

# AGENDA

## Lynnwood Planning Commission

Thursday, September 27, 2012 — 7:00 pm

City Council Chambers, 19100 – 44<sup>th</sup> Ave. W., Lynnwood WA

---

**A. CALL TO ORDER – ROLL CALL**

**B. APPROVAL OF MINUTES**

Meeting of June 28, 2012

**C. CITIZEN COMMENTS** – on matters **not** on tonight's agenda.

**D. PUBLIC HEARINGS**

**E. WORK SESSIONS**

- 1. Discussion – B-2, B-3 and B-4 Zones, Consolidation.** Discussion of proposed textual code amendments relating to three commercial zoning classifications.
- 2. Discussion – Banners.** Discussion of proposed textual code amendments regulating to the display of banners.
- 3. Discussion – 2015 Comprehensive Plan Update.** Discussion of the work plan and schedule for amendment of the Comprehensive Plan as required by the Growth Management Act.

**F. OTHER BUSINESS**

**G. COUNCIL LIAISON REPORT**

**H. DIRECTOR'S REPORT**

**I. COMMISSIONERS' COMMENTS**

**J. ADJOURNMENT**

*The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.*

DATE September 2012

TO: Lynnwood Planning Commission

FROM: Paul Krauss, Community Development Director

RE: B/2 B-3/ B-4 Zoning Districts, Potential Code Amendment  
FYI Memorandum File # 2012CAM0006

**ISSUE**

Like many cities Lynnwood has a variety of commercial zoning districts to regulate the intensity and nature of different areas. The spectrum of zones in Lynnwood runs from very low intensity districts intended to provide limited neighborhood services in close proximity to residential areas, up through very intensely developed areas set aside for highway commercial and regional shopping centers. Where Lynnwood is unusual is that we have three very low intensity commercial zones: B-2 Limited Business, B3 Neighborhood Business and B4 Restricted Business. These districts are seldom used and when they are they seem to hamstring property owners by having relatively few, economically viable commercial uses.

Most recently the issue has been raised by the recent annexation of the Perrinville area where the south-east corner of the intersection of Olympic View Drive and 76<sup>th</sup> Ave. came into the City. The northern half of the intersection, located in the City of Edmonds, is occupied by commercial uses and a post office. On the west side of 76<sup>th</sup> Ave are homes located in Edmonds. The Lynnwood area is zoned B-3 and contains a mix of older, somewhat dilapidated mixed commercial buildings and a new retail building at the corner that has never been occupied. The entire site backs up to Lynndale Park.

The owner/developer of the Perrinville site was unable to secure tenants and defaulted on the mortgage. The property was turned over to the bank that financed the project. Late last fall Staff met with the bank to discuss potential development and was asked to think about options to deal with the unusually restrictive nature of the B-3 zone. In addition to seeking more flexibility in the type of commercial uses that might be allowed, the developer raised a question about the potential for allowing medium density residential development. Medium density residential development is not allowed in the B-3 zone. The Perrinville site seems well suited for this use being isolated from most single family homes, backing up to a major park, and being adjacent to a variety of neighborhood-scale commercial services and located at the intersection of two major streets. This discussion provided the impetus for staff to take a more

thorough look at the B-2/ B-3/ B-4 issue and bring forward potential amendments to the zoning code for your consideration.

There is not a lot of differentiation between the three zoning districts (refer to the attached tables for details). Generally all three districts prohibit auto-related uses although B-3 could allow a gas station under a Conditional Use Permit (CUP). All allow restaurants although under our somewhat antiquated code only B-2 allows a restaurant with a "cocktail lounge". All prohibit fast food drive through establishments. Banks are allowed in B-2 and B-3 but not B-4. Multi-family housing is allowed in B-2 but not B-3 or B-4. Lynnwood's Code has a lengthy list of different types of retail uses where as many modern codes are drafted to allow general retail as their characteristics are usually similar. Our Code then differentiates between many of the uses and the three zones in what appears to be an inconsistent and illogical manner.

Staff is proposing to combine B-2, B-3 and B-4 ordinances and parcels into a single, low intensity commercial zone designated as the B-2 Neighborhood Commercial District. The existing B-2, B-3 and B-4 sections would be eliminated. The new district will generally offer slightly more flexibility in terms of permitted commercial uses and also allows for the potential of medium density or mixed-use housing (commercial on the ground floor with residential above with a maximum height of 3 stories or 45'). At the same time it would eliminate confusing and illogical sections of the code,

#### STAFF RECOMMENDATION

If the City Council is comfortable with allowing staff to move forward with development of this concept, we will bring working with the Planning Commission. Once a draft ordinance has been developed the Commission would hold a public hearing before bringing the ordinance to the City Council for formal adoption.

#### **21.46.050 Purpose.**

A. General. The purposes of the regulations set forth in this chapter are:

1. To regulate the location, height, bulk, and size of buildings constructed for business and commercial uses, thereby assuring adequate light and air in commercial zones;
2. To provide a range of use zones of varying degrees of restrictiveness in the types of businesses permitted; thereby providing for the development of

shopping centers and the various other types of business and/or commercial areas;

3. To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access to commercial zones by vehicles and by pedestrians; and

4. To encourage general improvement of the appearance of commercial areas.

It is further intended that the establishment of several zones for business and commercial uses, differentiated by the types of business uses permitted and by the height and character of structures allowed, will provide additional protection for residential areas wherever they exist in close proximity to business zones, excluding in such transitional areas those uses which would be detrimental to nearby residences by reasons of traffic generation or other characteristics of the business.

B. Individual Zones. The purposes of the individual zones are as follows:

2. Neighborhood Business Zone B-2. The Neighborhood Business zone is intended to provide for compatible retail, professional, and personal service uses, and offices and services including municipal services of not more than two stories which generally serve the everyday needs of the residents of the surrounding neighborhood. Individual zones should be located:

a. To provide for neighborhood commercial centers at appropriate locations along arterial streets within residential areas; or

b. To preserve existing neighborhood commercial centers which are at appropriate locations within residential areas, but which may not be located along an arterial street; or

c. As a transition zone between residential zones and more intensive commercial zones.

d. To allow for limited medium density residential and mixed-use construction.

The boundaries between Neighborhood Business zones and adjacent residential zones should be well defined and have significant buffering standards to discourage encroachment into and/or degradation of those residential zones. The size of individual zones should be scaled to the intensity of residential development in the area.

**21.46.100 Permitted structures and uses.**

A. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, except for one or more of the uses permitted by Table 21.46.01.

*Note, the table below has been amended to illustrate deviations from the existing code. It is intended that the final version will eliminate the B-3 column and will transition to the common B-2 Neighborhood Commercial Zone that is being proposed.*

**Table 21.46.01**

<b>Automotive Uses</b>	<b><u>B-4</u></b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Auto Parts, Accessory, and Supplies Stores	<u>P</u>	P	<u>-P</u>	P*	P	P
Auto Glass Stores		-	-	P	P	P
Auto Lubrication Stores		-	-	P	P	P
Auto Wrecking Yards <sup>+</sup>		-	-	-	-	C
Automobile Mechanical Repair		-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales		-	-	-	C	P
Automobile Sales and Display <sup>+</sup>		-	-	P	P	P
Automobiles, rental or sale on open lot		-	-	P**	-	P
Battery Service and Sales		-	-	P*	P	P
Car Wash		A	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of		-	-	-	-	P
Park and Pool Lots <sup>+</sup>		C	C	-	C	C
Parking Garages and accessory refueling and servicing		-	P	P	P	P
Public and Private Parking Lots for Passenger Cars		-	C	P	P	P

Service Stations, full, self, or gas <sup>+</sup>	<u>C***</u>	<u>C***</u>	<u>-</u> <u>C***</u>	-	C	C
Tire Store, not including recapping		-	-	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts		-	-	P	-	-
Tire, Brake, Muffler Tune-Up		-	-	P	P	P

\*Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts.

\*\* (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where the ramp connects to a public street) to the nearest point of the property).

(2) Sale of used vehicles as a principal use of the property is prohibited.

\*\*\* Service stations shall not be located adjacent to or across the street from any residential zoning district.

