develop your critical areas regulations? (This should be included in the record compiled during the adoption of your ordinance.)
- Does your comprehensive plan have policies that give guidance to your critical areas regulations and are those policies based on best available science?

Resources include:

- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations, Part Nine, Best Available Science (WAC 365-195-900 through 925)
- Minimum Guidelines to Classify Agricultural, Forest, Mineral Lands, and Critical Areas (Chapter 365-195 WAC)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-410, 210, and 825)
- RCW 36.70A.020(10); RCW 36.70A.030(5), (9), and (20); RCW 36.70A.060
RCW 36.70A.170; RCW 36.70A.172; RCW 36.70A.175
- *Citations of the Best Available Science for Designating and Protecting Critical Areas, Preliminary Draft Report for Public Review and Comment*, Washington State Office of Community Development, 2001
- *Wetlands Rating System for Eastern Washington or Wetlands Rating System for Western Washington*, Washington Department of Ecology, 1991 and 1993
- Stream Typing (WAC 222-16-030), Department of Natural Resources
- The Priority Habitats and Species Program (PHS), Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage.htm

Essential Public Facilities

- Have you adopted a process for siting “secure community transition facilities” consistent with the statutory requirements and rules applicable to these facilities?
- Have you adopted a process in your policies and regulations for the identification and siting of transportation facilities of statewide or regional significance?

Resources include:

- 3 ESSB 6151, Chapter 12, Laws of 2001, E2
- RCW 36.70A.040(7); RCW 36.70A.200
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-340 and WAC 365-195-840)
- *Coordinating Transportation and Growth Management Planning (1998 Legislation HB: 1487 – “Level of Service Bill”)*, Washington State Department of Transportation and Washington State Office of Community Development

General Aviation Airports

- Do your comprehensive plan and development regulations have provisions to discourage the siting of incompatible uses adjacent to general aviation airports?
- Have plans and regulations been filed with the Aviation Division of the Washington State Department of Transportation (WSDOT)? Does your plan allow the siting and expansion of general aviation airports according to your provisions for siting essential public facilities and state requirements?
- *Do your comprehensive plan and development regulations regulate noise and height hazards associated with airports?*

- *Do land use and zoning designations in and adjacent to airports take the risk of aircraft accidents into consideration?*

Resources include:

- *Airports and Compatible Land Use Planning: An Introduction for Decision Makers*, Aviation Division, Washington State Department of Transportation, 1999
- Aviation Division, Washington State Department of Transportation – www.wsdot.wa.gov/aviation – (206) 764-4001
- RCW 35A.63.270; RCW 36.70.547; and RCW 36.70A.510

Integrating Environmental Review with the Permit Process

- Have you adopted regulations that integrate your environmental review process with your permit process?

Resources include:

- Project Consistency Rule (Chapter 365-197 WAC), Washington State Office of Community Development, 2001
- State Environmental Policy Act Rules (Chapter 197-11 WAC)
- SEPA Handbook – Washington Department of Ecology – www.ecy.wa.gov/programs/sea/sepa/e-review
- RCW 36.70B
- Good examples of ordinances that integrate environmental review with the permit process are available by calling the Washington State Office of Community Development, at (360) 725-3000

**Natural Resource Lands of Long-Term Commercial Significance
(Generally Applies Only to Counties)**

- Do your regulations include the requirement that all plats, short plats, development permits, and building permits within 500 hundred feet of agricultural, forest, or mineral lands of long-term commercial significance contain the notice that the subject property is within or near designated natural resource land on which commercial activities may occur that are not compatible with residential development for certain periods of limited duration? Do these notices for mineral lands also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals?
- *Have you assumed regulatory authority over Class IV forest practices regulated by local government, including development on land within an urban growth area, as required under RCW 76.09.240? Do your regulations equal or exceed State Forest Practice resource protection rules and regulations for these forest practice activities?*
- Have you reviewed your designated mineral resource lands and your development regulations for mineral resource lands, taking into account new data?

Resources include:

- *King County vs. Central Puget Sound Growth Management Hearings Board, et al*, 142.WN2d543(2000)
- RCW 36.70A.020(8); RCW 36.70A.030(2), (8), (10), and (11); RCW 36.70A.060(1); RCW 36.70A.131; RCW 36.70A.170; RCW 36.70A.177
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-210; 365-195-400, and 365-195-825)

Shoreline Master Programs

- Have you reviewed your shoreline master program for consistency with the other elements of your comprehensive plan and with your development regulations?
- Are your "shoreline environment designations" consistent with your zoning?
- Have you made any revisions to your Shoreline Master Program using the new shoreline guidelines if applicable?

Resources include:

- Washington Department of Ecology – www.ecy.wa.gov/watershed/inex.html
- Shoreline Guidelines (Chapter 173-26 WAC), subject to possible revisions by the Department of Ecology.
- RCW 36.70A.480

Transportation

- *Have you worked with your regional transportation planning organization to designate levels of service on highways that are not of statewide significance?*
- Have you incorporated the levels of service set by Washington State Department of Transportation for highways of statewide significance and eliminated these highways from your concurrency management system?
- Does your plan include an inventory of state transportation facilities in your jurisdiction's area?
- Have you estimated the traffic impacts to state-owned facilities resulting from your land use assumptions?

Resources include:

- *Your Community's Transportation System: A Transportation Element Guidebook*, Washington State Office of Community Development, 1993
- *Coordinating Transportation and Growth Management Planning (1998 Legislation HB: 1487 – "Level of Service Bill")*, Washington State Department of Transportation and Washington State Office of Community Development
- RCW 36.70A.020(3); RCW 36.70A.070(6); RCW 36.70A.200; RCW 47.06.140
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-320; WAC 365-195-340; WAC 365-195-510; WAC 365-195-835; WAC 365-195-840)

Part B: New Laws, Events, or Endangered Species Listings That Might Affect Your Plan or Regulations

The questions in this section address some recent events and laws that may affect local plans or regulations.

