

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: April 24, 2006, 7 p.m.

SUBJECT: GMA Compliance Amendments

PROPONENT: City of Blaine

SUBMITTING DEPARTMENT: Community Development Services

PREPARED BY: Terry Galvin, Community Development Director

Comments/Communications ☐ Consent ☐ Committee Reports ☐ Unfinished Business
☐ New Business ☐ Public Hearing ☐ Standing Committee(s)

EXHIBITS:

Exhibit A – Planning Commission Recommendation to City Council: GMA Compliance Amendments

Exhibit B - Draft Ordinance No. 06-2628 containing proposed GMA compliance amendments

I. SUMMARY OF PROJECT PROPOSAL

Planning Commission Recommendation

On April 13, 2006, the Planning Commission unanimously approved a motion to submit a set of recommended Comprehensive Plan and code amendments to the City Council for approval. They did so after concluding that the amendments will bring the City of Blaine into minimum compliance with the Growth Management Act, are consistent with the County-Wide Planning Policies, and contribute to the goals of the City of Blaine. In their recommendation, the City Council will find their findings of fact, conclusions and recommendation. The proposed amendments have been attached as Exhibit A.

Ordinance No. 06-2628 (An Ordinance Of The City Of Blaine, Washington, Adopting Amendments To The City Of Blaine Comprehensive Plan & Code To Achieve GMA Compliance)

Staff has prepared Ordinance No. 06-2628 for City Council approval. The ordinance includes the Planning Commission's recommended Comprehensive Plan and code amendments.

State Mandate

RCW 36.70A.13 (The Growth Management Act) requires that every seven years Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties review, evaluate, and adopt any needed amendments to comprehensive plans and development regulations to bring them into compliance with all GMA legislation. This includes all amendments to the Growth Management Act.

City staff has been working on an update for the last couple of years, but with increasing development demands, the update has not progressed as planned. Consequently The Comprehensive Plan update has been separated into two parts. The first part is intended to meet the minimum compliance requirements contained in recent growth management legislation. This is called, “**Phase I - GMA Compliance Amendments**”.

The second part of Blaine’s Comprehensive Plan Update will be more substantial and includes amendments to each residential, commercial and industrial district within the city limits. The City has hired a consulting firm to assist in the part of the update. Staff projects that the **Phase II - Comprehensive Plan and Regulation Update** will require the remainder of 2006 to complete. It will include a substantial technical appendix that provides information, data and analysis supporting the proposed amendments in this more comprehensive update.

Notification Requirements

The City of Blaine provided the Washington State Department of Community, Trade and Economic Development (CTED) with a draft of the city’s compliance amendments in February of 2006. On February 13, 2006 the city received a letter from CTED indicating that the City has met state procedural requirements. Once approved, the adopted amendments will be sent to CTED for compliance review. **When this happens, the City will be eligible for state and federal grant and loan funds.** This becomes particularly important in light of the City’s need to build a new wastewater treatment facility. The Phase 1 GMA compliance amendments contained in the packet will achieve this goal.

Public Participation

Staff held 2 town meetings and several neighborhood meetings in preparation for the proposed amendments. The Planning Commission held one public hearing and three work sessions before recommending the amendment package before the City Council.

II. CONCLUSION AND RECOMMENDATION

Staff concludes that the Planning Commission’s proposal brings the City of Blaine into minimum compliance with the Growth Management Act, is consistent with the County-Wide Planning Policies, and contributes to the goals of the City of Blaine.

Staff recommends that the City Council approve **Ordinance No. 06-2628, An Ordinance Of The City Of Blaine, Washington, Adopting Amendments To The City Of Blaine Comprehensive Plan & Code To Achieve GMA Compliance.**

REVIEWED BY:

City Manager _____ Finance Director _____ City Clerk _____

COUNCIL ACTION: Approved ☐, Denied ☐, Tabled / Deferred ☐,
Assigned to: _____

DATE OF NEXT COUNCIL ACTION: _____

ORDINANCE 06-2628

AN ORDINANCE OF THE CITY OF BLAINE, WASHINGTON, ADOPTING AMENDMENTS TO THE CITY OF BLAINE COMPREHENSIVE PLAN & CODE TO ACHIEVE GMA COMPLIANCE

WHEREAS, Chapter 35A.63 of the Revised Code of Washington authorizes the City Council to adopt and update a Comprehensive Plan, after receipt of a recommendation from the Planning Commission; and,

WHEREAS, Chapter 36.70A of the Revised Code of Washington requires selected Cities and Counties to update their adopted Comprehensive Plans; and,

WHEREAS, on April 24, 2006, the City Council of the City of Blaine adopted updates to its Comprehensive Plan which are consistent with State growth management goals, the State criteria for plan adoption contained in Section 365-195 of the Washington Administrative Code, and the Whatcom County County-Wide Planning Policies; and,

WHEREAS, Section 365-195-630 of the Revised Code of Washington requires the ongoing evaluation of the Comprehensive Plan to ensure internal and interjurisdictional consistency of the plan and development regulations, and allows the plan to be amended once every year; and,

WHEREAS, in conjunction with several work sessions on the Comprehensive Plan, the Planning Commission of the City of Blaine held a public hearing on March 9, 2006, at which time all interested parties were given the opportunity to be heard and present evidence; and,

WHEREAS, after conducting the public hearing, holding work sessions and finalizing their findings and recommendations on April 13, 2006 the Planning Commission of the City of Blaine forwarded to the City Council a recommendation to adopt revisions to the City of Blaine Comprehensive Plan; and,

WHEREAS, after holding two work sessions, on April 24, 2006 the City Council of the City of Blaine held a public hearing, at which time all interested parties were given the opportunity to be heard and present evidence; and ,

WHEREAS, after conducting the public hearing, considering all testimony, and finalizing their findings and conclusions, the City Council voted to adopt the revisions contained in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLAINE DOES ORDAIN AS FOLLOWS:

Section 1: The following **Findings of Fact** are hereby adopted:

1. RCW 36.70A.13 (The Growth Management Act) requires that every seven years **Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom** counties and the cities within those counties review, evaluate, and adopt any needed amendments to comprehensive plans and development regulations to bring them into compliance with all GMA legislation.
2. The city of Blaine has invested considerable resources to compile an accurate data and information base necessary to develop rational and logical land use plans for future development in the City of Blaine. Recent work includes the following:
 - Completed Blaine population growth projections for 20-year planning period.
 - Completed aerial surveys of the City and its UGA.
 - Completely revamped and updated the City's GIS parcel data and property boundaries in a GIS format.
 - Completed critical areas identification and mapping.
 - Completed a shorelines inventory and draft program.
 - Completed a land use inventory.
 - Completed a buildable lands inventory.
 - Completed a draft background document with sufficient detail to provide the base line information necessary to help formulate policy.
3. The City of Blaine has coordinated with other jurisdictions and involved the community in the development of the proposed amendments. This includes the following:
 - Worked with all local jurisdictions to develop and approve County Wide Planning Policies.
 - Initiated the Comprehensive Plan update with a several public visioning work sessions and town meetings.
 - Reviewed initial concept changes to the Comprehensive Plan update with both the Planning Commission and the City Council on tours and several work sessions.
 - Conducted numerous workshops with various interest groups addressing unique components of the City.
 - Held numerous neighborhood meetings to review findings and seek participation in housing and neighborhood issues.
4. The City of Blaine provided the Washington State Department of Community, Trade and Economic Development (CTED) with a draft of the city's compliance amendments in February of 2006. On February 13, 2006 the city received a letter from CTED indicating that the City has met state procedural requirements.
5. Environmental Review was conducted and a Determination of Non-Significance was issued and circulated by the City of Blaine's SEPA Official on April 18, 2006 and published in the official paper of record (Bellingham Herald).
6. Public Notice was published in the official paper of record, which announced a Planning Commission public hearing scheduled for 7:00 PM March 9, 2006.
7. Public Notice was published in the official paper of record, which announced a City Council public hearing scheduled for 7:00 PM April 24, 2006.
8. The City Council has concluded that the amendments are necessary to meet minimum GMA Requirements and will bring the City of Blaine into compliance with Growth Management Act.
9. Additional amendments will address a number of persistent or technical problems within the City's Comprehensive Plan and development regulations that should not wait the full length of year to be corrected. These include amendments that address:
 - a. Lifting a moratorium on multifamily building in some established neighborhoods;
 - b. Increasing opportunities for affordable owner occupied housing in central Blaine neighborhoods;
 - c. Preservation of some well established neighborhoods;

- d. Creation of minimum design standards to maintain consistent integrity in residential neighborhoods;
- e. Halting the commercial stripping of Peace Portal Drive and taking the first steps toward its development as a downtown scenic loop;
- f. Elimination of an exclusive commercial zone that restricts small business location in favor of large malls or other large commercial projects over five acres;
- g. Codification of setback language on corner lots;
- h. Creation of enforcement provisions necessary to enforce land use decisions.

Section 2: The 1999 Comprehensive Plan and Blaine Municipal Code are hereby amended as follows:

(Insert final amendments here)

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5: This Ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of posting of publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON
on the _____ day of April, 2006 and approved by the Mayor on the same
day.**

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY



CITY OF BLAINE

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

344 H STREET • BLAINE, WA • 98230

PHONE: (360) 332-8311 • FAX: (360) 543-9978

www.ci.blaine.wa.us

Planning Commission Recommendation to City Council: GMA Compliance Amendments

- I. BACKGROUND & STATE MANDATE
- II. SUMMARY OF RECOMMENDATION TO CITY COUNCIL
- III. FINDING OF FACT
- IV. CONCLUSIONS & RECOMMENDATION

I. BACKGROUND & STATE MANDATE

The City is mandated by the Growth Management Act to update its Comprehensive Plan every 7 years. City staff has been working on an update for the last couple of years, but with increasing development demands, the update has not progressed as planned.

Consequently The Comprehensive Plan Update has been separated into two parts. The first part is intended to meet the minimum compliance requirements contained in recent growth management legislation. These are called, "**Phase I - GMA compliance amendments**".

The second part of Blaine's Comprehensive Plan Update will be more substantial and includes amendments to each residential, commercial and industrial district within the city limits. The City has hired a consulting firm to assist in the part of the update. Staff projects that the **Phase II - Comprehensive Plan and Regulation Update** will require the remainder of 2006 to complete. It will include a substantial technical appendix that provides information, data and analysis supporting the proposed amendments in this more comprehensive update.

