2015 Periodic Plan and Code Update

Proposed Scope of Work and Schedule
Executive Summary

- The Growth Management Act (GMA) requires that “fully planning” communities in King, Snohomish and Pierce Counties complete a “periodic update” of their adopted Comprehensive Plans and implementing development regulations no later than June 30, 2015.

- The GMA requires that, at a minimum, communities review, and update as necessary, local plans and regulations to:
  - Ensure that any amendments made to the GMA since the previous periodic update (i.e. 2004) have been included in the community’s plan;
  - Ensure that projected population and employment growth can be accommodated within the community’s Urban Growth Area;
  - Ensure that the community’s Critical Areas Ordinance is up to date;
  - Ensure that the community’s Plan and regulations are up to date regarding designated “mineral resource lands” (this requirement does not apply to Bothell).

- The Washington State Department of Commerce recommends that, in addition to the above GMA requirements, communities also review the following:
  - Land Use Element;
  - Capital Facilities and Transportation Elements;
  - Internal and external consistency of the Plan;
  - Inventories. Specifically, inventories of housing (existing and projected housing needs), capital facilities, and transportation facilities and service.

- The Department of Commerce identifies four major tasks that communities must undertake as part of the 2015 periodic update:
  1. Establish a public participation program;
  2. Review relevant plans and regulations;
  3. Take legislative action; and
  4. Submit notice to the state.

- One of the key tasks in Bothell’s 2015 periodic update will be amending the Plan and Code to create additional population capacity of approximately 3,600 in the Snohomish County portion of the City to meet Vision 2040 growth targets for Bothell, which is a designated Core City under the four-county Regional Growth Strategy. Staff had previewed this issue for Council early in 2013 and received Council direction to explore capacity-increasing Plan and Code amendments in the following areas:
  - The Canyon Park business park, in the Canyon Park Subarea;
  - Country Village, in the Country Village / Lake Pleasant / 527 Corridor Subarea; and
  - The FEMA property, in the Shelton View / Meridian / 3rd SE Subarea.

  This exploration will include analysis of the potential for applying transfer of development rights (TDR) as a condition of upzoning.

- A comprehensive public participation program to provide for “early and continuous participation” will be critical to the success of the 2015 periodic update.
The major challenges to the 2015 periodic update will be:
  o Staff resources;
  o Time;
  o Budget monies to hire consultants, if determined to be needed.

**Purpose and Background**

The Washington State Growth Management Act (GMA: RCW 36.70A) requires periodic update of local comprehensive plans\(^1\). In 2011 the State legislature established deadlines for the next periodic update. In accordance with that schedule, Bothell's deadline for adoption of an updated plan is on or before June 30, 2015 (RCW 36.70A.130 (5).

The primary purpose of the periodic update is to ensure that local plans and regulations comply with all current requirements of the GMA.

The Plan has been updated a number of times since the last periodic (i.e. major) update, as follows:

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<tr>
<th>Ordinance #</th>
<th>Adopted / Effective</th>
<th>Highlights</th>
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| 1948        | November 7, 2005 / November 16, 2005 | Adopted a number of property-specific Plan amendments:  
  - Randy Shatto (Canyon Park subarea: assigned R5,400a designation to three parcels);  
  - Loveless LLC (Shelton View / Meridian / 3rd SE subarea: allowed office and storage uses west of 7th Ave, but required a 100 foot building setback;  
  - MME Properties (Country Village / Lake Pleasant / 527 Corridor subarea: assigned a R5,400d designation to two parcels comprising 8.1 acres );  
  - Blum (Country Village / Lake Pleasant / 527 Corridor subarea: added a CB designation to a property south of the Blum parcels (no change to the Blum parcels);  
  - Eskeback and Stephen (Country Village / Lake Pleasant / 527 Corridor subarea: added CB to property designation and imposed a 100 foot building setback on the property from all detached residential to the west and require a 30 foot wide sight-obscuring landscape buffer adjacent to all detached residential areas.  
  - Evans and Rosenzweig (Downtown / 190th / Riverfront subarea: assigned a R5,400d |