Endangered Species Act

- *Have species listings under the Endangered Species Act (ESA) affected your land use assumptions, capital facilities planning, and your permit process? If so, how?*
- *If your jurisdiction is affected by an ESA 4(d) rule, are the requirements of a 4(d) rule, if applicable, incorporated into your comprehensive plan policies, your development regulations, and your critical areas ordinance?*
- *Will your jurisdiction need new capital facilities (e.g., new infrastructure, water, and wastewater utilities) to comply with ESA? Have they been included in the Capital Facilities Element of your plan?*
- *Will your stormwater regulations or clearing- and- grading ordinances need to be updated to protect fish habitat?*

Resources include:

- Washington State Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage/htm
- Governor's Salmon Recovery Office – www.governor.wa.gov/esa/index.htm

Natural Hazard Mitigation

- *Have you considered adopting a Natural Hazard Reduction Element for your comprehensive plan?*
- *In addition to the critical areas that are required to be designated and protected by the GMA, has your jurisdiction considered designating other hazard areas, such as wildland/urban interface areas vulnerable to wildfires?*
- *Have you used best available science to limit the siting of essential public facilities in known hazardous areas?*
- *Did you consult with your local emergency coordinator when designating critical areas ordinances?*

Resources include:

- *Optional Comprehensive Plan Element for Natural Hazard Reduction, Washington State Office of Community Development, 1999*

Part C: Areas Where Local Plans Plan and Regulations Might Need Strengthening

The following questions address key components of local plans and regulations that may need strengthening to reflect new data or ideas consistent with the GMA.

Capital Facilities

- Has your concurrency ordinance or other mechanisms been effective in providing public facilities and services concurrent with development?
- Does your plan identify lands useful for public purposes?

Resources include:

- *Making Your Comprehensive Plan a Reality: A Capital Facilities Preparation Guide*, Washington State Office of Community Development, 1993
- RCW 36.70A.020(12); RCW 36.70A.030(12), (13), (16), and (19); RCW 36.70A.070(3); RCW 36.70.120; RCW 36.70A.150
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-040(3); WAC 365-195-200(13) and (16); WAC 365-195-210 WAC 365-195-315; WAC 365-195-430; WAC 365-195-510; WAC 365-195-835)

Critical areas

- Do you have policies in your comprehensive plan for identifying and protecting critical areas?
- Do your development regulations protect critical areas?

Resources include:

- See the resources listed under "Best Available Science" in Part A of this document.

Essential Public Facilities

- Do your plans and regulations provide for the identification and siting of essential public facilities?

Resources include:

- RCW 36.70A.200
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-340 and WAC 365-195-840)

Housing

- Do your county-wide planning policies and your plan have targets or objectives for providing affordable housing suited to the various income levels of people who live or work in your community?
- What strategy and mechanisms do you have for achieving these targets?
- How has your plan and development regulations provided for group homes, foster care facilities, accessory dwelling units, and manufactured housing in accordance with the GMA, *Washington Laws Against Discrimination (RCW 49.60.222-225)*, and the *Federal Fair Housing Act as amended (42 USC 3602 et seq)*?
- Does your plan include a housing inventory and analysis of future needs?

Resources include:

- *Assessing Your Housing Needs: A Practical Guide to Preparing a Housing Needs Assessment under CHAS and GMA Requirements*, Washington State Office of Community Development, 1992
- *Housing Your Community: A Housing Element Guide*, Washington State Office of Community Development, 1993
- *Affordable Housing Techniques*, Municipal Research and Services Center, 1992
- "Group Homes in Washington State, Questions and Answers," Washington Department of Social and Health Services
- "Accessory Dwelling Unit Ordinance Study and Recommendations," Washington State Office of Community Development, State Building Code Council, 1994
- "New Daycare Siting Preemptive Legislation," Association of Washington Cities, 1994
- "Joint Statement of the Department of Justice and the Department of Housing and Urban Development on Group Homes, Local Land Use, and the Fair Housing Act", 1999
- RCW 36.70A.020(4); RCW 36.70A.070(2); RCW 36.70A.200(1); RCW 36.70.400; RCW 36.70A.410; RCW 36.70A.450; RCW 43.63A.215
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-310, and WAC 365-195-860)

Monitoring

- *Does your jurisdiction have a method for monitoring how well your comprehensive plan policies, development regulations, and other implementation techniques are achieving your comprehensive plan's goals and the goals of the GMA?*
- *Does your comprehensive plan and development regulations define a process for amending your plan?*
- *Does your plan define an "emergency" for the purpose of amending your plan or development regulations?*
- *Is the plan amendment process coordinated among the county and cities within a county?*

Resources include:

- RCW 36.70A.100; RCW 36.70A.106; and RCW 36.70A.130
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-865)

Natural Resource Lands (Generally for Counties)

- Does your comprehensive plan have policies for conserving natural resource lands and encouraging natural resource industries?
- Do your development regulations conserve natural resource lands and encourage natural resource industries?

Resources include:

- See the resources listed under "Natural Resource Lands of Long-Term Commercial Significance" in Part A of this document.

Population

- Does your plan indicate the population for which it is planning and is this projection used consistently in the plan?
- Is the population growth projected in your comprehensive plan consistent with the Washington Office of Financial Management forecast for your county or the county's subcounty allocation of that forecast? If not, what is your rationale for using another figure?
- For counties: What is the percentage of county-wide population growth that is allocated for urban growth areas? Is this allocation consistent with GMA goals of encouraging urban growth in urban areas, reducing sprawl, and ensuring that public facilities and services are efficiently provided?

Resources include:

- Washington Office of Financial Management, Theresa Lowe, by phone at 360-902-0588
- *The Art and Science of Designation Urban Growth Areas, Part II: Some Suggestions for Criteria and Densities*, Washington State Office of Community Development, 1992
- *Predicting Growth and Change in Your Communities: A Guide to Subcounty Population Forecasting*, Washington State Office of Community Development, 1995
- RCW 36.70A.020(1)-(2); RCW 36.70A.020(12); RCW 36.70A.070 (second sentence); RCW 36.70A.070(1); RCW 36.70A.110(2)

Public Participation

- Has your jurisdiction established and distributed information on methods for citizens to participate in the land use planning and permit process?

Resources include:

- RCW 36.70A.020(11); RCW 36.70A.035; RCW 36.70A.140; RCW 36.70B
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-600)
- *A Bottom's Up Primer, A Guide to Citizen Participation*, Washington State Office of Community Development, 1991
- *Towards Managing Growth, A Guide to Community Visioning*, Washington State Office of Community Development, 1991

Rural (Counties Only)

- Do the comprehensive plan and development regulations provide for rural densities and uses on rural lands?