**Table 21.46.02**

Business Service Uses	<u>B-4</u>	B-3	B-2	PCD	B-1	CG
Business Services, not including furniture or equipment sales	<u>P</u>	P	<u>A/P</u>	P	P	P
Business and Professional Services not mentioned elsewhere in this section		-	-	P	P	P

**Table 21.46.03**

Eating and Entertainment Uses	<u>B-4</u>	B-3	B-2	PCD	B-1	CG
Fountains and Ice Cream Stands	<u>P</u>	P	<u>A/P</u>	P	P	P-X

Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls		-	-	P	P	P
Restaurants and Cafeterias providing on-premises service only to seated patrons, <u>excluding those with cocktail lounges or bars</u> <del>no alcoholic beverages served</del> <sup>+</sup>	<u>P</u>	P	<del>AIP</del>	P	P	P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges <u>or bars</u> <sup>+</sup>		<del>C</del>	<del>P</del>	P	P	P-X
Restaurants, drive-in car service <sup>+</sup>		-	-	-	P	P-X
Taverns, Bars, and Cabarets		-	-	P	P	P

**Table 21.46.04**

Institutional Uses	<u>B-4</u>	B-3	B-2	PCD	B-1	CG
Child Day Care <sup>+</sup>	<u>P</u>	P	<del>-P</del>	P	P	P-X
Churches, not using complementary parking	<u>P</u>	P	P	P	P	P-X
<del>Churches with complementary parking</del> <sup>+</sup>		<del>C</del>	<del>C</del>	<del>P</del>	<del>C</del>	<del>C-X</del>
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled <sup>+</sup>		<del>CP</del>	<del>CP</del>	C	C	C
Libraries, Museums, Art Galleries and similar institutions	<u>P</u>	P	P	P	P	P-X
Municipal Services	<u>P</u>	P	P	P	P	P
Higher Education: Universities; Colleges; Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools		<del>P</del>	<del>P*</del>	P	P	P-X
<del>Primary and</del> Specialty Education: Preschools, <del>Elementary, Secondary,</del> Dance, Music, Art and similar schools	<u>P</u>	P	<del>C*P</del>	P	P	P-X

\* Minimum building site of three acres; see also LMC [21.02.175](#).

**Table 21.46.05**

Medical Uses	B-4	B-3	B-2	PCD	B-1	CG
--------------	-----	-----	-----	-----	-----	----

Medical, Dental, Optical and Chiropractic Clinics	<u>P</u>	P	P	P	P	P
Veterinary Clinics <sup>+</sup>	<u>P*</u>	P*	<u>-P*</u>	P	P	P-X

**\*excluding outdoor kennels and runs**

**Table 21.46.06**

Office Uses	B-4	B-3	B-2	PCD	B-1	CG
Business or Professional Office, including offices of a clerical or administrative nature	<u>P</u>	P	P	P	P	P
Office as a Home Occupation <sup>+</sup>	<u>P</u>	P	<u>CP</u>	-	C	C

**Table 21.46.07**

Personal Service Uses	B-4	B-3	B-2	PCD	B-1	CG
Banks and other financial institutions	<u>P</u>	P	P	P	P	P
Barber Shops and Beauty Parlors	<u>P</u>	P	<u>AIP</u>	P	P	P
Dressmaker and Tailoring Shops	<u>P</u>	P	<u>-P</u>	P	P	P
Dry Cleaning and Laundry Plants	<u>P</u>	P	<u>-P</u>	P	P	P
Dry Cleaning and Laundry, Self-Service	<u>P</u>	P	<u>-P</u>	P	P	P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	<u>P</u>	P	<u>AIP</u>	P	P	P
Locksmith	<u>P</u>	P	<u>-P</u>	P	P	P
Pet Grooming	<u>P</u>	P	P	P	P	P-X

**Table 21.46.08**

Repair Services Uses	B-4	B-3	B-2	PCD	B-1	CG
----------------------	-----	-----	-----	-----	-----	----

Appliance Repair Shops and the like	<u>P</u>	P	<u>-P</u>	P	P	P
Shoe Repair	<u>P</u>	P	<u>-P</u>	P	P	P

**Table 21.46.09**

Recreational Activities		B-3	B-2	PCD	B-1	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*		-	-	P	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*		-	-	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls		-	-	P	P	P-X
Carnivals (see Chapter 5.30)		-	<u>P</u>	P	P	P
Circuses (see Chapter 5.30)		-	<u>P</u>	P	P	P
Dance Halls, licensed <sup>+</sup>		-	-	P	C	C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts		<u>-</u>	<u>C</u>	-	C	P
Health Clubs		-	-	P	P	P
Outdoor Ancillary Playground and related equipment		-	-	-	C	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses		-	-	-	-	P
Overnight Campgrounds		-	-	-	-	C

\* As measured from the property line of the parcel on which the center is located to the property line of the nearest residentially zoned parcel.

**Table 21.46.10**

Residential Uses		B-3	B-2	PCD	B-1	CG
Adult Family Homes		P	P	P	P	P
All uses permitted in single-family zones		-	-	P	-	-

Multiple-Family Housing Units <sup>+</sup>	<u>P*</u>	<u>CP*</u>	<u>CP*</u>	–	–	–
Caretaker or Watchman Quarters		C	C	–	C	C
Living Quarters for Homeless Mothers <sup>+</sup>		P	P	P	P	P
Motels and Motor Hotels		–	<u>P</u>	P	P	P-X
Respite Care	<u>P</u>	<u>CP</u>	<u>-P</u>	P	P	P

**\*0.5 acre minimum lot size, subject to standards and procedures established in Section>>>>>>> for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum building height is 3 stories or 45' whichever is less.**

**Table 21.46.11**

Retail Uses		B-3	B-2	PCD	B-1	CG
Apparel Shops	<u>P</u>	P	<u>-P</u>	P	P	P
Appliance Stores, including incidental repair		–	–	P	P	P
Art Stores and Supplies	<u>P</u>	P	<u>-P</u>	P	P	P
Audio Sales and Service		–	–	P	P	P
Bakery Retail Stores	<u>P</u>	P	<u>-P</u>	P	P	P-X
Bicycle Sales and Repair	<u>P</u>	P	<u>-P</u>	P	P	P-X
Boat and Equipment Sales and Display, indoors		–	–	P	P	P
Boats and Trailer, open lots for sale or rental of		–	–	–	–	P
Building Supplies Stores, indoor		–	–	–	–	P
Carpet Shops		<u>P</u>	–	P	P	P
Convenience Stores not located on the same or adjacent lot to a service station <sup>+</sup>	<u>P</u>	P	<u>-P</u>	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a	<u>P*</u>	<u>CP*</u>	<u>-P*</u>	–	C	C-X

full-service station, self-service station, gas station <sup>+</sup>						
Dairy Product Stores	<u>P</u>	P	<u>-P</u>	P	P	P
Department Store		-	-	P	P	P
Drug Store	<u>P</u>	P	<u>-P</u>	P	P	P
Dry Goods Store	<u>P</u>	P	<u>-P</u>	P	P	P
Florist Shops, Accessory Greenhouses and Plant Nurseries	<u>P</u>	P	<u>A/P</u>	P	P	P
Fountains and Ice Cream Stands	<u>P</u>	P	<u>-P</u>	P	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor		<u>P</u>	-	P	P	P
Gift Shops	<u>P</u>	P	<u>A/P</u>	P	P	P
Grocery Stores		<u>P</u>	-	P	P	P
Hardware Stores	<u>P</u>	P	<u>-P</u>	P	P	P
Hobby Shops	<u>P</u>	P	<u>-P</u>	P	P	P
Music Stores and Supplies	<u>P</u>	P	<u>-P</u>	P	P	P
News Stands	<u>P</u>	P	<u>A/P</u>	P	P	P
Office Supplies, not including furniture or equipment sales		<u>P</u>	<u>A/P</u>	P	P	P
Pet Shops	<u>P</u>	P	<u>-P</u>	P	P	P-X
Retail Lumber Yards		-	-	-	-	C
Retail Stores not mentioned elsewhere in this section		-	-	P	P	P
Shopping Centers, including only the uses permitted in the applicable zone		<u>P</u>	-	P	P	P
Stationary Store	<u>P</u>	P	<u>A/P</u>	P	P	P
Variety Store		-	-	P	P	P

**\*Shall not be located adjacent to or across the street from any residential zoning district.**

**Table 21.46.12**

<b>Light Industrial Uses+</b>	<u>B-4</u>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extruded, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling		-	-	-	-	P
Bottling and Packaging Plants in existing spaces of 10,000 sq. ft. or less*		-	-	-	-	P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*		-	-	-	-	P
Cold Storage Lockers		A†	-	P	P	P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*		-	-	-	-	P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*		-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft. or less*		-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft.*		-	-	-	-	C
Heavy Equipment Yards		-	-	-	-	C
Ice Storage and Dispensing		A	A	-	A	A
Research and Development		-	P	-	P	P
Printing, Publishing, and Binding (no noise beyond the premises)		E	A†	P	P	P
Public Utilities Facilities <sup>+</sup>	<u>P</u>	P	<u>-P</u>	P	P	P
Warehouses in existing spaces of 10,000 sq. ft. or less*		-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft.*		-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*		-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*		-	-	-	-	C-X

\*Inclusive of all aspects of the business.