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\(^1\) The Washington State Department of Commerce refers to the eight-year major update of local Plans as the “periodic update” to distinguish it from any annual (more minor) updates that may occur.
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<td>designation to the single property on West Riverside Drive to allow a bed and breakfast use, and established policies and regulations to protect the single-family residential appearance of the Eason Avenue neighborhood.</td>
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<td>• Gastineau (Downtown / 190th / Riverfront subarea: assigned a R 5,400d designation to the single property on West Riverside Drive).</td>
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<td>Transportation Element updated:</td>
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<td>• Amended Fig. TR-2 to: 1) classify Bothell Connector in the 39th Ave SE alignment as a minor arterial; and 2) re-classified Fitzgerald Road and 35th St SE from minor arterials to collector arterials.</td>
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<td>Amended the Fitzgerald / 35th SE subarea plan regarding the NCFWCHPA.</td>
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<td>Approved several property-owner amendment requests:</td>
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<td>• R.V. Palmer for Grizzly Sports (Canyon Park subarea); assigned a R-AC, OP, NB, LI to two properties comprising approximately 4.8 acres;</td>
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<td>• Phillips and Berry (Fitzgerald / 35th subarea); assigned a R 5,400d (LID) Plan designation to two properties comprising approximately 10 acres within the NCFWCHPA.</td>
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<td>1985</td>
<td>December 4, 2007 / December 15, 2007</td>
<td>Amended the Fitzgerald / 35th SE and Waynita / Simonds / Norway Hill Subarea Plans, as follows:</td>
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<td>• Fitzgerald / 35th SE: further amended the NCFWCHPA and LID policies and actions in the subarea (primarily involving buffers and forested cover);</td>
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<td>• Waynita / Simonds / Norway Hill: Repealed (removed) subarea Land Use Action 1 and subarea Natural Environment Actions 6 and 7 (having to so with groundwater re-charge in the subarea).</td>
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<td>Ordinance #</td>
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<td>2007</td>
<td>December 16, 2008 / December 27, 2008</td>
<td>Amended Figures in the Land Use, Transportation and other City-wide elements and policies within the Country Village/Lake Pleasant/SR 527 Corridor and Westhill Subarea Plans.</td>
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<td>2025</td>
<td>July 14, 2009 / July 25, 2009</td>
<td>Downtown Plan and Regulations adopted, comprising the Vision, City Actions, and Regulations (plus Appendices). Additional amendments to synchronize the Downtown Subarea Plan and Regulations with the rest of the Comprehensive Plan and BMC, including:</td>
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<td>• Land Use Element; Economic Development Element; Transportation Element; Maywood / Beckstrom Hill Subarea Plan; North Creek / NE 195th Street Subarea Plan; and Waynita / Simonds / Norway Hill Subarea Plan.</td>
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<td>• Adopted a Planned Action EIS, establishing mitigating measures for environmental impacts.</td>
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<td>2053</td>
<td>December 7, 2010 / December 18, 2010</td>
<td>Assigned Plan designations and proposed zoning to the Potential Annexation Areas (PAAs) in King County and the Municipal Urban Growth Area (MUGA) in Snohomish County.</td>
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<td>Incorporated a sustainability commitment in the VISION statement.</td>
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<td>Modified the planning area boundary.</td>
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<td>2112</td>
<td>March 19, 2013 / March 30, 2013</td>
<td>Adopted a new Shoreline Element and Shoreline Master Program (SMP).</td>
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**Legislative Requirement**

The GMA specifies a number of items that must be reviewed as part of the periodic update. These are:

1. **Amendments to the GMA.** The state legislature periodically amends the GMA, and any GMA amendments adopted since a local plan's last periodic update that have not yet been incorporated into the local plan must be incorporated as part of the current periodic update.