II. SUMMARY OF RECOMMENDATION TO CITY COUNCIL

A summary of the Planning Commission has been organized in the following manner:

Part I - GMA Compliance Amendments

There are a number of amendments to the comprehensive plan, development regulations and zoning map in this section. Each proposed amendment references the action number in the Compliance Analysis Table attached as Appendix A. The table was developed by staff to track all amendments to the 1990 Growth

Management Act and corresponding compliance by the City. Staff has inserted a number (CP-1, DR-1, etc, where applicable), corresponding to a proposed comprehensive plan or development regulations amendment. The number has been referenced in the following amendments. The zoning map amendments illustrate the location and type of zoning change that is being proposed. The outline for Part I includes the following headings:

- A. Comprehensive Plan Amendments (GMA Compliance)**
- B. Development Regulation Amendments (GMA Compliance)**
- C. Zoning Map Amendments (GMA Compliance)**

Part II – Other Pressing Amendments

While Part I of this compliance update is intended to bring the City's document into minimum GMA compliance, the proposed amendments under Part II, address a number of persistent or technical problems within the City's Comprehensive Plan and development regulations that should not wait the full length of year to be corrected. These include amendments that address:

- Lifting a moratorium on multifamily building in some established neighborhoods;
- Increasing opportunities for affordable owner occupied housing in central Blaine neighborhoods;
- Preservation of some well established neighborhoods;
- Creation of minimum design standards to maintain consistent integrity in residential neighborhoods;
- Halting the commercial stripping of Peace Portal Drive and the first steps toward its development as a downtown scenic loop;
- Elimination of an exclusive commercial zone that restricts small business location in favor of large malls or other large commercial projects over five acres;
- Codification of setback language on corner lots;
- Creation of enforcement provisions.

The outline for Part II includes the following headings:

- A. Development Regulation Amendments & (related) Zoning Map Amendments**

Part III – Official Land Use Maps

This section contains two maps proposed for adoption: The Comprehensive Plan Designations Map and the Official Zoning Map. The Comprehensive Plan Designations Map is contained in the Comprehensive Plan and provides geographic boundaries for guiding various land use activities, i.e.: residential, commercial and industrial uses. The Zoning Map is a regulatory tool that is used in conjunction with Title 17, BMC, LAND USE AND DEVELOPMENT.

Appendix A – GMA Compliance Analysis Table

The Compliance Analysis table identifies revisions to the Growth Management Act (GMA) since the 1999 Comprehensive Plan adoption, noting which ones pertain to Blaine's plan and possible courses the City may take to achieve compliance. Staff used this as a tool to determine where changes needed to be

made to bring the City's Comprehensive Plan and Development regulations into compliance with the numerous amendments to the Growth Management Act. Each possible compliance action is numbered with that number corresponding to a proposed Comprehensive Plan (CP-1, CP-2, etc) or Development Regulations amendment (DR-1, DR-2, etc) included later in this packet.

CP = Comprehensive Plan

DR = Development Regulations

III. FINDING OF FACT

The Planning Commission recommendation is based upon the following Findings of Facts:

1. RCW 36.70A.13 (The Growth Management Act) requires that every seven years **Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom** counties and the cities within those counties review, evaluate, and adopt any needed amendments to comprehensive plans and development regulations to bring them into compliance with all GMA legislation.
2. The city of Blaine has invested considerable resources to compile an accurate data and information base necessary to develop rational and logical land use plans for future development in the City of Blaine. Recent work includes the following:
 - Completed Blaine population growth projections for 20-year planning period.
 - Completed aerial surveys of the City and its UGA.
 - Completely revamped and updated the City's GIS parcel data and property boundaries in a GIS format.
 - Completed critical areas identification and mapping.
 - Completed a shorelines inventory and draft program.
 - Completed a land use inventory.
 - Completed a buildable lands inventory.
 - Completed a draft background document with sufficient detail to provide the base line information necessary to help formulate policy.
3. The City of Blaine has coordinated with other jurisdictions and involved the community in the development of the proposed amendments. This includes the following:
 - Worked with all local jurisdictions to develop and approve County Wide Planning Policies.
 - Initiated the Comprehensive Plan update with a several public visioning work sessions and town meetings.
 - Reviewed initial concept changes to the Comprehensive Plan update with both the Planning Commission and the City Council on tours and several work sessions.
 - Conducted numerous workshops with various interest groups addressing unique components of the City.
 - Held numerous neighborhood meetings to review findings and seek participation in housing and neighborhood issues.
4. The City of Blaine provided the Washington State Department of Community, Trade and Economic Development (CTED) with a draft of the city's compliance amendments in February of 2006. On February 13, 2006 the city received a letter from CTED indicating that the City has met state procedural requirements.

5. Environmental Review was conducted and a Determination of Non-Significance was issued and circulated by the City of Blaine's SEPA Official on February 15, 2006 and published in the official paper of record (Bellingham Herald).
6. Public Notice was published in the official paper of record, which announced the public hearing scheduled for 7:00 PM March 9, 2006.
7. The proposal as described in this report complies with the requirements of the Growth Management Act, is consistent with County-wide Planning Policies and furthers the goals and policies Blaine's Comprehensive Plan.

VI. CONCLUSIONS AND RECOMMENDATION

Based on the above findings of fact, the Planning Commission concludes that the proposal brings the City of Blaine into minimum compliance with the Growth Management Act, is consistent with the County-Wide Planning Policies, and contributes to the goals of the City of Blaine.

At the conclusion of the Public Hearing the Planning Commission, in several work sessions, considered and deliberated over all relevant information, studies, public and agency comments, and a staff report that was provided to them. After a full and complete review, the Planning Commission recommends approval of the following amendments to the Comprehensive Plan and Blaine Municipal Code:

Signed:


Planning Commission Chair

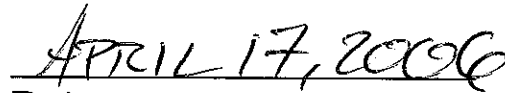

Date

EXHIBIT A

Part I - GMA Compliance Amendments

A. Comprehensive Plan Amendments (GMA Compliance)

Text Amendment - Public Participation Program (CPA-1)

*(Page 4-20) Add a **new** Land Use Policy 6.2, with implementing actions, as follows:*

6.2 The City of Blaine shall involve the community in an early and continuous manner in the development and consideration of its legislative actions, including the adoption and amendment of its comprehensive plan, to ensure its compliance with the Growth Management Act, to establish a procedure for legal standing before the Growth Management Hearings Board, and to ensure adequate opportunity for the community's voice to be heard in the development of public policy.

Actions

- A. Blaine shall attempt to inform the public through various techniques including, but not limited to, the following:
 - 1. Compile, on an ongoing basis, a list of parties interested in GMA and local planning issues.
 - 2. Sign-in sheets shall be used at each meeting to develop a specific mailing list for the workgroup itself, as well as adding to the compiled list of parties interested in GMA and local planning issues.
 - 3. Post local planning information, meeting and hearing notices, summaries and documents on the City website.
 - 4. Issue press releases and public service announcements to inform the public about GMA, local planning, availability of documents, meeting and hearing dates.
 - 5. Produce and circulate, as appropriate, a newsletter regarding GMA, local planning issues, and meeting or hearing notices.
 - 6. Distribute printed and visual material, as appropriate, to inform the public about the local planning process and engage them in relevant discussions.
- B. Distribute documents so that they are readily available in a timely fashion to all who want to review them.
- C. Ensure that pertinent documents are available in a timely manner to those who want or need them:
 - 1. Proposals or alternatives shall be available at least 14 days before a public meeting or hearing scheduled for their discussion or a decision.
 - 2. Meeting and hearing notices shall state the availability and location of documents, proposals, alternatives or other supporting documents being considered.
 - 3. The public participation requirements shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, and organizations of proposed amendments to the Comprehensive Plan,

- development regulations and where appropriate, project-specific proposals. Reasonable notice procedures shall include, as appropriate:
- a. Posting the property for site-specific proposals.
 - b. Publishing notice in the official designated newspaper for the City of Blaine.
 - c. Notifying public or private groups and neighborhood associations with known interest in a certain proposal or in the type of proposal being considered.
 - d. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals.
 - e. Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.
- D. Publicize public meetings and hearings to ensure that the broadest cross-section of the community is made aware of the opportunities to become involved in the planning process.
- E. As appropriate, given the specific proposal, public meetings should be hosted prior to the public hearing(s) as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of meetings should be based upon the specific circumstances of the case.
- F. Ensure that public meetings allow for an open discussion of the relevant issues and that hearings allow for appropriate public testimony.
1. Establish an agenda that clearly defines the purpose of the meeting or hearing, and the items to be considered. If available, the agenda should be included or summarized in notices of meetings or hearings.
 2. The scheduled date, time, and place shall be as convenient as possible to encourage the greatest number of people to attend.
 3. Special arrangements for meetings or hearings shall be made under the provisions of the Americans with Disabilities Act (ADA) with advance notice.
 4. If the City Council or Planning Commission considers a change to a proposal (amendment to the Comprehensive Plan, development regulations or project specific proposal) after the opportunity for review and comment has passed, then an opportunity for public review and comment on the proposed change shall be provided before the appropriate decision making body votes on the proposed change.
 5. All persons desiring to participate shall be allowed to do so. However, specific factors, such as the purpose of the meeting, size of attendance, time factors, or other opportunities to participate, may suggest some appropriate constraints to be applied. Rules of order for the meeting or hearing shall be set forth clearly by the chair or facilitator.
 6. A record shall be made of all public hearings.
- G. Encourage submission of written comments or written testimony throughout the planning process as follows:
1. As appropriate, notices for meetings and hearings shall include the name and address of the person(s) to whom written comments shall be sent, along with the deadline for submitting comments.

2. Innovative techniques, as appropriate, to a specific planning task, should be developed and implemented to solicit and document the public's concerns, suggestions, or visions for the community.
 3. The deadline for submitting written comments, if allowed subsequent to a meeting or hearing, shall be clearly announced.
 4. Persons speaking or testifying should be encouraged to make concise comments verbally and provide specific details in writing.
 5. The City will invite citizens to serve on local boards, committees, and commissions through local newspapers or web page announcements.
- H. Consider relevant public comments and public testimony in the decision-making process.
1. The record (such as tape recordings, written comments or testimony, documents and summaries) shall be compiled and maintained by the City. That record shall be made available to the decision-maker(s) for consideration and review prior to a decision.
 2. Relevant comments or testimony shall be addressed through the findings-of-fact portion of the decision-maker's written decision or recommendation, as appropriate.
 3. Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision-maker(s) have an opportunity to adequately review all relevant material or comments.
 4. Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses).