**Table 21.46.13**

<b>Other Uses</b>	<b><u>B-</u> <b>4</b></b>	<b>B- 3</b>	<b>B- 2</b>	<b>PCD</b>	<b>B- 1</b>	<b>CG</b>
Adult Establishments		-	-	-	-	CA
Adult Retail Uses		-	-	-	-	CA
Charitable or Relief Supplies Collection or Storage	<u>A</u>	A	<del>A</del>	-	C	C
Customer Parking, outdoor	<u>A</u>	A	A	-	A	A
Radio or Television Stations, not including Wireless Communications Facility		-	<del>P</del>	P	P	P
Recycling Collection Centers <sup>+</sup>		-	-	-	-	C
Temporary Special Events, per Chapter <u>5.30</u> LMC		-	<del>P</del>	P	P	P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) <sup>+</sup>	<u>C</u>	C	C	P	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) <sup>+</sup>	<u>P</u>	P	P	P	P	P
Wireless Communications Facility, Attached	<u>P</u>	P	P	P	P	P

+See LMC 21.46.110 through 21.46.119.

Key:

P = Permitted as principal use

A = Permitted as accessory use with a principal use

C = May be permitted as a principal use upon approval of a conditional use permit

AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building

– = Not permitted

-X = Not permitted in controlled area

CA = Permitted only in controlled area. See LMC 21.46.120.

## MEMORANDUM

**DATE:** September 17, 2012  
**TO:** Planning Commission  
**FROM:** Corbitt Loch, Deputy Director  
**RE: BANNERS**

### Summary

The purpose of this agenda item is to obtain input from the Commission regarding draft regulations for the display of banners. Historically, Lynnwood has enforced an extremely restrictive policy towards the use of commercial banners. Lynnwood does not allow the use of banners for grand openings, new construction, or other events where they are commonly permitted in other jurisdictions. Our only provisions for banners are with Special Events Permits which take considerable time and advanced planning to obtain. Last year, Whole Foods wanted to put up a banner that would have said “Opening Soon, Now Hiring” and they were not allowed to do so. On several occasions, the City Council has asked staff to work on this issue. This code amendment has been proposed by staff in order to better align the City’s banner regulations with the needs of the community.

Presently, the City of Lynnwood allows the display of banners during two types of occasions: a) in conjunction with a special event; and b) in conjunction with a civic event. Many types of businesses seek permission to display one or more banners per year, and presently must apply for and obtain a special event permit simply to display a banner. Most jurisdictions allow for the display of banners to a greater extent than does the City of Lynnwood.

### Policy Questions

Question 1. Should the city council adopt regulations to allow the occasional display of banners (not associated with a civic event or special event)?

If the answer to Policy Question 1 is “yes”, then direction regarding Policy Question 2 is requested.

Question 2. With regard to banners, what regulatory parameters are best-suited to the City of Lynnwood?

### Action

Provide direction to staff regarding draft regulations for banners.

### Background

As mentioned above, Lynnwood currently allows banners for a special event and for civic events. The Lynnwood Municipal Code (LMC) defines those events as follows:

**LMC 5.30.010H** “Special event” means any fair, show, festival, exhibition, party, rodeo, animal show, promotion, entertainment, tournament, farmers’ market, parking lot sale, tent sale, or any other temporary activity of like character, which is conducted, in whole or in part, outdoors on a specific property or properties.

**LMC 21.16.260B** (*excerpt*) 1. Special civic events are civic events designated by the city council by resolution or that are directly supported with city funding. Special civic events may consist of a series of associated events lasting for a time period up to 12 months. 2. General civic events are civic events not designated by city council resolution and which are not directly funded by the city.

Since businesses, institutions, non-profit organizations can lawfully display a banner by obtaining a special event permit, this process is used even though the event or activity advertised by the banner is not akin to a special event. The City’s permit review process for special events is fairly involved because special events can involve many different municipal services (fire, police, streets, land use, building safety, finance, risk management, etc.).

Businesses and groups routinely seek permission to display banners for purposes such as:

Grand opening	Under new management
Class registration	Hiring
Sale events	Lease space available
New services offered	Fundraising

Staff believes that using the special event permit process for banners for these purposes is procedurally and administratively cumbersome, and therefore staff recommends the adoption of regulations written to be more specific to these purposes.

For comparison, the banner regulations used by nearby jurisdictions are provided. Also attached are draft regulations suggested by staff. The draft regulations are intended to: a) allow occasional banner displays; b) avoid banner proliferation; c) be straightforward to administer and enforce.

The draft banner regulations would not alter or replace the rules that apply to special events or civic events. As part of a separate undertaking, staff is in the initial stages of preparing updates to the City’s special event regulations. Refinement of the special event banner rules may be proposed in conjunction with that legislative effort.

#### **Previous Council Actions**

The City’s regulations for civic event banners and special event banners were last amended in 2009 and 2005, respectively.

#### **Funding**

NA.

**Key Features**

1. Allows one banner per street frontage during construction, prior to building occupancy. The banner could be displayed for up to 30 days.
2. Allows one banner per street frontage for grand opening-type events. The banner could be displayed for up to 45 days.
3. Allows the display of one banner per street frontage, two times per calendar year. The banner could be displayed for up to 30 days per occurrence (2 times per year).
4. Maximum banner size is proportionate to building occupancy.

**Adm. Recommendation**

Direct staff to complete the draft ordinance and to schedule public hearings for this draft legislation.

## **DRAFT BANNER REGULATIONS**

A new section is added to chapter 21.16 LMC as follows:

### **21.16.255 Banners**

- A. The display of banners shall be consistent with the regulations of the Lynnwood Municipal Code.
- A. The display of banners for special events shall conform to the provisions of chapter 5.30 LMC.
- B. The display of banners for civic events shall conform to the provisions of LMC 21.16.260.
- C. The display of construction signs shall conform to the provisions of LMC 21.16.280.
- D. The display of all other types of banners shall conform to the provisions of this section.
- E. A sign or banner permit is required for the installation and display of a banner.
- F. Banners shall be securely fastened as specified by the permit. Banners shall be maintained in good condition and shall be free of tears, rips, fading, delamination, detachment, etc.
- G. Banner for pre-grand opening event.
1. For the purposes of this section, a “pre-grand opening event” is a one-time occurrence associated with new development or significant building expansion/renovation.
  2. A banner for a pre-grand opening event may be authorized in addition to and displayed concurrently with a construction sign.
  3. A banner for a pre-grand opening event shall be removed prior to the issuance of a certificate of occupancy.
  4. A banner for a pre-grand opening event shall not be displayed concurrently with a banner for a grand-opening event or a periodic event.
  5. A banner for a pre-grand opening event shall conform to the provisions of Table 21.16.255I
- H. Banner for grand-opening event.
1. For the purposes of this section, a “grand-opening event” is a one-time occurrence associated with an event such as issuance of a new business license, business relocation, issuance of a new certificate of occupancy, a change in ownership, significant building expansion or renovation, etc.

2. A banner for a grand-opening event shall not be displayed concurrently with a banner for a pre-grand opening event or a periodic event.

3. In conjunction with a permit for a grand-opening banner, the Community Development Director may also authorize a banner upon an existing freestanding sign for the purpose of identifying a temporary business or use. The purpose is to allow a temporary business or occupancy to utilize the freestanding sign area associated with that building floor area. Such banner shall be designed to match the size and proportions of the existing freestanding sign area or cabinet, and may be displayed during the time allowed for the grand-opening banner.