In order to assist local agencies with this process, the Department of Commerce has produced a checklist which details the amendments made to the GMA since the last periodic update.
The checklist is extremely detailed, but major tasks needed to be accomplished as part of the 2015 periodic update of the Imagine Bothell… Comprehensive Plan and development regulations are identified in the section below titled GMA Required Review Tasks.

2. Urban Growth Areas (UGAs) and Population Projections. Urban Growth Areas must allow development densities sufficient to accommodate the next 20 years projected population and employment growth. The GMA requires that jurisdictions use 20-year population projections from the state Office of Financial Management (OFM). These projections are developed every five years, with the latest projections being issued in May, 2012. This issue is covered in more detail in the section below titled GMA Required Review Tasks.

3. Critical Areas Ordinances (CAOs). One of the initial mandates of the GMA was to designate and protect sensitive environmental, or critical, areas. The GMA requires all counties and cities to review and evaluate these CAOs during the periodic update. While Bothell has recently adopted a new Shoreline Master Program (SMP) and adopted critical areas regulations consistent with the GMA in 2005 (with several amendments being adopted since then), the periodic update, should, at a minimum, ensure that any more recent amendments to the GMA are incorporated.

In addition to the above, the GMA also contains a mandatory update requirement regarding designated mineral lands, which does not apply to Bothell.

While 1-3 above constitute the basic items required by the GMA to be addressed as part of the periodic update, the Department of Commerce recommends that jurisdictions also consider the following areas:

- Land Use Element;
- Capital Facilities and Transportation Elements;
- Internal and external consistency of the Plan. Internal consistency refers to items such as the land use and transportation elements being consistent with one another. External consistency refers to the Plan being consistent with adjacent jurisdictions’, special districts’, or county plans, and applicable multi-county and countywide planning policies;
- Inventories. Specifically, inventories of housing (existing and projected housing needs), capital facilities, and transportation facilities and service.

While these may not be required by the GMA to be updated, as a practical matter, if any changes are made that significantly increase population or employment capacities, the Land Use, Transportation and Capital Facilities Elements of the Plan may need to amended to be consistent with these changes. In addition, it makes sense to ensure internal and external consistency.

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2 RCW 36.70A.130(1)(c) and RCW 36.70A.172(1)
consistency with the Plan and to update necessary inventories. As a result, these tasks are proposed to be included in the 2015 Periodic Plan and Code Update.

**Major Work Tasks and Schedule**

In order to accomplish the above, the state has identified four broad tasks that counties and cities must accomplish as part of the periodic update process. These are:

1. Establish a public participation program;
2. Review relevant plans and regulations;
3. Take legislative action; and
4. Submit notice to the state.

Tasks 3 and 4 are self-evident and require no additional discussion here. Tasks 1 and 2 are discussed in greater detail as part of this section.

Included at the end of this Scope of Work is a table showing an overview of the major tasks to be accomplished as part of the 2015 periodic update and a proposed schedule. Highlights of the proposed tasks and schedule include:

**Buildable Lands Analysis**

GMA cities and counties are required to conduct periodic buildable lands analyses in order to determine how much land within a jurisdiction is being utilized and how much is available for development, under current Plan designations. Snohomish County takes the lead on conducting the analysis for the Snohomish County portion of Bothell's planning area, while the City takes the lead for the King County portion of the planning area. Snohomish County completed the latest buildable lands analysis in 2012; analysis of the King County portion of the planning area is underway and anticipated to be complete by the middle of 2014.

**Initiation of Plan Amendments and Adoption of a Work Program**

The City Council, in the first quarter of each year, considers a “docket” of potential Plan and Code amendments for initiation. Those items initiated then become the work program for the Community Planning section for the following year. The 2015 Periodic Plan and Code Update constitutes most of the docket for 2014 and the first half of 2015.

**Public Participation Program**

Establishment of a public participation program is one of the key goals of the GMA regarding the 2015 Periodic Plan and Code Update. As such, considerable emphasis should be placed on establishing a program that provides for “early and continuous public participation.” The proposed schedule shows such a program being established during the fall of 2013 (September through December), prior to the Plan update being formally initiated by City Council. The public participation program will involve staffing from the Planning and Administrative Services divisions of the Community Development Department, and certain staff from the Public Works Department.