Resources include:

- *Defining Rural Character and Planning for Rural Lands: A Rural Element Guide*, Washington State Office of Community Development, 1994
- *Keeping the Rural Vision: Protecting Rural Character and Planning for Rural Development*, Washington State Office of Community Development, 1999
- RCW 36.70A.030(14)-(16); RCW 36.70A.070(5)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-330)

Subdivision Regulations

- Do your subdivision regulations encourage urban growth in urban growth areas and discourage sprawl?
- Are your subdivision regulations consistent with supporting an efficient transportation system and other appropriate infrastructure?
- Are your subdivision regulations consistent with your comprehensive plan and the GMA?

Resources include:

- *Model Code Provisions: Urban Streets and Subdivisions*, Washington State Office of Community Development, 1998
- RCW 36.70A.030(7); RCW 58.17.020; RCW 58.17.060; RCW 58.17.090; RCW 58.17.092; RCW 58.17.100; RCW 58.17.110; RCW 58.17.140; RCW 58.17.180; RCW 58.17.330
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations [WAC 365-195-825(4)]

Transportation

- What transportation demand strategies do you have and have they been effective?
- Have you designated levels of service for local arterials and, if applicable, transit routes?
- Do you have ordinances for transportation concurrency, consistent with RCW 36.70A.070(6)(b)?

Resources include:

- *Your Community's Transportation System: A Transportation Element Guidebook*, Washington State Office of Community Development, 1993
- RCW 36.70A.020(3); RCW 36.70A.070(6); RCW 36.70A.200; RCW 36.70A.420; RCW 36.70A.430; and RCW 47.06.140
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-325 and WAC 365-195-835)

Urban Growth

(Note: By definition, "urban growth areas" means all unincorporated areas so designated by a county and all incorporated cities and towns.)

- Do your urban growth areas (incorporated or not) provide for achieving urban densities, services, and uses?
- Do your policies and regulations encourage urban growth in urban areas and reduce sprawl? If so, is your urban growth area appropriately sized for the population projection within the planning period?
- Is there a coordinated approach to planning for development in urban growth areas, especially among adjacent jurisdictions?

Resources include:

- *The Art and Science of Designating Urban Growth Areas: Part II, Some Suggestions for Criteria and Densities*, Washington State Office of Community Development, 1992

- "Appendix A: Measures to Achieve Growth Objectives," *Buildable Lands Program Guidelines*, Washington State Office of Community Development, 2000
- RCW 36.70A.020(1)-(2); RCW 36.70A.030(17)-(18); RCW 36.70A.110; and RCW 36.70A.210(3)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-335)

Water Quality and Quantity

- *Does your jurisdiction have water rights to support your plan's projected 20-year growth or a strategy to obtain them?*
- *Does your stormwater regulations incorporate the Washington Department of Ecology's manual for your region?*
- *For jurisdictions in the Puget Sound basin, have you implemented the stormwater, habitat, shellfish and on-site sewage programs of the 2000 Puget Sound Water Quality Management Plan through your comprehensive plan, your critical areas ordinance, your development regulations, and the Capital Facilities Element of your plan?*

Resources include:

- Puget Sound Action Team – www.wa.gov/puget_sound/Publications/manplan00/mp_index.htm
- *Stormwater Management Manual for Western Washington, Volumes I-IV*
Department of Ecology (also www.ecy.wa.gov)
- RCW 36.70A.070(1); RCW 36.70A.070(3)
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations (WAC 365-195-735, and WAC 365-195-800)

ATTACHMENT C

FIRST PUBLICATION

**City of Shoreline
Consultant Services**

Submittal Date: March 13

Shoreline Development Code and Comprehensive Plan review focusing on critical areas regulations and recommend revisions to assure compliance with GMA.

**REQUEST FOR
QUALIFICATIONS**

The City of Shoreline is soliciting statements of qualifications from consulting firms and individuals to provide professional services to carry out review of the Shoreline Development Code and the Comprehensive Plan, including critical areas regulations, permit review procedures, clearing and grading regulations, and environmental procedures. The anticipated level of effort should not exceed \$45,000. The work is scheduled to begin in March 2002 and completed by September 2002. Below is the preliminary scope of work.

Summary of work

- 1) Review
 - a. Stream and Wetland Inventory and Assessment Draft Report and Maps.
 - b. Shoreline Comprehensive Plan Environmental Element.
 - c. Shoreline Development Code, with focus on the Critical Area Overlay District standards.

Review shall also include clearing and grading regulations, environmental procedures, stormwater regulations, and procedural requirements.

2) Analysis and preparation of BAS record, including identification of the appropriate range of management options and approaches and justification for the standards chosen.

3) Public participation, strategy and facilitation.

4) Recommendation for the Development Code and Comprehensive Plan amendments.

5) Related environmental review documents.

Please include in your written response:

1) Proposed organization chart of project team, including sub-consultants.

2) Project manager's and team's qualifications and experience with the following:

*Development of critical area regulations that comply with GMA, including the "best available science" requirements of RCW 36.70A.172(1)

*Preparation of a "record" (scientific and non-scientific information) that identifies and addresses each of the critical elements of "best available science" (BAS) to help ensure GMA compliance. This includes documentation of sources for BAS recommendations on appropriate ranges within which discretion may be exercised, and appropriate justification using BAS for the standards that are chosen.

*Development of innovative approaches to encourage restoration of urban critical areas and redevelopment of legal non-conforming uses.

*Preparation of development regulations that give special consideration for anadromous fisheries.

*Development of procedurally integrated development regulations with citizen involvement consistent with GMA requirements.

3) Outline your approach for the project together with a timeline that corresponds with the September 2002 GMA deadline for review and update of the critical areas plans and development regulations.

The City anticipates that the following disciplines may be used for this contract: data review and analysis, hydraulic/hydrologic, water quality planning, geotechnical, stormwater management, regional and "local" BSA, GMA, ESA developing best management programs, buffer averaging, WSDOE model ordinances, legal decisions on related matters, graphic skills, and meaningful public processes.