I. Additional provisions for a banner for a pre-grand opening event and grand-opening event are as specified by Table 21.16.255I.

**Table 21.16.255I**

<b>Banner for Pre-Grand Opening Event and Grand Opening Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Non-profit Use</b>	<b>Multiple-family Residential Use</b>
1. Pre-grand opening event			
a. One time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	30	30	30
2. Grand-opening event			
a. One time banner	Permitted	Permitted	Permitted
b. Maximum duration of banner (consecutive days)	45	45	45
3. Maximum number of banners	1 per street frontage	1 per street frontage	1 per street frontage
4. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building
5. Maximum size of banner (based upon floor area of occupancy)			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
e. Minimum interval between displays (applies to grand-opening banners and all periodic displays)	30	30	-

J. Banner for periodic event.

1. For the purposes of this section, a “periodic event”, is a unique occurrence of limited duration. A periodic event may be associated with and limited to a single occupancy, or a group of occupancies.

2. Additional provisions for a banner for a periodic event are as specified by Table 21.16.255J.

**Table 21.16.255J**

<b>Banner For Periodic Event</b>	<b>Commercial Use</b>	<b>Public, Institutional, or Non-Profit Use</b>	<b>Multiple-family Residential Use</b>
1. Periodic event	Permitted	Permitted	-
a. Maximum number of events per calendar year	2	2	-
b. Maximum duration of banner (consecutive days)	30	30	-
2. Maximum size of banner (based upon floor area of occupancy)			
a. 0 – 15,000 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.
b. 15,001 – 30,000 sq. ft.	48 sq. ft.	48 sq. ft.	40 sq. ft.
c. 30,001 – 60,000 sq. ft.	60 sq. ft.	60 sq. ft.	60 sq. ft.
d. Greater than 60,000 sq. ft.	72 sq. ft.	72 sq. ft.	72 sq. ft.
3. Maximum number of banners	1 per street frontage	1 per street frontage	1 per street frontage
4. Minimum interval between pre-grand opening event or grand-opening event and periodic event (consecutive days)	30	30	-
5. Minimum interval between periodic events (consecutive days)	30	30	-
6. Permitted location (unless otherwise authorized)	On building, at business occupancy	On building	On building

## Temporary Banners – Examples of Regulations

Jurisdiction	Special Event, Civic and Non-Commercial	Notes	Commercial	Notes
<b>Bothell</b> BMC 12.22.080-95	Onsite noncommercial banner allowed in residential zones. Offsite noncommercial banner prohibited.	Same as commercial.	Onsite commercial banner allowed. Offsite commercial banner prohibited.	1 banner per building. 60 days per year. Maximum size: 50 sq. ft.
<b>Edmonds</b> EMC 20.60.080	Onsite noncommercial banner allowed in residential zone. Offsite banner in residential area prohibited.	1 banner. Maximum size: 6 sq. ft.	Onsite commercial banner allowed. Offsite commercial banner prohibited.	1 banner per building. 60 days per year. Maximum size: 20-30 sq. ft.
<b>Everett</b> Ch. 36.150 EMC	Onsite noncommercial banner for special event allowed.	Same as commercial.	Onsite commercial banner allowed	1 banner per 100 ft. of street frontage per business. Display: 30 days per yr. Maximum size: 32 sq. ft.
<b>Lynnwood</b> LMC 21.16.260 LMC 21.16.310G	Civic banner allowed on city property only.	Special civic event: Banner allowed 3 months prior through 1 week following event. General civic event: Banner allowed 2 weeks prior through 1 week following event.	Onsite commercial banner allowed only with special event permit.	2 banners allowed during special event.
<b>Marysville</b> MMC 22C.160.230	Banner for temporary use of civic property prohibited.		Onsite commercial banner allowed for sale or special event. Onsite commercial banner allowed for grand opening.	May be displayed during commercial sale or special event, “but not on a routine basis”. Display: 60 days per yr.

<b>Jurisdiction</b>	<b>Special Event, Civic and Non-Commercial</b>	<b>Notes</b>	<b>Commercial</b>	<b>Notes</b>
<b>Mill Creek</b> MCMC 17.26.080	Nonprofit or civic banner allowed for special event.	Up to 6 banners per location per year. Display: 14 days prior through 3 days following event.	Onsite commercial banner allowed for sale or special event.  Onsite commercial banner allowed for grand opening. Onsite commercial banner allowed for sale or special event.	One banner. Display: 45 days per yr. Maximum size: 36 sq. ft.  Display: 60 days. Maximum size: 36 sq. ft. Number of banners not specified. Display: 3 10 day periods per yr., with 45 intervening days.
<b>Mountlake Terrace</b> MTMC 19.135.060	Onsite noncommercial banner allowed for special event.	Same as business special event.	Onsite commercial banner allowed for business or multifamily grand opening. Onsite commercial banner allowed for special event.	Number of banners not specified. Display: 3 weeks.
<b>Mukilteo</b> MMC 17.80.120	Onsite noncommercial banner allowed for special event.  Banner(s) allowed for community event.	Same as commercial special event.  Community event banner provisions determined on case-by-case basis.	Onsite commercial banner allowed for special event.	1 banner. Display: 2 30 consecutive day displays per yr., with 60 intervening days. Maximum size: 45 sq. ft.

## MEMORANDUM

**DATE:** September 19, 2012  
**TO:** Planning Commission  
**FROM:** Corbitt Loch, Deputy Director  
**RE: 2015 COMPREHENSIVE PLAN UPDATE**

### **Summary**

The purpose of this agenda item is to introduce the upcoming update the Lynnwood Comprehensive Plan. The Growth Management Act requires that all jurisdictions within Pierce, King, and Snohomish Counties update their comprehensive plans and development regulations by June 30, 2015, and every eight years thereafter [RCW 36.70A.130(5)]. This is a more-substantial update than is typically done during the annual amendment process. While the submittal deadline is several years away we are starting the work early as most if not all of the work will be completed using in-house resources. We also want to give ample time for interested parties to participate.

The Legislature established these periodic updates as a way to ensure local governments' land use policies and regulations stay consistent with the (evolving) requirements of the Growth Management Act (GMA). This includes confirmation that communities can accommodate growth targets for population (number of households) and employment. These periodic updates are not required to be major rewrites, but instead are a confirmation that the City's comprehensive plan remains current, relevant, and consistent with State law.

For this meeting, staff would like to share some ideas regarding the scope and schedule of this multi-year project. No formal action or decision is required at this time.

### **Policy Questions**

Are the suggested areas of emphasis outlined below appropriate?

Given the suggested emphasis outlined below, is the extent of public outreach and involvement appropriate?

### **Action**

Provide direction to staff as desired.

### **Background**

See the Department of Commerce's, Keeping Your Comprehensive Plan and Development Regulations Current (attachment).

The City has approximately 33 months before the June 30, 2015 deadline. At this point, the focus will be upon updates to the Comprehensive Plan. Updates to the City's development regulations can be handled on an individual basis as time allows. City staff strives to update the City's development regulations (i.e., Zoning Code) on a more-frequent basis and therefore the scope of amendments that may be needed is expected to be fairly small.

Director Krauss has preliminarily identified the following topics as appropriate for study during this upcoming update. Other Departments, the Council, Public and Planning Commission will refine the list as we move forward.:

**Comprehensive Plan Update – Suggested Emphasis**  
 (not in order of priority)

	<b>Topic</b>	<b>Summary (example only)</b>
1.	Consistency with the Growth Management Act (GMA)	Confirm consistency with GMA.
2.	Consistency with Multi-County Planning Policies and Regional Growth Strategy (VISION 2040)	Confirm consistency with regional planning strategies and policies.
3.	Consistency with the Snohomish Countywide Planning Policies	Includes planned capacity to accommodate growth targets, which are expressed in number of households and number of jobs.
4.	Affordable housing	Recognition of Lynnwood's considerable supply of affordable housing. Recognition of regional strategies and efforts to address affordable housing needs.
5.	Transportation	Recognize need for transportation infrastructure to support non-motorized modes of transportation. Support extension of light rail service to Lynnwood and to Alderwood Mall area. Support new bus rapid transit (BRT) service corridors.
6.	Annexation strategies	Identification of priority areas for annexation, and options for achieving annexations.
7.	Sustainability	Confirm support for local and global measures to conserve resources and off-set climate change.
8.	College District	Review the policies and regulations associated with the College District overlay. and refine/revise as desired.
9.	Visioning and Priorities of Government	Incorporate strategies to support local visioning outcomes and effective delivery of municipal services.