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3 RCW 36.70A.140
As the primary advisory body to the City Council, the Planning Commission will be responsible for conducting public hearings, deliberating and making recommendations to the City Council. The proposed schedule has the Planning Commission spending approximately 13 months (from February, 2014 through February, 2015) on this task. The Commission will likely need to hold joint meetings with the Landmark Preservation Board, the Shorelines Board and the Parks and Recreation Board during the update process: those joint hearings will occur during 2014 as part of the Commission’s work task.

Environmental Review

Environmental review would occur at the end of 2014 through the beginning of 2015, coinciding with the Planning Commission’s completion and transmittal of its recommendation to City Council. It is not known yet whether or not an environmental impact statement (EIS) will be warranted. If an EIS is determined necessary, a consultant may be retained to assist in its preparation.

City Council Review and Adoption

The proposed schedule anticipates that City Council will conduct its review of the Planning Commission’s recommendation on the 2015 Periodic Plan and Code update in March, April and May of 2015. In addition, Council involvement would also occur in January, 2014 (initiation of the update), and at a “check-in” point in September, 2014, approximately two-thirds through the Planning Commission review period. That check-in could occur as a joint study session with the Planning Commission, and possibly other boards. In addition, Council members would be invited to attend the two public open houses to be scheduled during the update process.

The proposed schedule shows Council adoption of the updated Plan occurring in May, 2015 - preferably at the beginning of the month. This allows a “cushion” of time before the June 30, 2015, state-mandated adoption date to allow for expansion of the schedule if necessary.

GMA Required Review Tasks

As noted above, the GMA requires that three specific areas be addressed as part of the periodic update: 1) incorporating amendments to the GMA adopted since the last periodic update of the Plan; 2) ensuring that projected population and employment growth can be accommodated; and 3) ensuring that critical areas Ordinances are up to date and consistent with state law. Each of these is discussed briefly below.

Incorporating GMA amendments (updates)

The Department of Commerce has compiled a checklist of amendments to the GMA since 1992 for jurisdictions to utilize and compare to local Plans to determine which GMA amendments need to be incorporated into the 2015 Periodic Plan and Code Update. Staff will be utilizing this checklist to ensure that the Imagine Bothell... Plan and Code are up to date.

Urban Growth Areas and Population Projections

While it is anticipated that the City has sufficient population and employment capacity in the King County portion of the City (King County analyses actually indicate a slight population capacity deficit, but this does not reflect the Downtown Plan and Regulations), the Snohomish County Buildable Lands analysis, conducted in 2012 by Snohomish County with assistance from the City, shows a capacity deficit of 3,554 persons within the Snohomish County portion of Bothell,
as compared to projected population growth targets within the VISION 2040 Regional Growth Strategy (RGS). City staff presented this issue to City Council on February 5, 2013, and asked Council to support exploration of potential Plan amendments and rezones to address the population capacity shortfall as part of the 2015 Periodic Plan and Code Update. The City Council voiced its support of the requested action, including exploration of three specific potential Plan and Code amendments that would accommodate the population and employment goals in VISION 2040.

The three potential amendments are located within the City’s Canyon Park; Country Village / Lake Pleasant / SR 527 Corridor; and Shelton View / Meridian / 3rd Avenue subareas. Recommendations will be forthcoming for Plan and Code amendments in at least the Canyon Park Subarea, and possibly in one or both of the other subareas as well, depending on the extent of change needed to make up the population capacity deficit.

The Canyon Park subarea is designated an Urban Center under VISION 2040 (and has been since VISION 2020’s adoption in 1995). When this area annexed to Bothell in 1992, the existing suburban retail and business park zoning carried over. Plan and Code amendments were adopted in the early 2000’s to promote more mixed use and more efficient use of land, but there remains significant work to do to position the area for redevelopment at the densities and intensities, and with the multi-modal transportation network, envisioned for urban centers under VISION 2040.