Your response should be limited to twelve pages; resumes and qualifications may include additional pages. Please respond by **5:00 p.m. on Wednesday, March 13, 2002**, with three (3) copies of your statement of qualifications and proposal. Mail to: City of Shoreline Attn: Gabe Snedeker, 17544 Midvale Avenue North, Shoreline, WA 98133-4921. If you have any questions, please call Gabe Snedeker at (206) 546-8656. Date of publication in the Seattle Daily Journal of Commerce; Feb. 27, 2002. 2/27(141735CO)

ATTACHMENT D

2002 Update Issues to Consider

When Reviewing and Evaluating Critical Areas Regulations and Natural Resource Lands Designations

The Growth Management Program at the Washington State Office of Community Development (OCD) has prepared this list of questions with assistance from state agencies that review and comment on regulations to protect critical areas and designate natural resource lands of long-term commercial significance. Its purpose is to provide technical assistance to Washington's ten counties and the cities within them that are not fully planning under the Growth Management Act (GMA) in meeting the update requirement in RCW 36.70A.130(1). This statute requires these cities and counties to review, evaluate, and, if necessary revise their regulations to protect critical areas and designate natural resource lands of long-term commercial significance. The deadline for any needed changes is September 1, 2002.

The questions below are designed to help local planners, elected officials, planning commissions, and citizens focus on the on key issues as they undertake the update process. *(Note: Italicized items are not necessarily requirements of the Growth Management Act, but some may relate to requirements of other state or federal laws).*

These questions are not an exhaustive list. OCD, with help from state agencies, has also prepared other supplemental materials, such as a checklist for development regulations (outlining the basic requirements of the GMA). Sections of the checklist deal with critical areas regulations' requirements. Other technical assistance materials also are being prepared.

Please call OCD Growth Management Staff at OCD at (360) 725-3000 if you need further information on the Update requirement or if you have questions about the resources listed below.

General Review Issues

- Have you identified all the types of critical areas that occur in your jurisdiction? These areas include wetlands, fish and wildlife habitat areas, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.
- Have you reviewed your ordinance to ensure they:
 - (a) designate critical areas that occur in your jurisdiction, and
 - (b) protect the functions and values of your designated critical areas?
- Have you reviewed your designations for agriculture, forest, and mineral resource lands of long-term commercial significance? Are they consistent with the GMA?
- Has your jurisdiction distributed information on methods for citizens to participate in the review, evaluation, and revision, if necessary, of your ordinances for critical areas and natural resource lands?

Resources Include:

- RCW 36.70A.020 (8) and (10); RCW 36.70A.030 (5), (7), (8), (9), (10), (11) (20); RCW 36.70A.050; RCW 36.70A.060; RCW 36.70A.131 RCW 36.70A.170 RCW 36.70A.175; and RCW 36.70A.177
- Minimum Guidelines To Classify Agriculture, Forest, Mineral Lands and Critical Areas (Chapter 365-190 WAC)

Best Available Science ✓

- Have you reviewed your critical areas ordinances to see if they incorporate the best available science (BAS) and special consideration for anadromous fisheries as required by RCW 36.70A.172?
- Does your ordinance identify and cite sources of BAS used to develop management recommendations in your critical areas regulations? (This should be included in the record compiled during the adoption of your ordinance.)

Resources Include:

- RCW 36.70A.172
- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations, Part Nine, Best Available Science (WAC 365-195-900 through 925)
- *Citations of Best Available Science for Designating and Protection Critical Areas, Preliminary Draft Report for Public Review and Comment*, Washington State Office of Community Development, 2001
- *Wetlands Rating System for Eastern Washington or Wetlands Rating System for Western Washington*, Washington Department of Ecology, 1991 and 1993
- Stream Typing (WAC 222-16-030), Department of Natural Resources
- The Priority Habitats and Species Program (PHS), Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage.htm

Ideas for Strengthening Your Regulations

Forest Practices ✕

- *Have you considered using your critical areas regulations as minimum standards for those Class IV forest practices regulated by local government (See RCW 76.09.240).*
- *If so, have those regulations been approved by the Department of Natural Resources for use in regulating forest practices?*

Endangered Species Act ✓

- *Is your jurisdiction affected by an ESA 4(d) rule?*
- *If applicable, are the requirements of a 4(d) rule, incorporated into your critical areas ordinance?*

Resources Include:

- Washington State Department of Fish and Wildlife – www.wa.gov/wdfw/hab/phspage/htm
- Governor's Salmon Recovery Office – www.governor.wa.gov/esa/index.htm

Monitoring

- *Does your jurisdiction have a method for monitoring how well your natural resource lands and critical areas ordinances and other implementation techniques are protecting critical areas?*
- *Does your comprehensive plan and development regulations define a process for amending your regulations as new information and data becomes available?*

Natural Hazard Mitigation

- *In addition to the critical areas that are required to be designated and protected by the GMA, has your jurisdiction considered designating other hazard areas, such as wildfire/urban interface areas vulnerable to wildfires?*
- *Have you used the best available information and data to determine that regionally important public facilities (hospitals, schools, landfills, etc.) not be allowed to locate in known hazardous areas?*
- *Did you consult with your local emergency coordinator when designating critical areas ordinances?*

Resources Include:

- *Optional Comprehensive Plan Element for Natural Hazard Reduction, Washington Department of Community, Trade and Economic Development, 1999*

ATTACHMENT E

**INTERGOVERNMENTAL AGREEMENT
WASHINGTON STATE
DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT**

CONTRACT NUMBER: s02-63000-156

This AGREEMENT, entered into by and between the City of Shoreline (hereinafter referred to as the GRANTEE) and the Washington State Department of Community, Trade and Economic Development (hereinafter referred to as the DEPARTMENT), WITNESSES THAT:

WHEREAS, the DEPARTMENT has the statutory authority under RCW 43.330.050(5) to cooperate with and provide assistance to local governments and local agencies serving the communities of the state for the purpose of aiding orderly, productive, and coordinated development of the state; and

WHEREAS, the DEPARTMENT also has the responsibility to administer programs and projects assigned to the DEPARTMENT by the Governor or the Washington State Legislature; and

WHEREAS, the DEPARTMENT has the statutory responsibility under RCW 36.70A.190(1) to establish a program of financial assistance and incentives to counties, cities, and towns to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state; and

WHEREAS, the DEPARTMENT desires to engage the GRANTEE to perform certain tasks as hereinafter specified.