Text Amendment - Critical Areas (CPA-2)

(Page 4-18) Amend Land Use Policy 4.1 as follows:

4.1 Wetlands and Critical Areas – Development in areas which have designated shorelands, wetlands or critical areas, including flood plains, aquifer recharge areas, unstable slopes or important fish and shellfish habitat or wildlife and bird habitat areas should be conducted in a way which minimizes impacts to the areas and retains or replaces the physical or biological function of these areas. Wherever possible, wetlands, bird habitat and other critical areas should be utilized as buffers between dissimilar land uses. It is the policy of the City of Blaine to have no net loss of shoreline or wetland functions or values.

Text Amendment - Concurrency (CPA-3)

*(Page 5-2) Add a **new** Transportation goal 1 as follows:*

Goals

1. Promote convenient, accessible, safe and environmentally responsible multi-modal transportation for residents, employers, and employees, visitors, and commerce.

*(Page 5-2) Add a **new** Transportation policy 1.1 as follows:*

Policies

1.1 Transportation concurrency evaluation shall include provision of pedestrian and bicycle facilities along arterial roadways.

Text Amendment - Trails and Physical Activity (CPA-4)

*(Page 5-2) Add a **new** Transportation Policy 1.2 as follows:*

1.2 The City shall encourage development and maintenance of healthy community lifestyles by adopting, updating, and implementing a comprehensive non-motorized trails plan.

Text Amendment - Housing Access (CPA-5)

*(Page 2-13) Add a **new** Housing action items H and I as follows:*

- H. Revise regulatory definitions consistent with RCW 35.63.160, Regulations for Manufactured Homes.
- I. Revise zoning to prohibit the elimination of manufactured housing communities based on their non-conforming use status.

Text Amendment - Housing and Employment Growth (CPA-6)

*(Page 4-15) Add a **new** Land Use Policy 1.8 as follows:*

1.8 Comprehensive Plan and development regulations amendments shall be consistent with requirements to provide sufficient land to accommodate allocated housing and employment growth as adopted in the countywide planning policies.

Text Amendment - GMHB Standing (CPA-7)

*(Page 4-20) Add a **new** Land Use Policy 6.2 as follows (same as that for CPA-1):*

6.2 The City of Blaine shall involve the community in an early and continuous manner in the development and consideration of its legislative actions, including the adoption and amendment of its Comprehensive Plan, to ensure its compliance with the Growth Management Act, to establish a procedure for legal standing before the Growth Management Hearings Board, and to ensure adequate opportunity for the community's voice to be heard in the development of public policy.

Text Amendment - Shoreline Management Act Integration (CPA-8)

*(Appendix A) Add a **new** Goal 14 to Appendix A as follows:*

(14) Shorelines of Statewide Significance. Protect the ecosystem-wide processes of shorelines in accordance with the Shoreline Management Act and implementing guidelines, integrating those provisions into the Comprehensive Plan's goals, policies, and implementing actions.

Text Amendment - GMA Planning Goals (CPA-9)

(Appendix A) Amend Appendix A Goal 5 & 9 as follows:

(5) Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(9) ~~Encourage the retention of~~ Retain open space, enhance recreational opportunities, ~~and development of recreational opportunities,~~ conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation

facilities.

Text Amendment - Essential Public Facilities (CPA-11)

*(Page 6-20) Add a **new** Land Use Goal 7, with implementing policies and actions, as follows:*

GOAL 7 Insure that essential public facilities are developed in a manner consistent with and respectful of Blaine's character and consistent with requirements of state law.

Policies

7.1 Apply a siting process to all essential public facilities identified by the City, the County, regional agreement or by State or federal government when such facilities are proposed within the City or the UGA.

7.2 Develop and adopt regulations that ensure that facility siting is consistent with all adopted city ordinances and the adopted city comprehensive plan.

7.3 Coordinate with Whatcom County and other public and private entities to establish an "Official map" identifying precise arterial corridors, and other public facility locations for current and future dedication and acquisition.

7.4 Assure that the environmental and public health and safety are protected.

Actions

- A. Coordinate with Whatcom County and other jurisdictions to inventory needed facilities.
- B. Coordinate with Whatcom County and other jurisdictions to develop a method to determine "fair share" allocation of facilities.
- C. Coordinate with Whatcom County and other jurisdictions to develop a method for determining which jurisdiction is responsible for each facility.
- D. Coordinate with Whatcom County and other jurisdictions to create a public involvement strategy.
- E. Develop an evaluation process to assure policy and goals are met and to identify future needs as situations arise.
- F. The City shall notify adjacent jurisdictions of the proposed project and solicit their review and comment.

Text Amendment - Transportation Levels of Service and Six-Year Improvement Plans (CPA-12)

*(Page 5-2) Add a **new** Transportation Policy 1.3 as follows:*

1.3 The City shall periodically review its transportation element and capital facilities element to ensure consistency with regional transportation plans and improvement programs as adopted by the Whatcom County Council of Governments and to ensure that appropriate level of service standards are assigned to state highways.

Text Amendment - Watershed Restoration (CPA-13)

*(Page 4-18) Add a **new** Land Use Policy 4.5 as follows:*

4.5 Watershed Restoration – Fish habitat projects conforming to RCW 36.70A.395 are not required to complete a shoreline substantial development permit and shall be considered to be consistent with Blaine's shoreline master program.

Text Amendment - Capital Facilities Element Amendments (CPA-15)

(Page 4-19) **Amend** Land Use Policy 6.1 as follows:

6.1 City of Blaine land use and environmental regulations should be consistent with adopted Comprehensive Plan Policies, the Urban Waterfront Development Plan, Whatcom County planning policies and applicable federal and state laws. To be consistent with the State Growth Management legislation, Comprehensive Plan changes and zoning revisions must be limited to once per year, with the exception of amendments to the capital facilities element which can be amended concurrent with the adoption or amendment of the City's budget.

Text Amendment - Greenbelts and Open Space (CPA-16)

(Page 7-16) Add **new** Land Use Policies 4.6, 4.7 and 4.8 as follows:

4.6 *Open Space and Greenbelts* – Property designated as open space to a public agency or homeowner's association shall be protected from adverse possession in accordance with RCW 36.70A.165.

4.7 *Parks and Recreation Plan* - The City should implement the official City of Blaine Parks and Recreation plan included as a part of this Comprehensive Plan as Appendix H.

4.8 *Allocation of impact fees to local parks, open space & trails* - Where feasible, the City should use park impact fees for park, trail and open space improvements within the immediate surrounding area.

Text Amendment - Balancing Local Priorities and Circumstances (CPA-17)

(Appendix A) Amend the opening paragraph in Appendix A as follows:

The Growth Management Act ~~adopted by the State of Washington in 1990~~ includes the following goals 1 through 13 to guide the development and adoption of comprehensive plans by Washington cities and counties and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. Goal 14 reflects legislation requiring the integration of shoreline planning into the comprehensive plan. These goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations, allowing the City of Blaine to prioritize as necessary to consider local circumstances:

Text Amendment - General Aviation Airports (CPA-18)

Blaine Municipal Airport is addressed in the 1994 transportation element, as well as in the transportation chapters of the 1997 Comprehensive Plan. No action is necessary as part of this compliance update.

Text Amendment - Comprehensive Plan Amendments Review (CPA-21)

(4-20) Add a new Land Use Policy 6.3 as follows:

6.3 The City of Blaine shall review and update its comprehensive plan in conformance to RCW 36.70A.130.

B. Development Regulation Amendments (GMA Compliance)

Text Amendment - Manufactured Housing (DRA-1)

The City adopted an ordinance in 2005 to comply with the new requirements regarding standards for manufactured housing in residential districts. There is no action necessary as part of this compliance update.

Text Amendment - Standing (DRA-2)

An amendment to Title 16, with a new section will require participation in the public process before a petitioner can have standing before a Growth Management Hearing Board.

(Page 16-7) **Add** a Section to 16.04.150 as follows:

B. A petitioner must be a party of record and submit an appeal reasonably related to issues that the aggrieved person previously rose at public hearings in order to appeal a city council action under this chapter.

Text Amendment - Shorelines Integration (DRA-3)

The Growth Management Act asks communities to integrate their shoreline master programs into their development regulations, making them consistent with critical areas ordinances. Both the City of Blaine and the County are currently working on their shoreline master programs. The City will coordinate its shoreline efforts with those of the County before final approval. For now, the City will insert the provision below into its section related to its Shoreline Master Program.

(Page 17-80) **Add** Section 17.81.020 as follows:

17.81.020 Relationship to critical areas management *(new language)*

In no case shall the regulations governing critical areas be construed to minimize or reduce the requirements imposed by the Shoreline Master Program, ensuring that qualities of regulated shorelines are maintained.

~~17.81.020~~ 17.81.030 Appeals

(No change in text) Any person aggrieved by the director's decision regarding the application of the provisions of the city's shoreline program to a particular proposal including any order requirement or administrative permit related to that proposal may appeal...

Text Amendment - Essential Public Facilities (DRA-4)

(Page 17-115) **Add** a **new** chapter to Title 17 of the Blaine Municipal Code as follows:

Chapter 17.110 Essential Public Facilities *(New chapter)*

Sections:

- 17.110.010 Purpose
- 17.110.020 Location
- 17.110.030 Relationship to Regional Siting Process
- 17.110.040 Conditional Use Permit Required.

17.110.010 Purpose

The purpose of this chapter is to provide a mechanism for the review, evaluation and permitting of essential public facilities in a manner consistent with the provisions of State law and in the best interests of the residents of Blaine.

17.110.020 Location.

No essential public facility shall be located immediately across the street from, immediately across a parking lot from, immediately adjacent to or within line of sight of the following pre-existing uses, as measured from the nearest property line of the essential public facility to the nearest property line of the pre-existing use:

- (1) Public playground, sports field, recreational center, community center, park, publicly dedicated trail
- (2) Public or private school and its grounds, preschool to twelfth grade
- (3) Places of worship, such as churches, mosques, temples and synagogues
- (4) Secure community transition facilities

17.110.030 Relationship to Regional Siting Process.

Before applying for a conditional use permit, the applicant for an essential public facility shall have complied with all applicable requirements for the siting such a facility in accordance with State, regional and local laws and policies, including the Whatcom Countywide Planning Policies for the siting of essential public facilities.

17.110.040 Conditional Use Permit Required.

Secure community transition facilities shall obtain conditional use permit approval prior to applying for building or occupancy permits. The conditional use permit shall be subject to the material and procedural requirements contained in Chapter 17.92, BMC and the Essential Facilities Siting element of the Comprehensive Plan. Conditional use permits for secure community transition facilities may include operational or design-related conditions to address concerns related to ensuring adequate sex offender treatment, continued community safety and public education and outreach.