Staff will work with the Planning Commission to complete the Plan. There will be a need to solicit public input up front to refine the list of issues and concerns. Additional

public outreach can be expected as the plan elements are developed with a Hearing upon completion.

**Previous Council Actions**

The City regularly updates the Comprehensive Plan. The most-recent updates occurred in 2011.

**Funding**

At this time, no funding has been earmarked for this project. This suggests virtually all work will be completed by staff. This will, by necessity, limit the extent and scope of the Update.

**Key Features**

1. Ensures Lynnwood's Comprehensive Plan is consistent with current GMA regulations and associated policies.
2. Provides an opportunity to emphasize those issues of greatest interest to the City of Lynnwood.

**Adm. Recommendation**

Provide input and feedback regarding the proposed scope for the 2015 Comprehensive Plan Update.

**2015 Comprehensive Plan Update – Preliminary Workplan**

Adoption Deadline: June 30, 2015

9/18/12

Task	Staff	3Q 2012	4Q 2012	1Q 2013	2Q 2013	3Q 2013	4Q 2013	1Q 2014	2Q 2014	3Q 2014	4Q 2014	1Q 2015	2Q 2015	3Q 2015
1.1 Announce project launch, create distribution list	CL, TH		•											
1.2 Introduce project to PC	CL, PK	•												
1.3 Notify affected agencies	TH		•											
1.4 Create webpage	LB		•	•										
2.1 Gap analysis – GMA, VISION 2040, RGS	TH		•											
2.2 Gap analysis – CPP, MUGA	CL, TH		•											
2.3 Gap analysis – BLR, growth targets <sup>1</sup>	CL, TH		•	•										
2.4 Visioning/Public Workshop	All			•	•									
2.5 Coordination with transportation planning, transit planning, affected agencies	PK, TH			•	•									
2.6 Integration of City planning: Visioning, City Center, Transition Area, SR-99, Lynnwood Link, Regional Growth Center, CTP, CIP	All			•	•									
2.7 Draft Introduction/Land Use/Transportation/Housing/Parks & Rec Elements	All			•	•									
2.8 Preparation of map amendments	LB, TH			•	•									
2.9 Briefing, City Council & PC	All					•								
2.10 Public Workshops/Meetings	All					•								
2.11 Draft Cultural & Historic/Environmental/Cap. Fac./Econ. Dev./Energy & Sus./Implementation Elements	All					•	•							
2.12 Outreach, Historical Comm., Parks Bd., etc.	All					•	•							
3.1 Prepare list/scope of dev. reg. amendments	CL, TH					•								
3.2 Distribute draft Comp. Plan.	CL, TH						•							
3.3 SEPA Determination	CL, TH					•	•							
3.4 Prepare draft dev. reg. amendment	CL, TH					•	•							
3.5 Public Workshops/Meetings	All							•	•					
3.6 Revise draft Comp. Plan/Dev. regs.	CL, TH							•	•	•				
3.7 Send DEIS for Public/Agency Comments (if	CL, TH							•	•	•				

<sup>1</sup> Timing dependent upon Snohomish County Tomorrow and PAC





**Department of Commerce**

Innovation is in our nature.

# Keeping Your Comprehensive Plan and Development Regulations Current

---

## *A Guide to the Periodic Update Process under the Growth Management Act*

Prepared by the Washington State Department of Commerce  
Local Government Division  
Growth Management Services  
November 2011

## **Acronyms and terms used in this guide**

**CAO** - Critical Areas Ordinance

**CARL** – Critical Areas and Resource Lands

**Commerce** – Washington State Department of Commerce (*previously named the Department of Community, Trade and Economic Development or CTED prior to July 2009*)

**Comprehensive plan** - land use document that provides the framework and policy direction to manage where and how growth needs are met. Plan elements address land use, housing, capital facilities, utilities, rural/natural resources, transportation, economic development, environment, cultural resources, and other topics.

**Development regulations** - controls placed on development or land use activities by a county or city, such as codes for zoning, critical areas, planned unit developments, and subdivisions.

**GMA** – Growth Management Act, Chapter 36.70A, RCW

**GMS** – Growth Management Services, a unit in the Department of Commerce, Local Government Division that helps counties and cities implement the GMA.

**OFM** – Washington State Office of Financial Management

**Periodic update** – A regularly scheduled review and update of county and city comprehensive plans and development regulations. For most communities, the update takes place every eight years under a schedule established by the Legislature in the GMA.

**RCW** – Revised Code of Washington (laws adopted by the state Legislature)

**SMA** – Shoreline Management Act

**SMP** – Shoreline Master Program

**UGA** – Urban Growth Area

**WAC** – Washington Administrative Code (rules adopted by state agencies)

## Table of Contents

I. Introduction .....	3
Who must complete the periodic update? .....	4
When is the update due? .....	4
May a jurisdiction complete the update early? .....	5
II. The review and update process.....	5
1. Establish a public participation program .....	6
2. Review and revise comprehensive plans and development regulations.....	7
3. Take legislative action .....	11
4. Submit notice to state agencies .....	12
III. Missed deadlines and appeals .....	13
IV. Grants for periodic updates.....	14
V. Appendices .....	15

## I. Introduction

The comprehensive plan is the centerpiece of local planning in Washington State. Like business plans, comprehensive plans provide the framework for how our communities will grow. And like business plans, they must evolve over time to be effective.

Many communities amend their comprehensive plan annually and regularly adopt changes to the development regulations that implement them. In addition to these regular amendments, the state Growth Management Act (GMA) requires counties and cities to periodically conduct a thorough review of their plan and regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth.<sup>1</sup> This mandatory “periodic update” takes place for most communities at least once every eight years, though smaller, slower-growing communities<sup>2</sup> may take longer.

This guide explains when and how to go through the necessary steps in the periodic update process. The level of effort and timing of the update steps will vary depending on how recently your community has comprehensively updated its plan, the size of your community, and other factors.

This guide is intended as a user-friendly supplement to the GMA statutes and administrative rules that describe procedures that must be followed and substantive issues that must be addressed.

This guide may not be able to answer all your questions about the periodic update - the Washington Department of Commerce, Growth Management Services program may be able to help. To speak with your technical assistance team, call (360) 725-3055 west of the Cascades; or 509-434-4491 east of the Cascades. [Appendix A](#) includes the Growth Management Services staff assignments by region.

### **Why we plan**

*“...all of us know that quality of life is not guaranteed. We maintain it through the hard work of our citizens, our businesses, and our state and local-elected officials who make the tough decisions every day to ensure that we have a healthy, natural environment, a strong, sustainable economy, competitive, high-performing schools, and safe and high-quality communities for all of us to enjoy.*

*All of this makes Washington competitive in the global economy. And if we eliminate even one of these regional values, we diminish ourselves and our communities.*

*Comprehensive plans give expression to the values and priorities of our communities. These plans provide a 20-to-50-year vision—a roadmap for how our communities want to look and to function. For rural towns, it may be to preserve and sustain their agricultural heritage, for another, prioritizing downtown redevelopment. It all adds up to a shared vision, tough decisions, and partnerships.”*

*- Governor Chris Gregoire, announcing Smart Communities Awards, 2007*

<sup>1</sup> The GMA is codified under RCW 36.70A. The “periodic update” requirements are found in [RCW 36.70A.130](#)

<sup>2</sup> The criteria determining of a city or county qualifies are described on page 5.

## Who must complete the periodic update?

Every county and city in the state is required to conduct a periodic update, though the obligation varies depending on whether the jurisdiction is fully or partially planning<sup>3</sup> (see sidebar).

**Fully planning** counties and cities must complete the periodic update for their entire comprehensive plan and development regulations.

**Partially planning** counties are required to periodically update their critical areas ordinance and resource lands provisions. Partially planning cities usually have no designated resource lands, so their periodic update is usually limited to their critical areas ordinance.