NOW, THEREFORE, in consideration of covenants, conditions, performances, and promises hereinafter contained, the parties hereto agree as follows:

1. FUNDING
The total funds to be disbursed to the GRANTEE, for the agreement period shall not exceed forty-two thousand dollars (\$42,000).
2. AGREEMENT PERIOD
The effective date of this AGREEMENT shall be July 1, 2001. The termination date shall be June 30, 2003.
3. SERVICE PROVISIONS
Funds provided to the GRANTEE under this AGREEMENT shall be used solely for activities undertaken to fulfill the mandates required by the Growth Management Act to implement the GRANTEE'S growth management strategy as described in ATTACHMENT: SCOPE OF WORK, which, by this reference, is made a part of this AGREEMENT.

4. DISBURSEMENT/REIMBURSEMENT PROVISIONS

The GRANTEE shall submit an invoice voucher (Form A-19) to the DEPARTMENT upon signing this AGREEMENT for an amount equal to no more than fourteen thousand seven hundred dollars (\$14,700). No later than June 30, 2002, and upon completion of that portion of the scope of work to that date, the GRANTEE shall submit an invoice voucher to the DEPARTMENT for an amount equal to no more than six thousand three hundred dollars (\$6,300).

On or after July 1, 2002, and upon completion of that portion of the scope of work to that date, the GRANTEE shall submit an invoice voucher to the DEPARTMENT for an amount equal to no more than fourteen thousand seven hundred dollars (\$14,700). Upon completion of the entire scope of work, no earlier than July 1, 2002, and no later than the expiration of this AGREEMENT, the GRANTEE shall submit an invoice voucher to the DEPARTMENT for an amount equal to no more than six thousand three hundred dollars (\$6,300). Any funds apportioned to be distributed by the terms of this AGREEMENT and not requested by the GRANTEE, or, if requested and not approved for distribution by the DEPARTMENT, shall be forfeited by the GRANTEE.

5. NONASSIGNABILITY

Neither this agreement, nor any claim arising under this agreement shall be transferred or assigned by the GRANTEE. PROVIDED that, in order to establish a review and evaluation program pursuant to RCW 36.70A.215, the GRANTEE may consult, coordinate, and contract with the cities and towns within the county serviced by this AGREEMENT and may contract for the personal services of consultants.

6. RECORDS AND DOCUMENTS

The GRANTEE shall maintain books, records, documents and other evidence of accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract. These records shall be subject at all reasonable times to inspection, review, or audit by personnel duly authorized by law, rule, regulation, or contract. The GRANTEE will retain all books, records, documents, and other materials relevant to this AGREEMENT for six years from the date of final payment, and make them available for inspection by persons authorized under this provision.

7. RIGHT OF INSPECTION

The GRANTEE shall provide right of access to its facilities to the DEPARTMENT, or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this AGREEMENT.

8. NONDISCRIMINATION

During the performance of this AGREEMENT, the GRANTEE shall comply with all federal and state nondiscrimination laws, including, but not limited to chapter 49.60 RCW,

Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq., the Americans with Disabilities Act.

In the event of the GRANTEE noncompliance or refusal to comply with any nondiscrimination law, regulation, or policy, this AGREEMENT may be rescinded, canceled or terminated in whole or in part, and the GRANTEE may be declared ineligible for further AGREEMENTS with the DEPARTMENT. The GRANTEE shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the DISPUTES procedure set forth here in.

9. GRANTEE NOT EMPLOYEE OF THE DEPARTMENT

The GRANTEE and his/her employees or agents performing under this AGREEMENT are not employees or agents of the DEPARTMENT. The GRANTEE will not hold himself/herself out as nor claim to be an office or employee of the DEPARTMENT or of the state of Washington by reason thereof, nor will the GRANTEE make any claim of right, privilege or benefit which would accrue to an employee under Chapter 41.06 RCW or Chapter 28B.16 RCW.

10. AGREEMENT AMENDMENTS

The DEPARTMENT and the GRANTEE may, from time to time, request changes to this AGREEMENT. Any such changes that are mutually agreed upon by the DEPARTMENT and the GRANTEE shall be incorporated herein by written amendment to this AGREEMENT. It is mutually agreed and understood that no alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the parties hereto, and that any oral understanding or agreements not incorporated herein, shall not be binding.

AGREEMENT amendments shall not be made which result in an extension of the CONTRACT period beyond June 30, 2003.

11. DISPUTES

Except as otherwise provided in this AGREEMENT, when a bona fide dispute arises between the parties and it cannot be resolved through discussion and negotiation, either party may request a dispute hearing. The parties shall select a dispute resolution team to resolve the dispute. The team shall consist of a representative appointed by the DEPARTMENT, a representative appointed by the GRANTEE and a third party mutually agreed by both parties. The team shall attempt, by majority vote, to resolve the dispute. The parties agree that this dispute process shall precede any action in a judicial or quasi-judicial tribunal.

12. TERMINATION OF AGREEMENT

If, through any cause, the GRANTEE shall fail to fulfill in a timely and proper manner its obligations under this AGREEMENT, or if the GRANTEE shall violate any of its covenants, agreements or stipulations of this AGREEMENT, the DEPARTMENT shall thereupon have the right to terminate this AGREEMENT and withhold the remaining

allocation if such default or violation is not corrected within twenty (20) days after written notice describing such default or violation is received by the GRANTEE's representative.

Notwithstanding any provisions of this AGREEMENT, either party may terminate this AGREEMENT by providing written notice of such termination, specifying the effective date thereof, at least thirty (30) days prior to such date. Reimbursement for services performed by the GRANTEE, and not otherwise paid for by the DEPARTMENT prior to the effective date of such termination, shall be as the DEPARTMENT reasonably determines.

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this AGREEMENT and prior to normal completion, the DEPARTMENT may unilaterally reduce the scope of work and budget or terminate this AGREEMENT.

15. SPECIAL PROVISION

The DEPARTMENT'S failure to insist upon the strict performance of any provision of this AGREEMENT or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this AGREEMENT.