Text Amendment - Public Participation (DRA-5)

The Blaine code mandates public participation as part of development applications and as part of comprehensive plan amendments. No action is necessary as part of this compliance update.

Text Amendment - Watershed Restoration (DRA-6)

The regulatory portion of this GMA amendment is directed more at shorelines than at zoning or critical areas regulations. For this reason, no action beyond the comprehensive plan amendment CPA-13 is necessary as part of this compliance update. The City's current shorelines master program is consistent with RCW 36.70A.460 in that it exempts these projects in the definition of Substantial Development in Appendix A.

Text Amendment - Definitions (DRA-7)

Urban Growth areas are not defined in the zoning ordinance, so no amendment is necessary as part of this compliance update.

Text Amendment - Greenbelts and Open Space (DRA-8)

The current zoning map incorrectly applies a variety of zoning designations on public land and has no zoning designation for public facilities, open spaces or greenbelts. This compliance update proposes the creation of a "Public" zoning district, added to Division 3 of Title 17.

*(Page 17-46) Add a **new** chapter to Title 17 of the Blaine Municipal Code as follows:*

Chapter 17.45
Public Zone

Sections:

17.45.010 Purpose.

17.45.020 Permitted uses.
17.45.030 Accessory uses.
17.45.040 Conditional uses.
17.45.050 Minimum lot size.
17.45.060 Setbacks.
17.45.070 Maximum height.

17.45.010 Purpose.

The purpose of this zone is to provide adequate land for public facilities and open spaces, preventing the acquisition of such land through adverse possession as required in RCW 36.70A, and permitting continued use of such public facilities and preservation of community open spaces and greenbelts.

17.45.020 Permitted uses.

Uses operated by public institutions or reserved for community purposes or open space

17.45.030 Accessory uses.

Accessory uses include those customarily incidental to public uses, including, but not limited to storage sheds, park facilities, parking lots, and monuments or kiosks.

17.45.040 Conditional uses.

- A. Schools, museums or other private
- B. Non-profit facilities of a civic nature
- C. Structures over 35 feet

17.45.050 Minimum lot size.

There is no minimum lot size.

17.45.060 Setbacks.

Setbacks for all buildings in this zone are:

- A. Front, 20 feet;
- B. Rear, 20 feet;
- C. Side, eight feet.

17.45.070 Maximum height.

The maximum height in this zone is 35 feet.

17.45.080 Off-street parking.

Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.

Text Amendment – Parks, Open Space and Trails (DRA-8)

Section 17.62.110 is **amended** to read as follows:

~~(delete)17.62.110 Open space requirements.~~

~~Because of the wide variety of topographic conditions, distances between established parks, proximity to natural areas and similar situations, the provision of required open space, play areas, etc., will be determined in each individual subdivision. (Ord. 2554 § 3, 2003)~~

(Replace with the following)

17.62.110 Parks, open space and trails requirements

Each development project shall include on-site parks, open space and trails sufficient to offer neighborhood recreation opportunities for projected residents. Impact fees shall contribute to off-site park, trail and open space amenities in a manner consistent with the City of Blaine Parks and Recreation Plan.

Text Amendment - General Aviation Airports (DRA-9)

The Blaine Municipal Code is currently compliant with Growth Management Act requirements.

Text Amendment - Urban Growth Areas (DRA-10)

Title 16 of the Blaine Municipal Code is currently consistent with GMA provisions regarding comprehensive plan review. No action is necessary as part of this compliance update.

Text Amendment - Comprehensive Plan Review (DRA-11)

Title 16 of the Blaine Municipal Code already is consistent with GMA provisions regarding comprehensive plan review. No action is necessary as part of this compliance update.

Text Amendment - Critical Areas (DRA-12)

Modify terms in the City of Blaine SMA reference to include the term “wetland” and reference RCW 36.70A.030. The City is currently developing a draft SMP that will incorporate these items.

Text Amendment - Family Day Care (DRA-13)

The current zoning ordinance permits these uses and is consistent with the requirements of RCW 36.70A.450. No action is necessary as part of this compliance update.

Text Amendment- Integrated Project/Environmental Review (DRA-14)

The City’s SEPA guidelines are consistent with current state law. There will be no work necessary as part of this compliance update, but the City’s future efforts to consolidate permit processes may involve additional revision to the SEPA processes, as well.

Text Amendment - Permit Streamlining (DRA-15)

The City’s processes are consistent with the requirements of state law. There will be additional work in the future to consolidate these permit processes to ensure they are clear and more accessible. There is no work necessary as part of the compliance update.

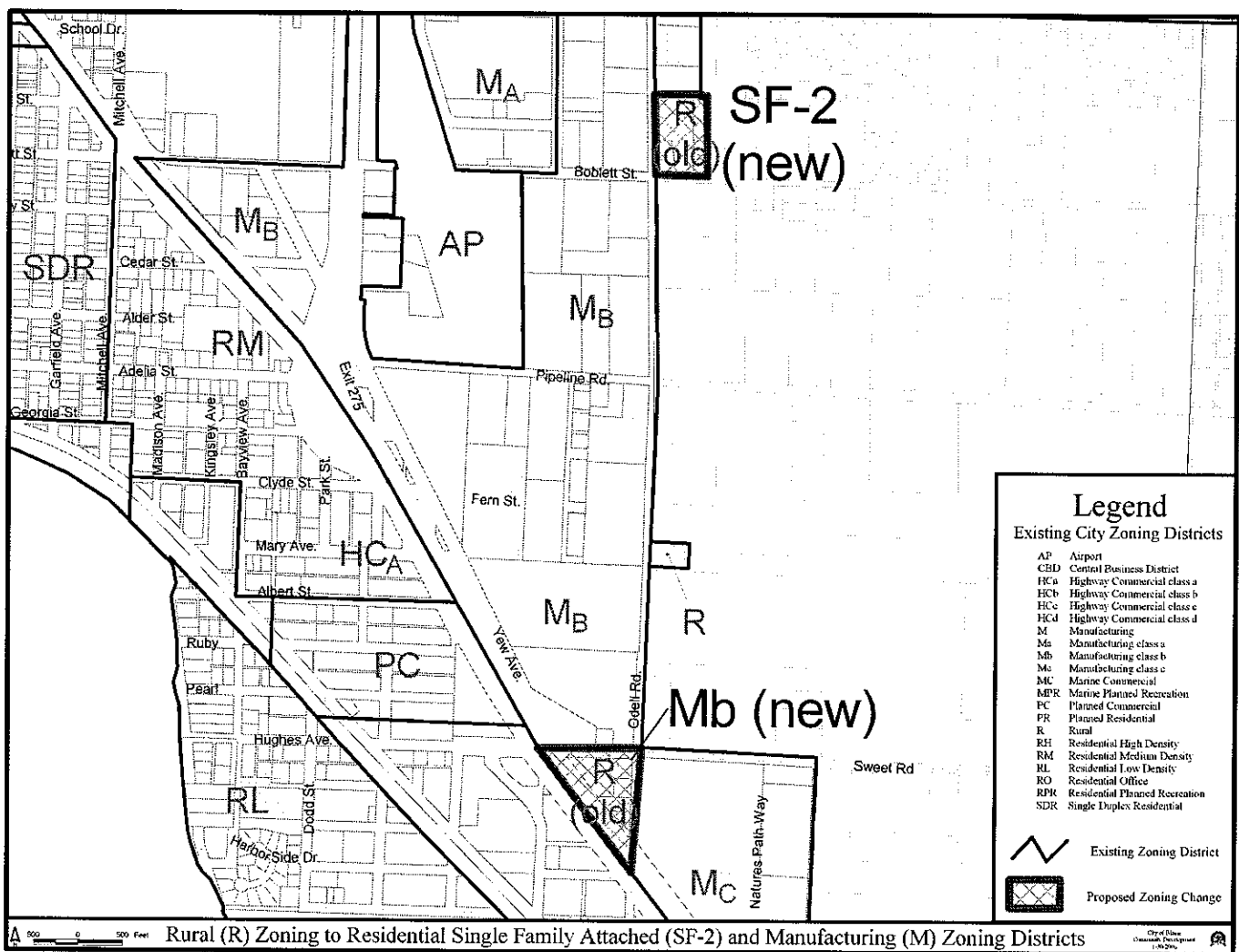
C. Zoning Map Amendments (GMA Compliance)

Zoning Map Amendment: Amend zoning from Rural to SF-2 and Rural to Manufacturing Subzone B (Mb) (CPA-24 -DRA-19).

There are two districts, one five acres and another seven acres, that are zoned rural and may be designated industrial and residential, respectively. These changes are indicated on the new Comprehensive Plan map and are consistent with the City's allowance of urban levels of development within its UGA.

Corresponding Text Amendment: Delete Chapter 17.40 BMC, Rural zone (R), and any references to the chapter.