## When is the update due?

Under the GMA, the Legislature established a schedule for when the periodic update is required to be complete.<sup>4</sup> The map below reflects new deadlines adopted by the 2011 legislature.<sup>5</sup> Except for certain small, slow-growing communities, each county and its cities must complete the periodic update by June 30 of the years shown in Figure 1, and every eight years after that.

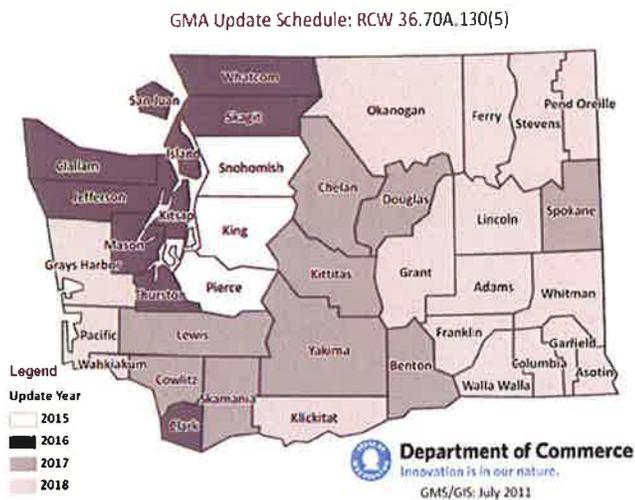


Figure 1: GMA Update Deadlines as amended in 2011 (see special cases below)

### **“Fully” or “partially” planning**

**“Fully planning”** means that a city or county must meet all GMA requirements, including adoption of a comprehensive plan and a complete set of development regulations implementing the plan. Only the state’s fastest growing counties and cities are required to plan fully, though a number of counties have “opted-in” by choice.

**“Partially planning”** jurisdictions are the counties - and the cities within their boundaries - that do not meet GMA population and growth rate thresholds and have not chosen to fully plan under the Act. Partially planning counties are required to designate and protect critical areas and designate resource lands (CARL). Partially planning cities must designate and protect critical areas, and may designate mineral resource lands. Currently there are ten partially planning counties: Adams, Asotin, Cowlitz, Grays Harbor, Klickitat, Lincoln, Okanogan, Skamania, Wahkiakum, and Whitman Counties.

<sup>3</sup> Statute describing fully planning: [RCW 36.70A.040\(1\)](#); Statute describing “opting in”: [RCW 36.70A.040\(2\)](#)

<sup>4</sup> [RCW 36.70A.130\(5\)](#)

<sup>5</sup> See [ESHB 1478](#) and [RCW 36.70A.130\(5\)](#). **Note:** Jurisdictions should be aware of Section 4(6) of ESHB 1886, which was passed in 2011 and codified in RCW 36.70A.705 and 36.70A.710. This statute creates an additional periodic update of July 22, 2013, for Critical Areas Ordinances as they relate to agricultural activities for those counties that do not opt into the Voluntary Stewardship Program.

Smaller and slower growing cities and counties have an additional two years from the dates shown in Figure 1.

### ***What is a small or slow-growing jurisdiction?***

*A county with a population of no more than 50,000 and a growth rate of less than 17% in the ten years preceding the deadline established in RCW 36.70A.130.*

*A city with a population of 5,000 or less and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in RCW 36.70A.130.*

***Growth rates are measured using the ten-year period preceding the regular due date.***

*See RCW 36.70A.130 (6)(b) & (c)*

Population is taken from the OFM annual population estimate, which is released on April 1 of each year. A county or city will not know for certain what their population is until three months before the statutory deadline. If a jurisdiction is close, or expects any large annexations close to the due date, the population information should be monitored closely.

## **May a jurisdiction complete the update early?**

A jurisdiction may complete the periodic update process before its deadline.<sup>6</sup> The deadline for its next periodic update would still remain eight years from the original deadline established in the GMA. For example, if a jurisdiction has an update deadline of June 30, 2015, but it completes its update in 2012, then it would not be subject to another required periodic update until 2023.

To help alleviate any confusion, Commerce recommends that the final legislative action taken upon completion of the periodic update process clearly note the early adoption and the due date of the next scheduled periodic update according to statute.

### ***Special cases: 2013 deadline***

There are a few smaller, slower-growing jurisdictions in areas represented on the map with a 2018 deadline that also have a periodic update deadline of December **2013**. This is because amendments to state law postponed their earlier 2007 periodic update deadline [See RCW 36.70A.130(6)(b-d)].

The 2006 Legislature passed an optional three-year time extension for small or slow-growing jurisdictions in those areas (SB 6427). The 2010 Legislature passed another optional three-year extension for those areas (SB 6611).

Contact Commerce if you have any questions about whether your jurisdiction is one of these special cases.

---

<sup>6</sup> [RCW 36.70A.130\(6\)\(a\)](#)

## II. The review and update process

There are four overall tasks counties and cities must take during the periodic update process. Tips for completing each of these tasks are included in the following sections.

<b>1. Establish a public participation program</b>	<b>2. Review relevant plans and regulations</b>	<b>3. Take legislative action.</b>	<b>4. Submit notice to state</b>
Develop a plan that includes a schedule for steps in the update process to ensure the public is aware of the process and knows how they can participate.	Evaluate whether there is a need to revise the urban growth area, comprehensive plan, or development regulations to ensure they are consistent with the GMA.	Adopt an ordinance or resolution finding that a review has occurred, and identifying revisions made or concluding that revisions were not needed.	Send formal notice of intent to adopt to the state at least 60 days prior to taking legislative action, and 10 days after final action.

Before undertaking the update it is helpful for county or city staff to establish a **work program** that outlines the entire periodic update process. See sample work program in Appendix B.

### 1. Establish a public participation program

Counties and cities are required to establish a program that identifies procedures and schedules for the public to participate in the periodic update.<sup>7</sup> The program must provide for **early and continuous public participation**.<sup>8</sup> The program should clearly identify the scope of the review and identify when legislative action on the review and update component are proposed to occur. Counties and cities must ensure that **notice** of the update process is broadly and effectively disseminated.<sup>9</sup> See Appendix C for examples of public participation programs.

The best way for a county or city to complete this requirement is to publish a complete public participation program or schedule at the beginning of the update process. However, it is not required that a county or city establish the entire schedule at the beginning of the process, as long as a program is established and effective notice is provided for all update steps.

Local jurisdictions may want to formally adopt the public participation program by resolution or ordinance to formalize the update process and help to meet the GMA requirements for early and continuous public involvement. See sample ordinances in Appendix C.

A public participation plan can be adjusted over time if needed. The GMA provides that “errors in exact compliance with the established program and procedures shall not render the

<sup>7</sup> [RCW 36.70A.130\(2\)\(a\)](#)

<sup>8</sup> [RCW 36.70A.140](#)

<sup>9</sup> [RCW 36.70A.035](#)

comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.”<sup>10</sup>

## 2. Review and revise comprehensive plans and development regulations

The Department of Commerce periodic update **checklists** should be the foundation of your review. These checklists (one for cities, one for counties) provide a concise summary of the GMA requirements. See Appendix D.

Filling out the checklists will help compare your local plan and regulations against the latest requirements, determine what needs to be reviewed in greater detail, and what may need to be added, deleted, and amended in plans and codes to maintain compliance with the act.<sup>11</sup>

Commerce **strongly recommends** use of the checklists in designing your work program to complete the periodic update.

Counties and cities may elect to adopt an ordinance or resolution after reviewing and analyzing what will be updated and determining the scope of changes needed. This is a formal way to let the public know early “what is on the table” as part of the update. It also may help to limit appeals. If there are no challenges to the scope of revisions within 60 days after the legislative action, challenges to the jurisdiction’s final ordinance will be limited to the subjects defined in the ordinance. See sample legislative actions establishing the scope of an update in Appendix C.

The statute does not exempt any portion of a comprehensive plan or any development regulations from being subject to review and evaluation. However, local governments may use common-sense factors in determining the *level* of review, taking into account when the plan and regulations were adopted and whether and how the GMA has been amended in the intervening time.