16. HOLD HARMLESS

It is understood and agreed that this AGREEMENT is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this AGREEMENT. Each party hereto agrees to be responsible and assumes liability for its own negligent acts or omissions, or those of its officers, agents, or employees to the fullest extent required by law, and agrees to save, indemnify, defend, and hold the other party harmless from any such liability. In the case of negligence of both the DEPARTMENT and the GRANTEE, any damages allowed shall be levied in proportion to the percentage of negligence attributable to each party, and each party shall have the right to seek contribution from the other party in proportion to the percentage of negligence attributable to the other party.

This indemnification clause shall also apply to any and all causes of action arising out of the performance of work activities under this AGREEMENT by a consultant through a personal services contract with the GRANTEE as permitted by paragraph 5 herein. Each contract between the GRANTEE and such consultant for services or activities utilizing funds provided in whole or in part by this AGREEMENT shall include a provision that the DEPARTMENT and the state of Washington are not liable for damages or claims from damages arising from any such consultant's performance.

17. GOVERNING LAW AND VENUE

The AGREEMENT shall be construed and enforced in accordance with, and the laws of the State of Washington hereof shall govern the validity and performance. Venue of any

suit between the parties arising out of this AGREEMENT shall be the superior court of Thurston County, Washington.

18. SEVERABILITY

In the event any term or condition of this AGREEMENT or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, and applications of this AGREEMENT which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this AGREEMENT are declared severable.

19. REDUCTION IN FUNDS

The DEPARTMENT may unilaterally terminate all or part of this AGREEMENT, or may reduce its scope of work or budget under this AGREEMENT, if there is a reduction of funds by the source of those funds, and if such funds are the basis for this AGREEMENT.

20. RECAPTURE OF FUNDS

In the event that the GRANTEE fails to expend state funds in accordance with state law or the provisions of this AGREEMENT, the DEPARTMENT reserves the right to recapture state funds in an amount equivalent to the extent of noncompliance.

Such right of recapture shall exist for a period not to exceed six (6) years following termination of the AGREEMENT. Repayment by the GRANTEE of state funds under this recapture provision shall occur within thirty (30) days of demand. In the event that the DEPARTMENT is required to institute legal proceedings to enforce the recapture provision, the DEPARTMENT shall be entitled to its cost thereof, including reasonable attorney's fees.

21. ACKNOWLEDGEMENT OF STATE FUNDING

A. The GRANTEE shall provide all project-related press releases to the DEPARTMENT. Press releases shall identify the DEPARTMENT as a project financier.

B. Publication such as reports and pamphlets which are developed totally or in part with funds provided under this Agreement shall give credit to the funding source by including the following: "Funds made available through the Washington State Department of Community, Trade and Economic Development."

22. OWNERSHIP OF PROJECT MATERIALS

A. All finished or unfinished documents, data, studies, surveys, drawings, models, photographs, films, duplicating plates, computer disks and reports prepared by the GRANTEE under this Agreement shall be works for hire under U.S. copyright law. The DEPARTMENT may duplicate, use, and disclose in any manner and for any purpose whatsoever, all materials prepared under this Agreement.

B. The GRANTEE must have prior approval of the DEPARTMENT to produce patents, copyrights, patent rights, inventions, original books, manuals, films, or other patentable or copyrightable materials, in whole or in part with funds received under this Agreement. The DEPARTMENT reserves the right to determine whether protection of inventions of discover shall be disposed of and administered in order to protect the public interest. Before the GRANTEE copyrights any materials produced with funds under this Agreement, the DEPARTMENT reserves the right to negotiate a reasonable royalty fee and agreement.

23. ENTIRE AGREEMENT

This AGREEMENT including referenced exhibits represents all the terms and conditions agreed upon by the parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this AGREEMENT shall be deemed to exist or to bind any of the parties within.

24. ADMINISTRATION

A. The DEPARTMENT'S representative shall be
Ike Nwankwo, (360) 725-3056

B. The GRANTEE'S representative shall be
Anna Koloušek, (206) 546-8805

IN WITNESS WHEREOF, the DEPARTMENT and the GRANTEE have executed this AGREEMENT as of the date and year written below:

DEPARTMENT OF COMMUNITY, TRADE
AND ECONOMIC DEVELOPMENT

CITY OF SHORELINE

By: _____
Steve Wells, Director
Local Government Division

By: Larry Ballin
Title: Assistant City Manager

Date: _____

Date: 2/27/02

Federal Tax Identification Number

Approved as to Form

Melissa Burke-Cain
Assistant Attorney General

November 30, 2001
Date

Approved as to form:
[Signature]
Shoreline City Attorney

**ATTACHMENT: SCOPE OF WORK
CITY OF SHORELINE
CONTRACT s02-63000-156**

The GRANTEE is responsible for the preparation of all contract deliverables set forth below. The process and product shall be substantially consistent with the GRANTEE's grant application submitted to the Department for this round of funding and with the requirements of the Growth Management Act. Deliverables will be provided to the Department in electronic format wherever possible. At the Department's or the GRANTEE's request, deliverables may be provided in paper format. All draft ordinances and resolutions developed by the GRANTEE in the completion of this AGREEMENT shall be submitted to the DEPARTMENT at least sixty day prior to adoption. All ordinances and resolutions adopted by the GRANTEE in the completion of this AGREEMENT shall be submitted to the DEPARTMENT per RCW 36.70A.106.

Project Description and Objectives:

The 2001 – 2002 Shoreline City Council Work Plan includes goal #4 “Develop a program to comply with state and federal regulations concerning water quality and protection of the environment.

The purpose of this program is to develop amendments to the environmental sections of the Shoreline Development Code (adopted (6/00) that would reduce potential litigation or regulatory risks, delays of project decisions, and costly mistakes in project development while meeting the current state and federal environmental mandates. The City's Development Code includes critical areas regulations. Since code adoption the City has been engaged in implementation and a centralized inventory of critical areas. Based on this new information and using Best Available Science and Best Management Practices the City will review and revise the citywide critical areas ordinance modeling the ordinance to accommodate future annual watershed plans. This citywide critical areas update will include four tasks: 1) ESA compliance, 2) critical areas regulations, 3) critical areas administration, and 4) coordinated critical area/EPA review and review of SEPA thresholds. The work is proposed to be completed by a consultant contract with management from staff. Closely related will be future preparation of the first watershed basin plan adding additional specificity.

This program shall amend Development Code, Special District, Critical Area Overlay District, SMC 20.80 (this will include updated Best Management Practices for various critical area classification); Procedures and Administration, Subchapter 8, Environmental Procedures; and some changes to Storm Drainage, Engineering, and Utility Standards.