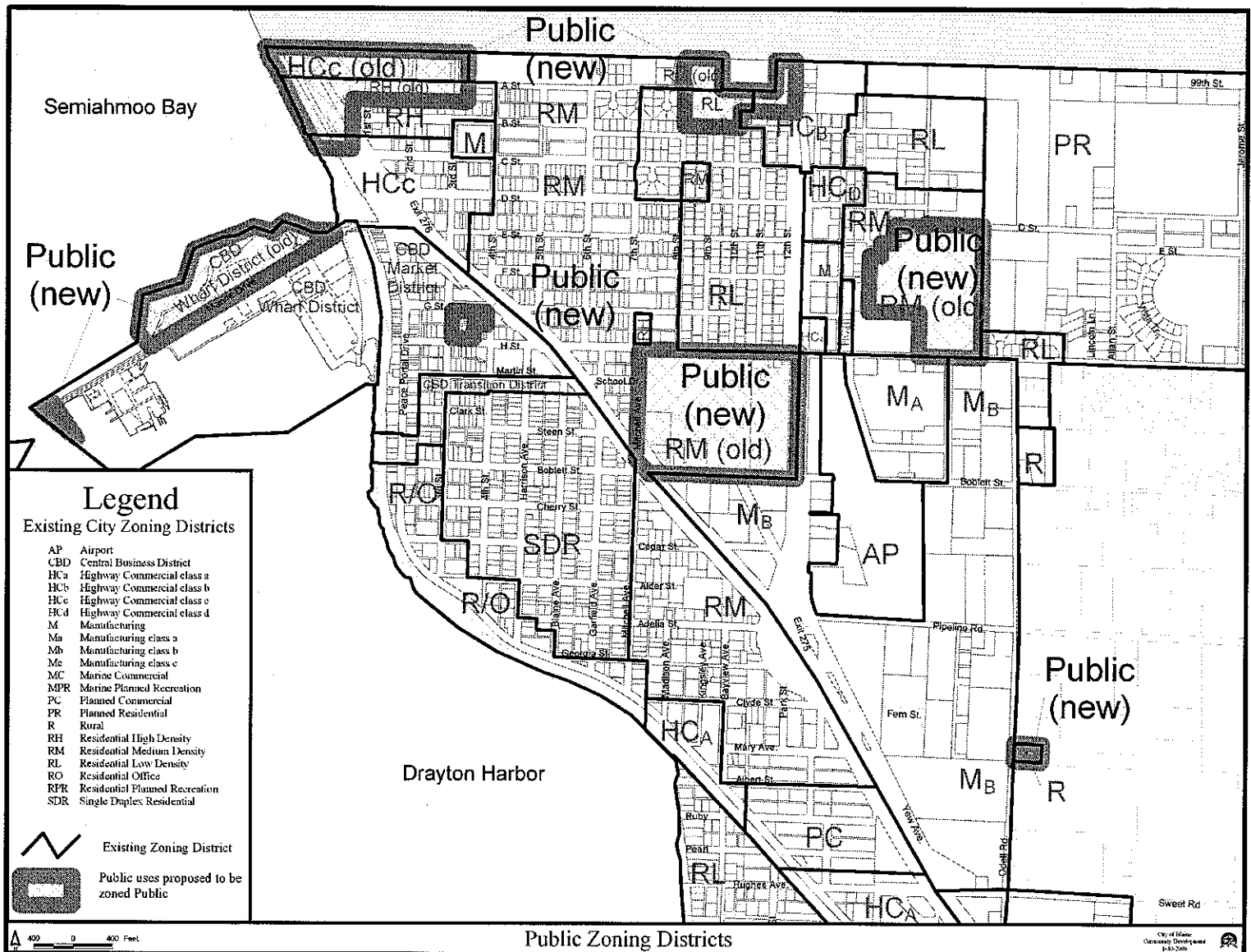
Map Amendment: from Rural to SF-2 & Mb.



Zoning Map Amendment - Create "Public" zoning districts (DRA-8).

Blaine currently has no zoning designation for public facilities, open spaces or greenbelts. This zoning map amendment is related to the text amendment above that proposes the creation of a "Public" zoning district, added to Division 3 of Title 17. It is compliant with the Growth Management Act and consistent with the Blaine Park and Recreation Plan.

Map Amendment: From various zoning designations to "Public" zoning district.



Part II – Other Pressing Amendments

A. Development Regulation Amendments

Text Amendment - New Single-Family Zoning district with an attached housing option (DR-16).

Rezone a portion of the residential area currently zoned RM to a new single family zoning designation. If approved, Chapter 17.31, would be added to permit attached single-family and two attached residential units with physical design elements that make them resemble single-family units.

(Page 17-37) Add a **new** chapter to Title 17 of the Blaine Municipal Code as follows:

Chapter 17.31 SINGLE FAMILY- 2/LOT (SF-2)

Sections:

- 17.31.010 Purpose.
- 17.31.020 Permitted uses.
- 17.31.030 Accessory uses.
- 17.31.040 Conditional uses.
- 17.31.050 Minimum lot size.
- 17.31.060 Setbacks.
- 17.31.070 Land coverage.
- 17.31.080 Height limit.
- 17.31.090 Lot width.
- 17.31.100 Off-street parking.
- 17.31.110 Design standards.

17.31.010 Purpose.

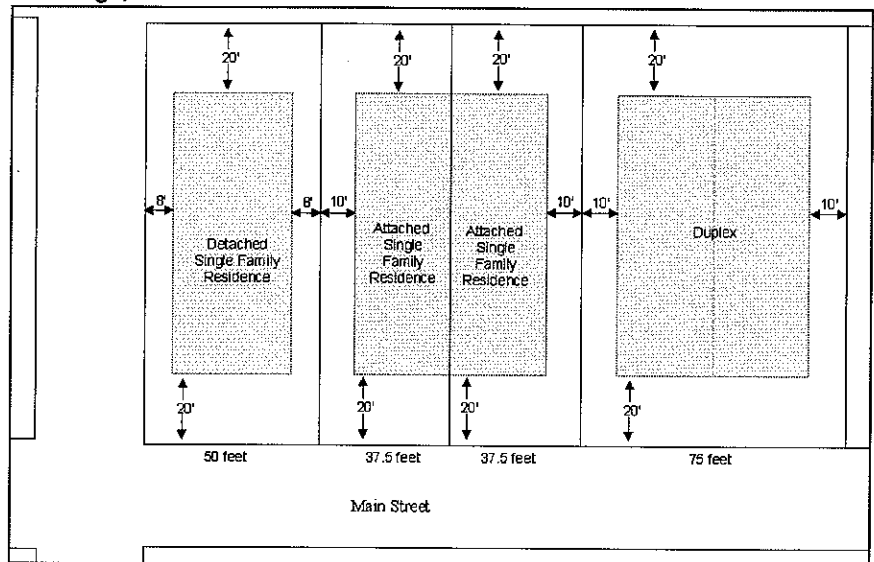
The intent of the Single family - 2/lot district is to maintain and create an environment which meets the community needs for attached single-family dwellings and single-family dwellings with small accessory apartments, by restricting other uses within the zone and by establishing a minimum lot size.

17.31.020 Permitted uses.

A. Single-family detached dwellings,

B. Attached single-family dwelling units on one lot, or on two adjoining lots provided that the attached units appear as if they are a single unit or two distinct units.

Treatments to promote that appearance shall include separate driveways for each unit, separate prominent entries for each unit, differences in exterior colors for each unit, or other features to enhance the appearance of the structure and encourage compatibility with its surroundings.



17.31.030 Accessory uses.

- A. Accessory apartments regulated at Chapter 17.102 BMC when accessory to one detached single family residence on one lot
- B. Family day care homes, , adult family care facilities
- C. Garages, swimming pools and other uses customarily incidental to the permitted use.

17.31.040 Conditional uses.

- A. Churches;
- B. nursing homes;
- C. Day care centers.

17.31.050 Minimum lot size.

- 6,000 sq. ft. for a detached single-family home
- 7,500 sq. ft. for two (2) attached single-family homes on one lot.
- 3,750 sq. ft. for one single family home on one lot when attached (0 setback on one side) to another approved housing unit.

17.31.060 Setbacks.

Setbacks for dwellings in this zone are:

- A. Front: 20 feet;
- B. Rear: 20 feet;
- C. Side:
 - Detached single family units – 8 feet;
 - Attached single family units - 10 feet on yard side and 0 feet on the common side;
 - Duplex units – 10 feet.
- D. For special setback requirements on corner lots, see Chapter 17.130 BMC. For setbacks for detached accessory structures, see Chapter 17.104 BMC.

17.31.070 Land coverage.

Maximum land coverage in this zone is 40 percent.

17.31.080 Height limit.

The maximum height in this zone is 35 feet.

17.31.090 Lot width.

Minimum lot width in this zone is:

- A. 50 feet for a single family residence.
- B. 75 feet for an attached single family residence on one lot.
- C. 37 ½ feet for one single family residence on one lot when attached (0 setback on one side) to another approved housing unit.

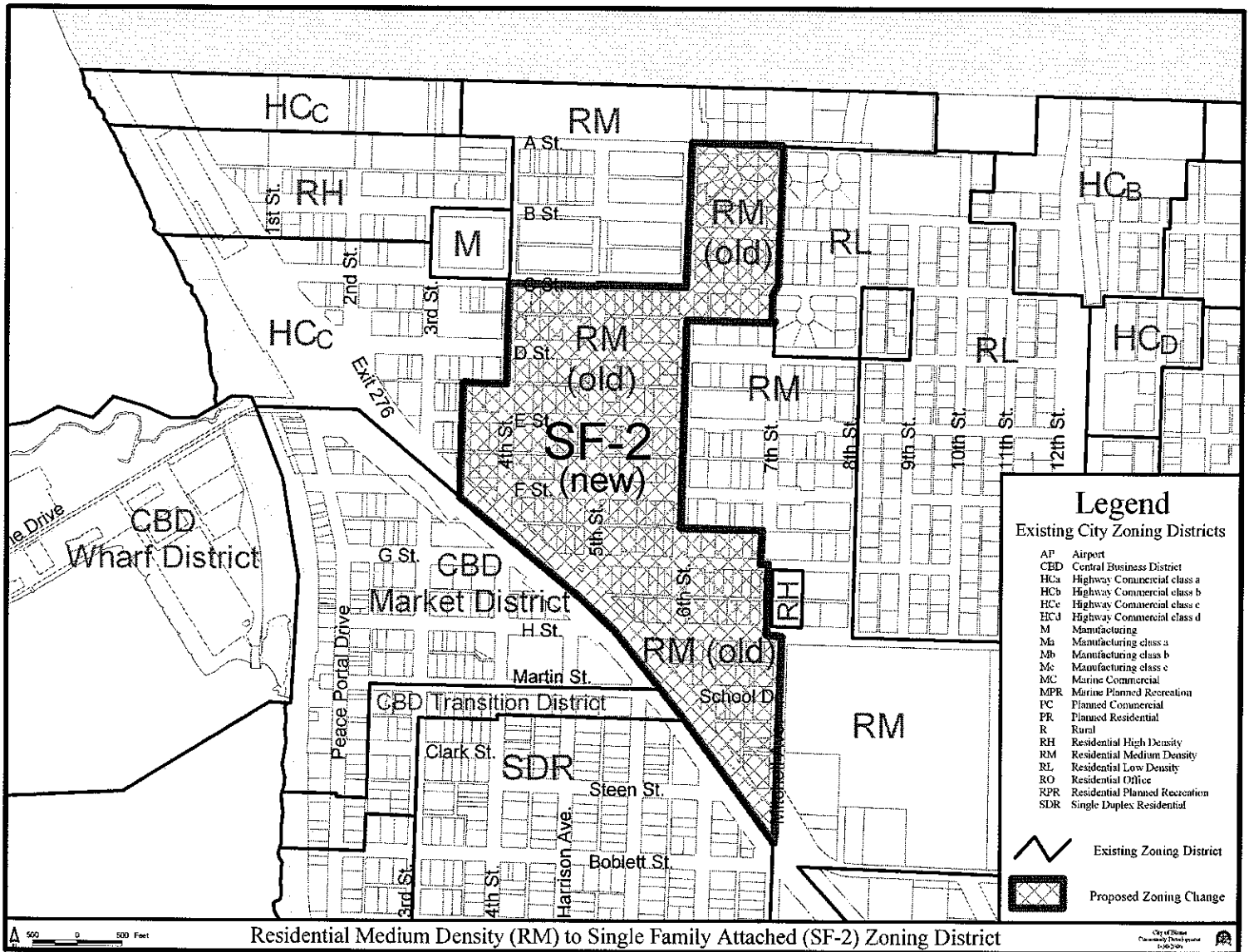
17.31.100 Off-street parking.