### **GMA periodic update:**

#### **Fully planning:**

*“Each comprehensive land use plan and development regulations shall be subject to **continuing review and evaluation** by the county or city that adopted them. [A] county or city shall take legislative action to **review and, if needed, revise** its comprehensive land use plan and development regulations **to ensure the plan and regulations comply with [GMA] requirements.**”*

#### **Partially planning:**

*[A] county or city not [fully-planning under GMA] shall take action to **review and, if needed, revise** its policies and development regulations regarding **critical areas and natural resource lands ... to ensure these policies and regulations comply with [GMA] requirements ....**”*

- RCW 36.70A.130(1)(a & b)

<sup>10</sup> [RCW 36.70A.140](#)

<sup>11</sup> Commerce encourages local governments to complete a checklist as part of the application to receive periodic update funds from GMS (*funds are not currently available*). The checklist can also be used at the very end of the update process to document what changes are proposed for adoption.

## Mandatory items to review and revise (if needed)

The GMA calls out a number of specific items that **must** be reviewed as part of the periodic update.

### *Amendments to the GMA*

The primary purpose of the periodic update is to ensure local plans and regulations comply with all current requirements. Although the basic structure of the GMA has remained intact over the years, the state legislature has amended it frequently. The checklists highlight all requirements and indicate when the changes were adopted. In addition to the checklists, Commerce has prepared a summary of these amendments by year to help you zero in on what needs to be amended, based on when your plans and regulations were last amended. See Appendix E.

Partially planning jurisdictions only need to review and evaluate their policies and development regulations governing critical areas and natural resource lands. Fully planning jurisdictions will need to conduct a review and evaluation of all comprehensive plan provisions and development regulations. Jurisdictions often combine the annual comprehensive plan docket (annual amendments) with the periodic update review when both are considered in the same year. When doing so, it is crucial to emphasize that the amendment includes periodic update review in the public participation plan, in notices for public hearings and in the legislative action(s). Hearings Board cases have faulted jurisdictions for not informing the public about what actions are related specifically to the periodic update.

### *UGAs and population projections*

Urban growth areas (UGAs), which by definition include all cities, must allow development densities sufficient to accommodate the next twenty years of projected population and employment growth. If zoning regulations don't authorize the densities to accommodate this growth, jurisdictions need to increase allowed densities, expand the size of the UGA, or both.

All fully planning counties, in conjunction with cities, must review UGAs as part of the periodic update.<sup>12</sup>

The GMA requires that jurisdictions use twenty-year population projections from the Washington State Office of Financial Management (OFM). These projections are developed every five years.<sup>13</sup> The most recent twenty-year population forecast from OFM was issued in 2007,<sup>14</sup> the next one will be issued in 2012.

### ***Multi-County Planning Policies in Central Puget Sound***

*The Puget Sound Regional Council (PSRC) adopted new multi-county planning policies (MPPs) in 2008 as part of Vision 2040. These policies apply to King, Kitsap, Pierce, and Snohomish counties and the cities within them.*

*To implement the MPPs, these counties are amending their county-wide planning policies (CWPPs) by December 2010. Jurisdictions in those counties must ensure their comprehensive plans are consistent with both the MPPs and CWPPs.*

<sup>12</sup> [RCW 36.70A.130\(3\)\(a\)](#)

<sup>13</sup> [RCW 43.62.035](#)

<sup>14</sup> <http://www.ofm.wa.gov/pop/gma/default.asp>

Jurisdictions in Clark, King, Kitsap, Pierce, Snohomish and Thurston counties will also need to review the results of the Buildable Lands report. This report is due one year prior to the due date of the periodic review.<sup>15</sup>

Any changes to UGAs must be consistent with adopted “County-Wide Planning Policies.” The policies, adopted by counties, set the general framework for coordinated land use planning between the county and its cities to ensure respective comprehensive plans are consistent with each other. Although it is not required, counties and cities may want to review these policies as part of their periodic update.

### ***Critical areas ordinances***

One of the initial requirements of the GMA was to designate and protect critical areas. The GMA requires all counties and cities to review and evaluate these critical areas ordinances during the periodic update.<sup>16</sup> The GMA requires that “best available science” (BAS) be included in developing regulations to protect critical area functions and values. Meeting the BAS requirement was challenging for many jurisdictions in the initial round of periodic updates. The Department of Commerce and other state agencies, including the departments of Ecology and Fish and Wildlife, have published guidance for local communities on how to identify what constitutes BAS for critical areas protection and how local governments can include science in their policies and development regulations. These include model ordinances and lists of recommended habitats and species for protection. Counties and cities should consult these state agency recommendations for possible changes since their last periodic update. See Appendix F. In addition, they should include any other scientific information that may apply directly to their jurisdiction.

Until counties and cities have completed a comprehensive shoreline master program (SMP) update, uses or structures legally located within shoreline areas that were established or vested before the effective date of the CAO may continue as conforming uses. Cities and counties may authorize redevelopment or modification of these existing uses or structures provided they are consistent with the local SMP and will achieve no net loss of ecological functions.<sup>17</sup>

### ***Mineral resource lands designations and development regulations***

Another significant requirement of the initial GMA was for all counties and cities to designate mineral lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals. Fully planning jurisdictions were also required to adopt regulations that conserve these lands.<sup>18</sup> The GMA requires that all jurisdictions review these mineral resource lands designations and requires fully planning jurisdictions to review

---

<sup>15</sup> [RCW 36.70A.215](#)

<sup>16</sup> [RCW 36.70A.130\(1\)\(c\)](#) , [RCW 36.70A.172\(1\)](#)

<sup>17</sup> [RCW 36.70A.480\(3\)\(c\)](#), as amended by the 2010 legislature. Under [RCW 90.58.030](#), a “comprehensive SMP update” is defined as one that fully achieves requirements of Ecology’s SMP guidelines (WAC 173-26).

<sup>18</sup> [RCW 36.70A.170](#); [RCW 36.70A.040](#) and [36.70A.060](#)

their regulations. Counties and cities “shall take into consideration: (1) New information made available since the adoption or last review of its designations or development regulations, including data available from the Department of Natural Resources relating to mineral resource deposits; and (2) New or modified model development regulations for mineral resource lands prepared by the Department of Natural Resources, the Department of [Commerce], or the Washington State Association of Counties.”<sup>19</sup> See Appendix G.

### **Recommended items to review and revise (if needed)**

Counties and cities should consider addressing the following in their periodic update. If any changes to a UGA are required, each of the following items should be reviewed and amended to reflect new population and urban area changes.

#### ***Land use element***

The Land Use Element describes the “big picture” of how a community chooses to balance the goals of the GMA. Key components of the land use plan are maps showing the future shape of the community and how its essential components will be distributed. Resource lands, critical areas, open space corridors, mixed use areas, residential, commercial, industrial, and major public and private facilities should all be addressed. Because the Land Use Element is tied to other elements in the comprehensive plan, many periodic updates include amendments to the Land Use Element. Recent amendments to the GMA now require communities to consider urban planning approaches that promote physical activity as part of the land use element wherever possible.<sup>20</sup>

#### ***Capital facilities and transportation elements***

When a community is planning for population increases, this usually triggers the need for more or larger infrastructure, such as roads, sewer and water facilities. Changes in anticipated circumstances and needs may be addressed by updating the Transportation Element and Capital Facilities Element.<sup>21</sup> This task requires that planning departments collaborate closely with public works staff or other service providers. Note that if as part of your evaluation you determine that funds will fall short for needed capital facilities, your community may need to consider changes to the Land Use Element.

#### ***Internal and external consistency***

Whenever a plan is being amended it is important to verify that it is “internally consistent” (e.g., that the Land Use and Transportation elements support each other) and that the development regulations are consistent with and implement the comprehensive plan.<sup>22</sup> Also verify that the comprehensive plan is “externally consistent,” as changes to comprehensive plans and development regulations in adjacent jurisdictions, special purpose districts, or state plans may

---

<sup>19</sup> [RCW 36.70A.131](#)

<sup>20</sup> [RCW 36.70A.070\(1\)](#)

<sup>21</sup> [RCW 36.70A.070\(3\)](#)

<sup>22</sup> The GMA requires this consistency in RCWs [36.70A.040\(4\)](#) and [36.70A.070](#)

create an inconsistency with the county or city's comprehensive plan or development regulations.