The City has identified the critical areas ordinance and ancillary Comprehensive Plan policies as he top priority for review and revision due by September 1, 2002 as required by RCW 36.70A.130. Please note: This is one element of the City's work to meet the required review and revision deadline (Please see City of Shoreline GMA Update Grants 2001 – 2003 grant application form, Attachment I for the City's entire work program).

Milestones:

Task 1. ESA Compliance

The 4(d) rule gives considerable discretion to local governments. King, Snohomish, and Pierce Counties, along with several cities in the Puget Sound region, have initiated a Tri-County Salmon Response Effort. This document provides guidance for the City of Shoreline for future regulatory and program development for ESA compliance. The Consultant will review City of Shoreline stormwater maintenance, stormwater management, and land management programs and suggest regulatory changes for compliance with ESA.

Subtask 1.1 Review City of Shoreline Programs and Tri-County Proposal

Subtask 1.2 Determine potential areas of risk

Task 2. Develop Recommendations for the City of Shoreline Critical Areas Regulations

The Consultant will develop recommendations for the City of Shoreline to address the following areas:

- Revisions to the critical area classification
- Buffer widths
- Restoration/mitigation/enhancement standards
- Compliance with the ESA
- Goals and future opportunities primarily related to habitat protection, restoration, and enhancements; water quality improvement; erosion and sediment control and floodplain issues

The consultant will review other plans nearing approval by USFWA/NMFS under the ESA 4(d) rules and consult with NMFS on which requirements they will have for a local jurisdiction's plan to comply with ESA. The Consultant will use the information as part of the evaluation and recommendations.

Task 3. Critical areas administration and procedures

The Consultant will develop recommendations for the City of Shoreline to address the following areas:

- Revisions to SMC 20.30 Procedures and Administration incorporating procedures from the Critical Areas subchapter 20.80 into the standard procedures for all permits
- Revisions to Appeal procedures

Task 4. Critical Areas coordinated SEPA review and thresholds

The Consultant will develop recommendations for the City of Shoreline to address the following areas:

- Revisions to procedures for SEPA review involving critical areas
- Review and revisions to SEPA thresholds

Deliverables:

This program update shall amend Development Code, Special District, Critical Areas Overlay District, SMC 20.80 (this will include the Best Management Practices for various critical area classifications); Procedures and Administration, Subchapter 8, Environmental Procedures; and Engineering and Utility Standards.

Amendments to the Development Code will be process in the 2002 Development Code Amendment Review Cycle. Potential amendments to the Comprehensive Plan will be processed in the 2002 Annual Comprehensive Plan Amendment Review Cycle.

Amendment packages will be sent to OCD for comment as required by the GMA.

Resources:

| Budget for Critical Area review and Revisions 2002 | |
|----------------------------------------------------|----------------------------------------------------|
| | Watershed Planning/Critical Areas/Code preparation |
| Salaries/Benefits | \$75,000 |
| Contracts | \$184,620 |
| Goods and Services | \$14,000 |
| Travel | 0 |
| Other | 0 |
| TOTAL | \$273,620 |
| *Above costs do not include overhead | |

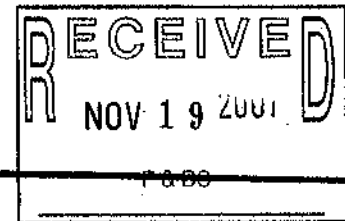
Status Reports: brief status report on or about March 15, 2002 indicating progress-to-date and describing how the FY 2002 work items will be completed by June 15, 2002; a report on or about January 15, 2003, only if the GRANTEE has not completed their project.

Close-out-Report: brief report (500 words or less) describing project accomplishments when project as specified in the scope of work is completed but no later than June 1, 2003.

ATTACHMENT F

Technical Bulletin 1.3

Updates in 2002: Using Population Data



Key Issue

By September 1, 2002, each city and county in Washington must take action to review and, if needed, revise its comprehensive plan and development regulations to ensure they comply with the Growth Management Act (GMA). [See RCW 36.70A.130(1)] Since new population data is just becoming available, many jurisdictions are wrestling with how or whether to incorporate the data into meeting the 2002 Update requirement. This bulletin is intended to assist cities and counties that are "fully planning" under the GMA. It will provide guidance, based on current statutes, for using population data in the 2002 Update process.

Discussion

For many jurisdictions, the upcoming GMA planning requirements present complex timing challenges. One of the challenges is how to use population data in meeting the deadlines ahead.

What are the deadlines ahead?

Two key deadlines, as follows, are coming up for all counties and cities fully planning under the GMA.

- **2002 GMA Update:** By September 1, 2002, and every five years thereafter, counties and cities must review and revise their plans and regulations, pursuant to RCW 36.70A.130(1).
- **Urban Growth Area Review:** At least every ten years, jurisdictions must review urban growth areas, including densities, pursuant to RCW 36.70A.130(3) and make changes if needed. The statute states: "The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding 20-year period."

These two deadlines are not necessarily concurrent. While the GMA Update deadline (i.e., September 1, 2002), clearly applies to all jurisdictions, the Urban Growth Area Review deadline appears to be *triggered by the initial adoption of a comprehensive plan under the GMA and to take effect ten years after the comprehensive plan adoption*. Thus, if a county adopted a comprehensive plan in 1995, its deadline to make any necessary adjustments to urban growth areas and densities to reflect projected urban growth is 2005, i.e., ten years after the initial comprehensive plan was adopted. While combining the GMA Update and Urban Growth Area Review processes may not be

required, it certainly may make sense and be more efficient for some jurisdictions.

A third key deadline, as follows, applies only to the counties of Snohomish, King, Pierce, Kitsap, Thurston, Clark, and the cities within their borders. (These are the jurisdictions subject to the "buildable lands" statute, RCW 36.70A.215.) Only a minimal discussion of this deadline is included here. The *Buildable Lands Guidelines*, a state agency publication, contains detailed information.

- **Buildable Lands Evaluation:** By September 1, 2002, and every five years thereafter, affected jurisdictions must complete an evaluation of certain data, including whether there is sufficient suitable land to accommodate the county-wide population projection. The statute also requires jurisdictions "to adopt and implement measures" if necessary to increase consistency based on the evaluation. This implementation step would occur after the evaluation is complete and may be combined with the Urban Growth Area Review under RCW 36.70A.130(3). No specific deadline is identified in the statute.