- A. Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.
- B. Where alleys exist, access to garages shall be primarily off the alley.
- C. Each lot shall provide for a minimum of two fully enclosed parking spaces.

17.31.110 Design standards.

No design standards apply to this district.

Zoning Map Amendment – Residential Medium Density (RM) to Single Family-2 Units/lot (SF-2) zoning district.



Text Amendment - Amend the SDR text and replace the named Single Family/Duplex Residential (SDR) with a heading of Single Family 1 unit/lot (SF-1). (DRA-17)

The well established residential Salishan neighborhood is currently zoned Single/Duplex Residential (SDR) which allows one and two residential units per lot. If approved, the text amendments to Chapter 17.32, would only allow one single family unit per lot. However, the zone would also allow an attached accessory dwelling unit when it is clearly accessory to the primary residence.

*(Page 17-37) Delete existing language in Chapter 17.32 and add **new** language as follows:*

Chapter 17.32 SINGLE FAMILY – 1 UNIT/LOT (SF-1)

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Accessory uses.

17.32.040 Conditional uses.

17.32.050 Minimum lot size.

17.32.060 Setbacks.

17.32.070 Land coverage.

17.32.080 Height limit.

17.32.090 Lot width.

17.32.100 Off-street parking.

17.32.110 Design standards.

17.32.010 Purpose.

The intent of the Single Family - 1 (SF-1) zone is to maintain and create an environment which meets the community needs for single-family dwellings with small accessory apartments, by restricting other uses within the zone and by establishing a minimum lot size. (Ord. 2554 § 3, 2003)

17.32.020 Permitted uses.

Single-family detached dwellings

17.32.030 Accessory uses.

A. Accessory apartments regulated at Chapter 17.102 BMC,

B. Family day care homes, , adult family care facilities,

C. Garages, swimming pools and other uses customarily incidental to the permitted use.

17.32.040 Conditional uses.

A. Churches;

B. nursing homes;

C. Day care centers;

17.32.050 Minimum lot size.

For single-family homes or single-family homes with accessory apartments in this zone, the minimum lot size is 6,000 square feet.

17.32.060 Setbacks.

Setbacks for dwellings in this zone are:

A. Front, 20 feet;

B. Rear, 20 feet;

C. Side, eight feet;

For special setback requirements on corner lots, see Chapter 17.130 BMC. For setbacks for detached accessory structures, see Chapter 17.104 BMC.

17.32.070 Land coverage.

Maximum land coverage in this zone is 40 percent.

17.32.080 Height limit.

The maximum height in this zone is 35 feet.

17.32.090 Lot width.

Minimum lot width in this zone is 50 feet.

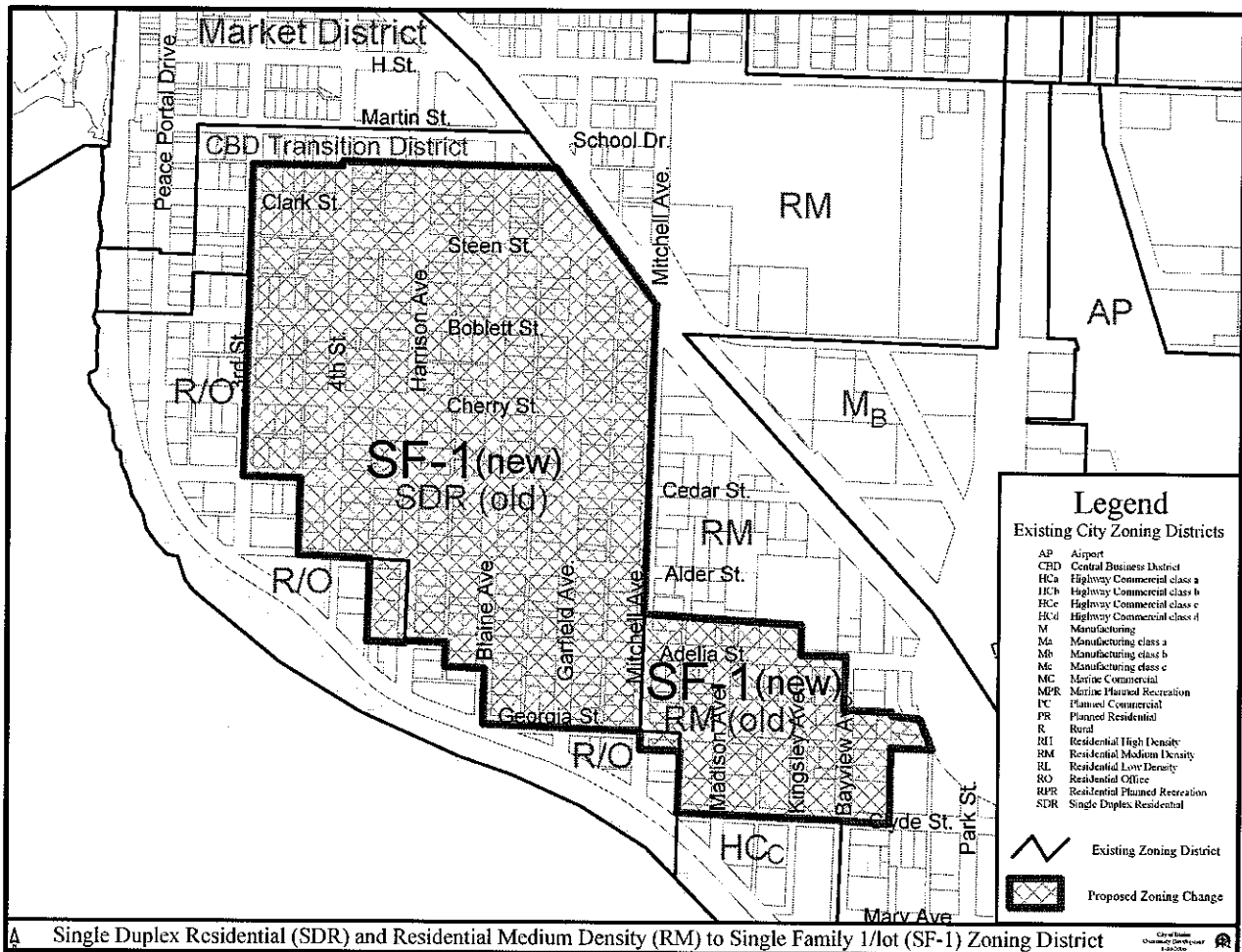
17.32.100 Off-street parking.

Off-street parking shall be provided in accordance with provisions of Chapter 17.124 BMC.

17.32.110 Design standards.

All development (including remodels & additions) in this chapter shall comply with the design standards contained in Chapter 17.121 BMC.

Map Amendment - Amend zoning from Single Family/Duplex Residential (SDR) and Residential Medium Density (RM) to Single Family - 1unit/lot (SF-1) zoning district.



Text Amendment – New Chapter, Residential Design Standards

Residential design standards help preserve the historical integrity of existing neighborhoods, promote orderly community growth which will both protect and enhance property values for the community as a whole and reduce potential impacts of new development and infill development. There has been a consistent and strong voice among community members to adopt these kinds of standards in the Salishan and Brickyard neighborhoods as quickly as feasible.

(page17-124) **add new Chapter17.121 as follows:**

Chapter 17.121 Residential Design Standards

Sections:

- 17.121.010 Purpose and intent.**
- 17.121.020 Adoption and applicability.**
- 17.121.030 Design review.**
- 17.121.040 Site design - front yards / entrances.**
- 17.121.050 Building design.**
- 17.121.060 Building design –windows.**
- 17.121.070 Site design -location of garages.**

17.121.010 Purpose and intent.

The standards in this chapter are intended to promote orderly community growth which will both protect and enhance property values for the community as a whole. The following objectives will help achieve this goal:

- A. Insure housing design is based on a consistent, compatible, and aesthetic architecture.**
- B. Insure that new housing is designed with sensitivity to the site, as well as pedestrian scale, and reflects a strong residential character for the neighborhood and community.**
- C. Supports and defines safe pedestrian, transit, bicycle and vehicular circulation.**
- D. Maintain the scale, context and texture of existing neighborhoods.**
- E. Encourage creative designs for sites and buildings.**
- F. Allow for infill development that is sensitive to the character and history of the surrounding neighborhood.**

17.121.020 Adoption and applicability.

- A. This chapter shall apply to all residential development within the city when specifically required in Title 17.**
- B. New residential development must demonstrate compliance with the design**
- C. standards included in this chapter before a building permit can be approved and issued by the city.**

17.121.030 Design review.

- A. The design review team shall conduct their project review in a manner consistent with Chapter 17.06A BMC, Design Review.**
- B. The design review team shall determine compliance with the design standards contained in this chapter. The community development director shall make a final compliance decision in a letter to the proponent.**

17.121.040 Site design - front yards / entrances.

Intent. To provide distinction and transition and separation between buildings and the public pedestrian and vehicular systems where the front yards function as usable outdoor space and provides a clear, welcoming, and safe entry for pedestrians from the public sidewalk and streets to the single-family residences.

Standards.

- 1. Primary residential entries shall be clearly identifiable and oriented to the street frontage, with well-defined walkways from public pedestrian and vehicular systems to the entry.**
- 2. Landscaping shall screen undesirable elements, including but not limited to utility boxes, outdoor storage areas, and dumpsters.**

17.121.050 Building design.

Intent. To maintain the residential scale and character of neighborhoods.

Standards.

1. New building design shall be compatible in design and scale with existing neighborhood character.
2. Structures shall incorporate pitched roof forms having a minimum slope of 5:12.

17.121.060 Building design –windows.

Intent. To maintain the residential character and the unique design character of the neighborhood.

Standards.

1. Windows shall be designed to blend with the existing buildings in the neighborhood.
2. Windows should have visually prominent trim and accent elements, at least 3" in width.

17.121.070 Site design -location of garages.

Intent. To ensure that garage doors and automobiles do not dominate the street-facing building façades or overshadow pedestrian entryways and that adequate parking is provided.

Standards.

1. Garages shall be architecturally similar to the residence.
2. Where alleys exist, access to garages shall be primarily off the alley.
3. Each lot shall provide for a minimum of two fully enclosed parking spaces.
4. When feasible, garages are to be located away from the street frontage of residential buildings.