### ***Inventories***

Counties and cities should review existing inventories and analyze new inventory data that supports the comprehensive plan. The GMA specifically requires the following:

**Housing:** Inventory and analyze existing and projected housing needs, identifying the number of housing units necessary to manage project growth.<sup>23</sup>

**Capital Facilities:** Inventory existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities, and forecast future needs and proposed locations and capacities of expanded or new facilities.<sup>24</sup>

**Transportation:** An inventory of air, water and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels and a basis for future planning. This inventory must include state-owned transportation facilities within the city or county boundaries.<sup>25</sup>

Jurisdictions should also review basic assumptions underlying key calculations and conclusions in the existing comprehensive plan. If recent data demonstrates that existing assumptions are no longer appropriate for the remainder of the twenty-year plan, counties and cities should consider updating them as part of the periodic update. Counties and cities required to establish a review and evaluation program under the “buildable lands program” should use that information in the periodic update.<sup>26</sup> The GMA now requires Transportation Elements to include a pedestrian and bicycle component. Jurisdictions may also consider including multimodal transportation strategies concurrent with development. See Appendix I.

## **3. Take legislative action**

“Legislative action” under the GMA means adoption of a resolution or ordinance by elected officials (city or county council/commission) indicating that the community has reviewed and evaluated the comprehensive plan and regulations and identifying the revisions made. Counties and cities must provide adequate notice and hold a public hearing before taking action.

A county or city may combine the periodic update with their regular (*e.g., annual*) program for amendments to their plan, since the GMA generally prohibits comprehensive plan amendments more frequently than once per year.<sup>27</sup>

---

<sup>23</sup> [RCW 36.70A.070\(2\)](#)

<sup>24</sup> [RCW 36.70A.070\(3\)](#)

<sup>25</sup> [RCW 36.70A.070\(6\)](#)

<sup>26</sup> [RCW 36.70A.215](#)

<sup>27</sup> [RCW 36.70A.130\(2\)\(a\)](#)

The final legislative action will be to adopt any revisions to the comprehensive plan and/or development regulations, and conclude that the periodic update is complete. The ordinance or resolution must be explicitly approved by the local government's legislative body as having been completed in accordance with GMA update requirements (citing specifically to RCW 36.70A.130), both to comply with the statute and to set time and subject matter limits for possible challenges. The resolution or ordinance should include findings that refer to any previous legislative actions that were part of the periodic update (e.g., resolutions adopting a public participation plan), and a finding that the jurisdiction has completed its periodic update requirement under the GMA.

If a city or county finds that it completely meets all GMA requirements and no amendments to the comprehensive plan or development regulations are needed, it must still take legislative action adopting findings to that effect. See sample final legislative actions in Appendix C.

### ***Phasing legislative action***

If a jurisdiction has significant amendments to their plans and regulations, it may be necessary to complete the amendments in several phases, perhaps over more than one year. In some cases, each of these amendments will be adopted through a separate ordinance or resolution by the jurisdiction's legislative body. If this process is used, a public hearing should be conducted on each ordinance or resolution. It should be clearly identified in the public hearing notice and in the findings of each ordinance or resolution that the amendments are part of the periodic update process.

Commerce recommends that the final legislative action taken upon completion of the entire periodic update process clearly reference all previously adopted amendments, and includes a finding that, taken all together, these actions fulfill the requirements of the periodic update. For an example please see the Town of Yacolt resolution included in Appendix H.

## **4. Submit notice to state agencies**

### ***Send Notice of Intent to Adopt (at least 60 days before adoption)***

Under the GMA, cities and counties must notify Commerce of its "intent to adopt" plan or regulations at least sixty (60) days prior to final adoption.<sup>28</sup> This step is often referred to as "60-day notice."<sup>29</sup> Commerce adds all submitted notices and materials to a database that all reviewing state agencies can access. Agencies may provide comments to the city or county on the proposed changes during the public review process prior to adoption.

### ***Send final plans and development regulations (10 days after adoption)***

Cities and counties must submit a complete and accurate copy of its comprehensive plan or development regulations adopted under the GMA to Commerce within ten days after final

---

<sup>28</sup> [RCW 36.70A.106\(1\)](#)

<sup>29</sup> Some cities and counties combine this notice with their notice of determination required under the [State Environmental Policy Act](#)

adoption.<sup>30</sup> A copy of the adopting resolution or ordinance should be included, as well as indication of when the notice of adoption was published.

This is an important step as it not only finalizes the periodic update, but it also allows Commerce to update our database to signify that a specific jurisdiction has completed the periodic update. Commerce relies on this database when asked to verify that a jurisdiction is in compliance with the GMA.

### How to submit plans and regulations

Submitting GMA materials to the state is as easy as sending one e-mail with a cover sheet and relevant documents to [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov). Directions are on the [Commerce Website](#). While electronic submittal is preferred, you may send materials by mail, either on a flash drive, compact disc, or paper, addressed to the Washington State Department of Commerce, Growth Management Services Review Team, PO Box 42525, 1011 Plum Street SE, Olympia, WA 98504-2525.

## III. Missed deadlines and appeals

Missing the periodic update deadline has immediate financial consequences. A county or city that has not completed the basic actions described above by the deadline set in the GMA will be ineligible to receive funds from the Public Works Trust Fund<sup>31</sup> or the Centennial Clean Water account<sup>32</sup> or to receive preference for other state grants and loans.<sup>33</sup>

A jurisdiction that has missed an update deadline is also vulnerable to a “failure to act” petition for review to a Growth Management Hearings Board (or for partially-planning jurisdictions, to Superior Court).

If a local government has made significant progress on its update, but hasn’t finished all needed revisions by their periodic update deadline, it would be prudent to take steps to demonstrate good faith and progress. Local jurisdictions may adopt a resolution that documents progress already made and sets a schedule for completing the update. See Appendix C for an example. While this will not relieve a local government of its update requirements, or make a local government eligible for state grants and loans, it may prevent a “failure-to-act” challenge, provided the update is completed under the new schedule.

### Appeals of an adopted update ordinance or resolution

Any person or organization with legal standing can appeal a resolution or ordinance adopted during the periodic update process. Challenges to actions taken by fully-planning jurisdictions must be filed with the Growth Management Hearings Boards within sixty days of publication of

---

<sup>30</sup> [RCW 36.70A.106\(2\)](#)

<sup>31</sup> [RCW 43.155.070](#)

<sup>32</sup> [RCW 70.146.070](#)

<sup>33</sup> [RCW 36.70A.130\(7\)](#)

final adoption. Challenges to actions taken by partially-planning jurisdictions are filed in Superior Court.

A legal challenge could potentially be filed on any legislative action taken to complete the update. However, a jurisdiction can reduce its risk of appeal by completing each of the basic actions described above and taking legislative action that clearly documents the process followed for each action, as well as the findings and conclusions of each action.

## **IV. Grants for periodic updates**

The Department of Commerce administers a grant program for counties and cities with upcoming periodic update deadlines. The grant can be used to cover many activities related to updating comprehensive plans and development regulations, such as staff time, consultant contracts, and the cost of providing public notice, printing, and copying.

A set grant amount is typically reserved for each jurisdiction, when state funding allows, based on population and the level of required GMA responsibilities. If funding is approved by the Legislature, grants generally become available 18-24 months prior to each jurisdiction's periodic update deadline.

## V. Appendices

### A. GMS Planner Map with assignments

### B. Update “Work Program”

### C. Example Resolutions/Ordinances

Public Participation

Scope of Periodic Update Work Program

Final “legislative action” adoption completing update

Update work not complete, set schedule for completion

### D. Checklists

Periodic Update Checklist for Cities

Periodic Update Checklist for Counties

### E. Changes to GMA

Amendments to the GMA from 1995-2009

Amendments to GMA from 2003 – 2010

### F. Critical Areas

Critical Areas Checklist Questions Explained

Critical Areas Review for Best Available Science (BAS)

State Agency Resources for Local Governments Updating Critical Areas Ordinances

### G. Resource Lands

Resources for Designating and Conserving Agriculture, Forest, and Mineral Resource Lands

### H. Good Examples

Good examples of comprehensive plans and development regulations

### I. Other Planning Guidance and Resources

Department of Commerce GMS [Publications](#) List by Topics

WSDOT Minimum Requirements and Resources

Municipal Research Services Center planning [website](#)

---

### *Laws, rules, legal decisions*

*[The Growth Management Act and related statutes](#)*

*[Growth Management Act rules](#)*

*[Growth Management Hearings Boards](#)*

---