Ideally, a planning effort to achieve such a result would be on the scale of that applied to Downtown Bothell between 2005 and 2009, and would involve assistance from planning and transportation consultants. However, budget constraints have precluded, and are expected to continue to preclude, this level of effort.

Nevertheless, it is anticipated that substantial progress can be made in the 2015 Periodic Plan and Code Update to enhance the Canyon Park’s redevelopment potential.

Critical Areas Ordinance (CAO) Updates

The Department of Commerce has compiled a checklist for jurisdictions to utilize to determine whether local CAOs are consistent with the most recent amendments to the GMA. It is anticipated that Bothell’s CAO should require few, if any, amendments, but the review process needs to occur in order to fulfill this GMA requirement.

Other Tasks and Policy Issues

In addition to the GMA-required review tasks identified above, the following tasks are proposed for inclusion in the 2015 Periodic Plan and Code Update:

- Update the Housing Element. A Regional Coalition for Housing (ARCH) is currently updating the Housing Element background data and housing needs assessment. This update has been planned to complement the 2015 Periodic Plan and Code Update for ARCH member jurisdictions.

- Update and combine the Capital Facilities Element and current Capital Facilities Plan so that they are one.
- Update the Transportation Element to be consistent with any proposed changes to the Land Use and Capital Facilities Elements and to ensure consistency with the six year Transportation Improvement Program (TIP) and recently updated Bothell Design and Construction Standards.

- Incorporate the 2014 Parks and Recreation Open Space Action Plan (PROSAP) update, expected to be adopted by Council in February or March, as the Parks and Recreation Element of the Plan.

- Incorporate Transfer of Development Rights (TDR) into the Land Use Element and subarea plans. Council initiated Plan and Code amendments to address TDR in 2012. A King County-funded TDR study was completed in 2013 for the King County portion of the City, but a similar analysis needs to be conducted for the Snohomish County portion of the City (at an estimated cost of $5,000 to $10,000). Following a study session on May 14, 2013, the City Council directed staff to complete such a study. Even without such a study, it seems likely that TDR could work well in the Canyon Park business center, where the right to develop residential units could be granted subject to TDR.

- Updating of Planning Area-wide elements and subarea plans to reflect changed conditions since the last update of the Plan in 2004.

- Amendment of development regulations as necessary to implement proposed Plan amendments.

**City Departments / Divisions Involved**

The 2015 Periodic Plan and Code Update will require involvement by multiple City departments and divisions. These primarily include:

**Community Development**
- Long Range Planning Division (project management and primary staff); and
- Administrative Division (administrative support and assistance with the public participation program).

**Public Works**
- Primary staff on Capital Facilities and Transportation Elements; support and coordination on other elements and subarea plans.

**Information Services**
- Support with mapping and other graphics (GIS Division).

**Legal**
- Legal support throughout update process.

**Police**
- Coordination on Capital Facilities and Transportation Element.
Fire
  • Coordination on Capital Facilities and Transportation Element.

Executive
  • Coordination on City Council involvement and the public participation process.
## 2015 Periodic Plan and Code Update: Major Tasks and Schedule Overview

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<th>Task</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
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<tr>
<td>Buildable Lands Analysis¹</td>
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<td>Review State checklists for required and optional tasks</td>
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<td>Hold internal meetings with other divisions and departments</td>
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<td>Create a public participation program</td>
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<td>City Council initiation and adoption of a Scope of Review (Docket meeting); mid-way “check-in” meeting</td>
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<td>Public Open Houses</td>
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<td>Planning Commission holds study sessions and public hearings (including joint meetings with other Boards); makes recommendation to Council</td>
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<td>SEPA Review</td>
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<td>City Council Review</td>
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<td>Send 60 day “Notice of Adoption” to State</td>
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<td>Council Adoption</td>
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<tr>
<td>Send adopted Plan to State</td>
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¹ King County. Snohomish County Buildable Lands completed in 2012