Text Amendment - (DRA-18) Residential/Office (R/O)

The existing R/O zoning district is proposed to be amended to require that multi-family buildings secure a conditional use permit and only those offices compatible with the area's residential character be allowed.

*(Page17-34) **Amend** Chapter17.26 as follows:*

Chapter 17.26 RESIDENTIAL/OFFICE R/O

17.26.010 Purpose.

The residential/office (R/O) zone is intended to accommodate high-density residential uses and office uses which will blend with the historic residential neighborhood and not be detrimental to the residential environment.

17.26.020 Permitted uses.

Permitted uses in the residential/office zone are:

A. Single-family dwellings;

B. Office space under 1,000 sq. ft. that blends with, and results in minimal impact to the adjacent neighborhoods.

~~B. Multifamily dwellings, up to 18 units per acre. More than 18 units requires a conditional use permit;~~

~~C. Offices, provided sales of merchandise is not allowed;~~

~~D. Schools (Ord. 2554 §3, 2003)~~

17.26.030 Accessory uses.

A. Accessory uses in the residential/office zone are garages, swimming pools, storage and other uses customarily incidental to the permitted use. ~~Accessory uses to hotels and motels in addition to the foregoing shall be limited to coffee shops and laundry facilities. Coffee shops accessory to those conditional uses shall be limited to accommodate no more than 60 percent of the guest capacity of the hotel or motel. Laundry facilities shall be limited to one washer and one dryer for each 10 guest rooms.~~

~~Accessories to conditional uses shall be processed as conditional uses.~~

~~Additional accessory uses shall be~~

B. family day care homes, adult day cares and adult family care facilities.

17.26.040 Conditional uses.

A. Conditional uses in the residential/office zone are densities greater than 18 units per acre, but not more than 24 units per acre.

~~BA. Housing for the elderly or nursing homes and assisted care facilities for seniors.~~

~~CB. Day care centers.~~

~~DC. Major development as defined in BMC 17.142.353.~~

~~ED. Multifamily dwellings;~~

~~FD. Office space 1,000 sq. ft. or greater, provided only sales of incidental merchandise is not are allowed, and the facility blends with and and has a minimal impact on the adjacent neighborhood.~~

17.26.050 Minimum lot size and maximum density.

Minimum lot size in the residential/office zone is 6,000 square feet for the first unit or for a single-family residential unit, and 2,200 square feet for each additional unit up to 24 units per acre.

17.26.060 Setbacks.

Setbacks in the residential/office zone are:

A. Front, 20 feet;

B. Rear, 20 feet;

C. Side, eight feet on each side on a lot up to 50 feet. Twelve feet on lots from 51 to 75 feet. Lots over 100 feet of frontage shall have 16 feet side yard setbacks.

17.26.070 Land coverage.

Maximum land coverage in the residential/office zone is 60 percent. (Ord. 2554 § 3, 2003)

17.26.080 Height limit.

The height limit in the residential/office zone is 35 feet. (Ord. 2554 § 3, 2003)

17.26.090 Lot width.

Minimum lot width in the residential/office zone is 50 feet. (Ord. 2554 § 3, 2003)

17.26.100 Off-street parking.

A. Off-street parking shall be provided in the residential/office zone in accordance with specifications in Chapter 17.124 BMC. (Ord. 2554 § 3, 2003)

~~C. Parking along Peace Portal Drive is restricted.~~

~~B. Parking shall be located in such a manner that access is gained from side streets and single family housing in the SF-1 district are minimally impacted by associated traffic.~~

17.26.110 Recreation & open space.

~~For apartment development in the residential/office zone consisting of Multiple family residential units that consist of more than eight units, outside space shall be designated designate outside space for recreation and open space use. This space shall not be adjacent to a roadway unless fenced. Space so designated shall be a minimum of 100 square feet per dwelling unit. No specific improvements are required, but such space is to be usable as a child or family recreation area and shall not be so arranged as to leave the space unusable. Contributions of similar value toward the development of the nearest designated neighborhood park may be made in low of the required space requirements.~~

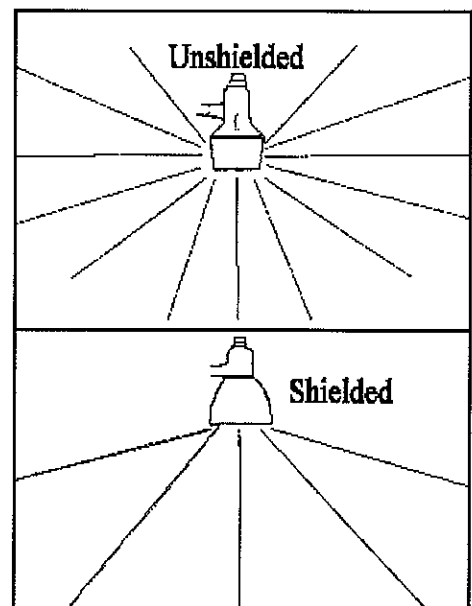
17.26.110 Screening.

In addition to those landscape requirements in Chapter 17.126,
At those locations in the residential/office zone where an office use is proposed on a lot or lots which abut or are across an alley from a residential units, residential low-density, medium-density or high-density zone, a site obscuring screening buffer is required. This buffer area shall be a minimum of six feet wide and consist of vegetation and fencing (if necessary) which shall be a minimum of six feet high at the time of installation. A minimum of one tree per 80 square feet of buffer area shall be required.

17.26.120 Impact to adjacent residential housing

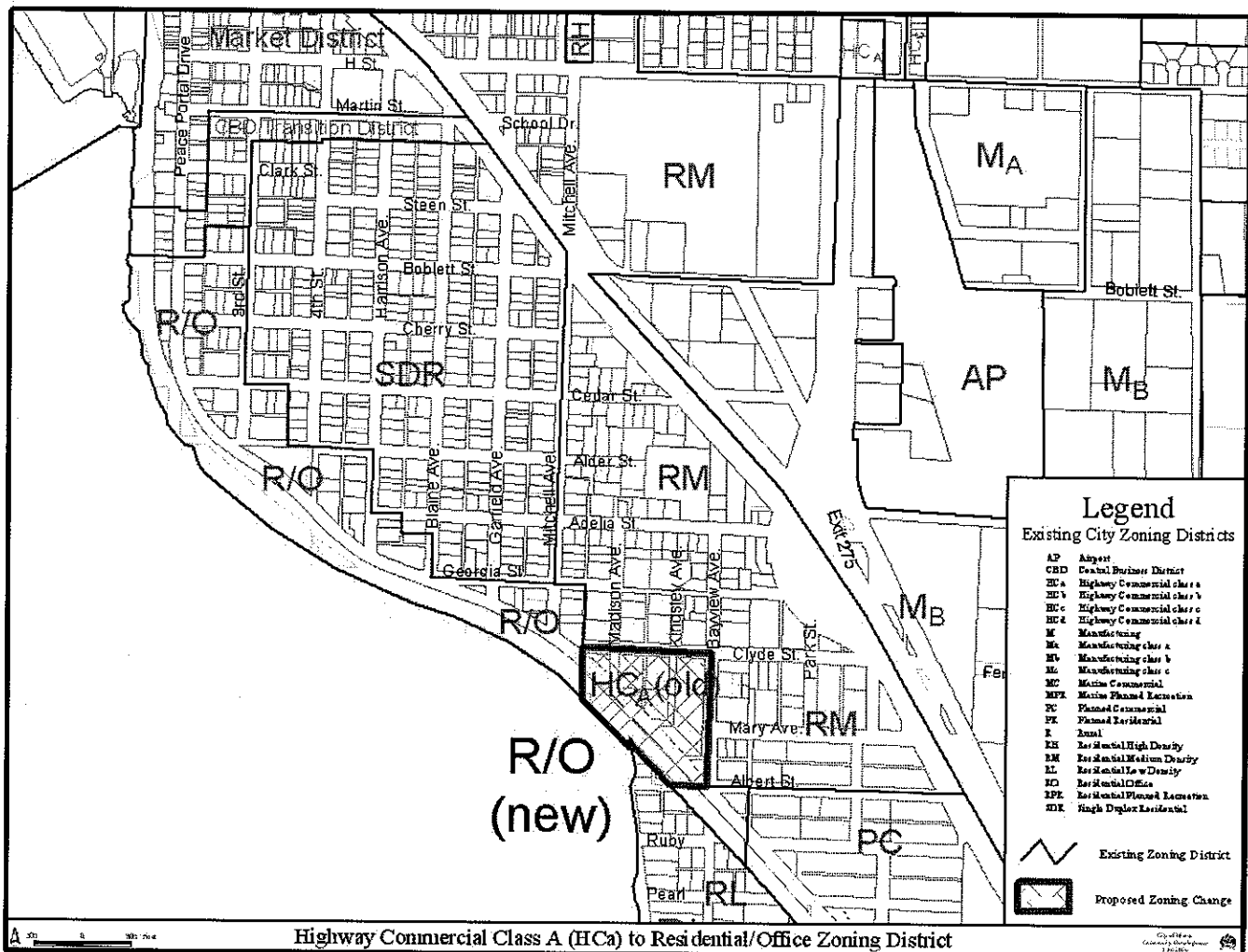
A. Light shall not trespass on adjacent properties nor result in glare to adjacent residential occupants.

B. Outdoor lights shall be shielded so that the direct light from the fixture is directed downward and does not cross property lines as indicate in this illustration.



Map Amendment - Highway Commercial (Hca) to Residential/Office (R/O) zoning district.