What is the requirement for population data?

The state Office of Financial Management (OFM) provides 20-year population forecasts, expressed in a range from high to low, on a county-by-county basis. Each county consults with its cities and allocates the projected population projection among the county and cities. Sometimes this collaborative process is specified in a county's county-wide planning policies. The collaborative process is very important, though sometimes difficult and time-consuming.

Local comprehensive plans must be based on the OFM forecasts. The last time OFM issued its 20-year forecast was in 1995 and a new 20-year forecast is not expected until at least January 2002. The period between January 2002, when the official population forecast is expected, and September 2002, when local GMA updates are due, spans only a few months. This may not be long enough for: (a) a county to consult with its cities and use the new forecast to allocate population growth among the various jurisdictions; (b) each jurisdiction to subsequently analyze its new population allocation and propose any needed changes to its comprehensive plan; and (c) each jurisdiction proposing plan or regulation changes to provide public involvement before adopting such changes.

It should be noted that once counties and cities change the population projections in their comprehensive plans, it is not just urban growth areas and densities within them they may have to change. In particular, new population data will drive other possible adjustments, for example, to plans for transportation, water and sewer, and parks.

Since the 2002 requirement for updating GMA plans and regulations is based on an earlier deadline than the requirement for incorporating new population figures from OFM, local governments have discretion to decide whether to omit the new OFM population data (and decisions that would be driven by it) from the 2002 Update process.

What are the local options for using population forecasts?

Local governments have three basic options, as follows, for using population forecasts in their 2002 Update processes. They may choose the one that is most suitable for their situation, depending in part on how the jurisdictions are approaching the 2002 Update process and how much the populations projections for a county have changed. Some variations, of course, may be possible for each of the basic options listed below.

- **Continue with existing county-wide population projections.**

A county and the cities within it could retain their existing population forecast allocations, assuming these are consistent with OFM's previous forecast and with the county-wide planning policies. Jurisdictions choosing this option would not immediately reallocate the population projections or incorporate the new OFM forecast (i.e., the one that will be finalized in early 2002) into either their plans or, under RCW 36.70A.130(3), their Urban Growth Area Review. Instead, the new population allocation for individual jurisdictions, along with an evaluation of urban growth areas and densities, would occur prior to the local deadline for the Urban Growth Area Review.

Several county regions plan to retain their existing population forecasts while completing the 2002 Update process. For example, King County jurisdictions are currently engaged, under RCW 36.70A.215, in a Buildable Lands Program which includes comparisons between development that has occurred and their original planning assumptions and targets. They will complete that process in 2002, then incorporate new OFM data when doing their required Urban Growth Area Review in 2004 (ten years from the date they adopted their initial GMA comprehensive plan).

- **Use the new OFM county-wide population forecasts.**

A county and the cities within it could take the OFM population forecasts in early 2002, make decisions to allocate the growth among all jurisdictions, and begin necessary changes to incorporate this data into the local plans and regulations. This option might work best for counties experiencing one of the following: (1) county's current population projection fall within the new county population projection range from OFM; (2) low growth rate; and/or (3) sufficient data is available about how development is occurring within urban growth areas. Using the new population forecasts appears to trigger the requirement for a review of urban growth areas and densities, pursuant to RCW 36.70A.130(3).

In deciding how to spread the county-wide growth among existing counties and cities, the jurisdictions within a county may agree to do a quick adjustment to their current allocations by simply factoring them up or down by whatever percentage is implied by the new OFM forecasts. The usual requirements for public process and consistency with other laws still apply.

- **Develop county's own population projections and reallocate county population based on these projections.**

Counties, in cooperation with cities within the county, could develop their own population projections ahead of the OFM forecast that will be done in early 2002, so long as the projections are based on reliable sources of information and consistent

with other GMA requirements. A county and its cities that use this approach would then proceed with: (a) implementing the county process to "divide up" or allocate the population projection among the respective jurisdictions; and (b) evaluating their urban growth areas and densities as part of their 2002 GMA Update process. **Jurisdictions that use this approach should be aware that, if their population projections and OFM's are not substantially consistent, they will have to go through the allocation process again to ensure consistency with OFM's population forecast or else successfully appeal OFM's population forecast for their county to a growth management hearings board.**

If a jurisdiction does an Urban Growth Area Review, what issues should be considered?

Here are some questions and resources to consider when undertaking an Urban Growth Area Review that includes population data, pursuant to RCW 36.70A.130(3).

Counties. What is the percentage of growth that has occurred since adoption of the comprehensive plan in rural areas compared to urban areas? Is this consistent with the targets in your comprehensive plan or county-wide planning policies? What residential densities are allowed in rural areas and unincorporated urban growth areas? How much land is devoted to each type of density? Do these densities need to be revised to meet adopted growth targets for urban and rural areas?

Cities. What is the average urban density within your city? Within your unincorporated urban growth area? What mechanisms have you used to encourage urban densities within your city? Are these densities consistent with targets established in your comprehensive plan? Do these densities need to be revised to meet any adopted growth targets in the county-wide planning policies and to meet your population allocation?

Resources available from Growth Management Services:

- *Buildable Lands Program Guidelines*, Department of Community, Trade and Economic Development, June 2000.
- *The Art and Science of Designating Urban Growth Areas, Part II: Some Suggestions for Criteria and Densities*, Department of Community, Trade and Economic Development, March 1992.
- *Keeping the Rural Vision: Protecting Rural Character and Planning for Rural Development*, Department of Community, Trade and Economic Development, June 1999.
- *Predicting Growth and Change in Your Communities, A Guide to Subcounty Population Forecasting*, Department of Community, Trade and Economic Development, June 1995.

Contact

For more information, contact the managing director or a regional planner for Growth Management Services, Washington State Office of Community Development, at (360) 725-3000 or by mail at P.O. Box 48350, Olympia, Washington 98504-8350. If you have a question about OFM population forecasts, contact Theresa Lowe, Office of Financial Management, at (360) 902-0588. GMA Update information will also be posted periodically on the following Web Site: www.ocd.wa.gov/growth.

November 2, 2001