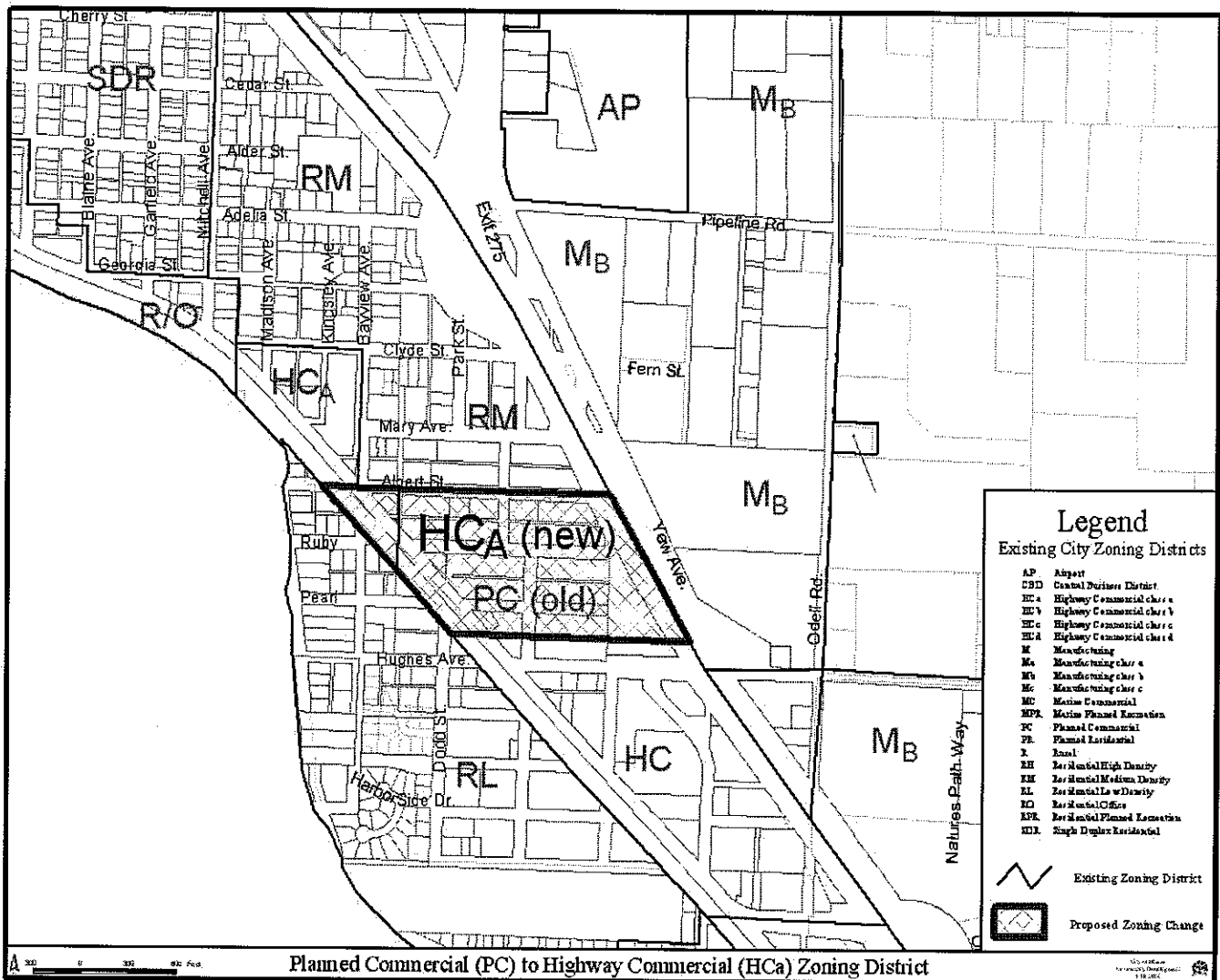
This amendment provides for residential and related office space. It eliminates Commercial development in an inappropriate location (conflict with residential neighborhood). It also reduces the likelihood for a commercial strip to establish itself along this scenic route.



Map Amendment - Amend the Planned Commercial (PC) to Highway

Commercial (HCa) zoning district.

This map amendment would change approximately 40 acres from Planned Commercial to Highway Commercial subzone A (HCa) along Peace Portal Drive. The revision is intended to allow for the type and scale of commercial development that is consistent with the parcel's location and size. The Planned Commercial designation was originally intended to permit a shopping mall or similar type of retail establishment. This property's location immediately adjacent to Peace Portal Drive is better suited to street front retail, and the Highway Commercial designation is an appropriate transition to the land uses planned to the north and east.



Text Amendment - Highway Commercial (HCc) Chapter 17.24 (DRA- 21)

(Page 17.32.2) Amend Chapter 17.24.050 as follows:

17.24.050 – Conditional uses, C. Sub zone C

C. Subzone C – Central Business Support.

1. Residential uses up to 18 units per acre incorporating RH zone standards;
2. Offices;
3. Day care centers;
4. Up to a 50% reduction in R.O.W setbacks and/or increases in land coverage up to 90%, provided; it can be demonstrated that adjacent property owners are not adversely impacted, and; the lot is not located adjacent to permanent residential dwelling units.

Related Text Amendment-Highway Commercial (HCc) Chapter 17.24 (DRA-21)

(Page 17.32.2)Amend Chapter17.24.070 under permitted **Setbacks, land coverage, building height and lot width**, as follows:

17.24.070 Setbacks, land coverage, building height and lot width. (*staff note: These are permitted outright*)

	A	B	C	D
Setbacks – R.O.W. (<u>Alleys not included</u>)				
Buildings	15'	15'	15'	20'
Parking	20'	15'	20'	20'
Merchandise display	20'	15'	20'	20'
Setbacks – Side and rear yard				
Adjacent residential	10'	10'	10'	10'
Nonresidential	10'	0'	10' 5'	10'
Land coverage	60%	60%	50%	50%
Building height	35'	35'	35'	35'
Lot width	50'	50'	50'	50'

Text Amendment - Chapter 17.130 Corner Lots

(Page17-146) Amend Chapter17.130 as follows:

Chapter 17.130 ~~Vision Clearance on~~ Corner Lots

17.130.010 Vision clearance on corner lots. (*No change*)

17.130.020 Setback on corner lots.

Buildings located on corner lots shall be subject to setbacks as follows:

- A. Front yard setback facing street: as required by zoning district.
- B. Side yard setback on side street 75% of the front yard setback.
- C. Side yard setback abutting another lot:: as required by zoning district.
- D. Rear yard setbacks: Same as side yard setback required by zoning district.

Text Amendment - Chapter 17.08 Violations and Enforcement.

The amendment would add new enforcement language to Chapter 17.08, which is currently on reserve status. This has emerged as a significant omission, hindering the City's effort to enforce compliance of the Land use code.

(Page 17.20.2) Add **new enforcement language** to Chapter 17.08 as follows:

Chapter 17.08 VIOLATIONS AND ENFORCEMENT

Sections:

17.08.010	Purpose
17.08.020	Violations
17.08.030	Enforcement and penalties
17.08.040	Stop Work Orders
17.08.050	Enforcement officer designated
17.08.060	Appeals

17.08.010 Purpose. The purpose of this Chapter is to set out enforcement procedures for violations of the Title 17, Land Use Code, and to establish an Enforcement Officer who shall be responsible for carrying out the procedures set forth herein.

17.08.020 Violations.

A. Civil infractions. As provided in section 17.02.030.A, BMC, no use or structure shall be established, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this title. As established in Chapter 7.80, RCW a person or business that violates the requirements of Title 17, BMC shall be guilty of a civil infraction. The offender shall be subject to the penalties set forth in Section 17.08.030, BMC unless otherwise addressed under Section 17.08.020 B.

Staff Comment: Title 17 includes zoning and land use regulations as well as platting requirements. Violations of land use rules and regulations are usually considered as relatively minor offenses. The state legislature has provided a method for decriminalizing minor offenses by treating them as a civil infraction subject to a fine. Staff is proposing to implement the civil infraction system for land use violations. See the following section.

B. Gross misdemeanor violations. As established in RCW 58.17.300, any person, firm, corporation or association or any agent of any person, firm or corporation, or association who violates the provisions of Title 17, BMC relating to the sale, offer for sale, lease, or transfer of any lot, tract or parcel of land, shall be guilty of a gross misdemeanor. Each sale, offer for sale, lease, or transfer of each separate lot, tract or parcel of land in violation of any provisions of Title 17, BMC shall be deemed a separate and distinct violation.

Staff comment: The sale, lease, or transfer of land in violation of the state platting laws (RCW 58.17) and local implementing regulations is seen as a more serious matter. Violations of the platting rules relating to the sale, lease, or transfer of properties are classed as gross misdemeanors. (RCW 58.17.300). In order to be consistent with state law, violations of the City's land division regulations are also being classed as gross misdemeanors. The language of 17.08.020.B, has been adapted from the language of RCW 58.17.300 so that our language is consistent with that of the state.

17.08.030 Enforcement and penalties.

- A. A person or business found to have committed a civil infraction (Class 1, pursuant to Chapter 7.80.120 RCW) shall be assessed a monetary penalty.
- B. The maximum penalty and the default amount for such violations shall be two hundred and fifty dollars (\$250.00) as specified in Chapter 7.80.120 RCW.
- C. The procedure for the enforcement of violations shall be consistent with the procedure established in Chapter 7.80 RCW.
- D. After having been found to have committed two successive civil infractions for violations of the same provisions of this title on the same property, any person, firm, company or corporation who continues to violate this title in the same manner on the same property shall be subject to criminal penalties including a fine of not more than five hundred dollars (\$500.00) together with costs of action, and imprisonment for a period of not more than six months.
- E. In addition to the civil and criminal remedies provided above, the City or the owner or the owner's land affected by violations of the provisions of this title may bring such injunctive, declaratory or other action as deemed necessary to ensure that violations are prevented or cease, and to otherwise enforce the provisions of this title.

Staff Comments: In 1987, the state legislature established a new procedure for dealing with minor offenses under RCW 7.80 CIVIL INFRACTIONS. The legislature found "that many minor offenses that are established as misdemeanors are obsolete or can be more appropriately punished by the imposition of civil fines." (RCW 7.80.005.) Their

purpose in establishing the procedure was to reduce the time, expense and commitment or resources necessary to pursue minor offenses through the criminal justice system especially courts of limited jurisdiction. Staff is proposing to adopt that process for dealing with violations to the Blaine Land Use Code.

The civil infraction procedure allows for the issuance of a "notice of civil infraction" by the Enforcement Officer and the payment of a fine for the infraction. The procedures set forth in RCW 7.80 establish the amount of the fine, which for a Class I infraction is currently a maximum of two hundred and fifty dollars (\$250.00) and a hearing procedure and review process to allow persons to appeal the notice of infraction or claim mitigating circumstances.

17.08.040 Stop Work Orders. The city may stop work on any existing permits and halt the issuance of any or all future permits or approvals for any activity which violates the provisions of Title 17 until there is compliance with this chapter and all penalties are paid in full.

17.08.050 Enforcement officer designated. The Director of Community Development is hereby designated the Enforcement Officer for the purposes of this chapter and as provided in RCW 7.80.040. The Director may designate additional enforcement officers in writing and shall provide the City Manager, the Police Chief and the City Attorney with the names of persons so designated.

17.08.060 Appeals

- A. Civil infractions shall be appealable to the Hearing examiner pursuant to 17.06.180 Appeals.
- B. Gross misdemeanor violations shall be appealed pursuant to RCW 58.17.300.

Text Amendment: Chapter 17.142, Add the following definitions.

17.142.393 "Nursing or convalescent home" means an establishment providing care for convalescents or invalids. Such establishments shall be duly licensed by the state as a "nursing home" in accordance with current state statutes.

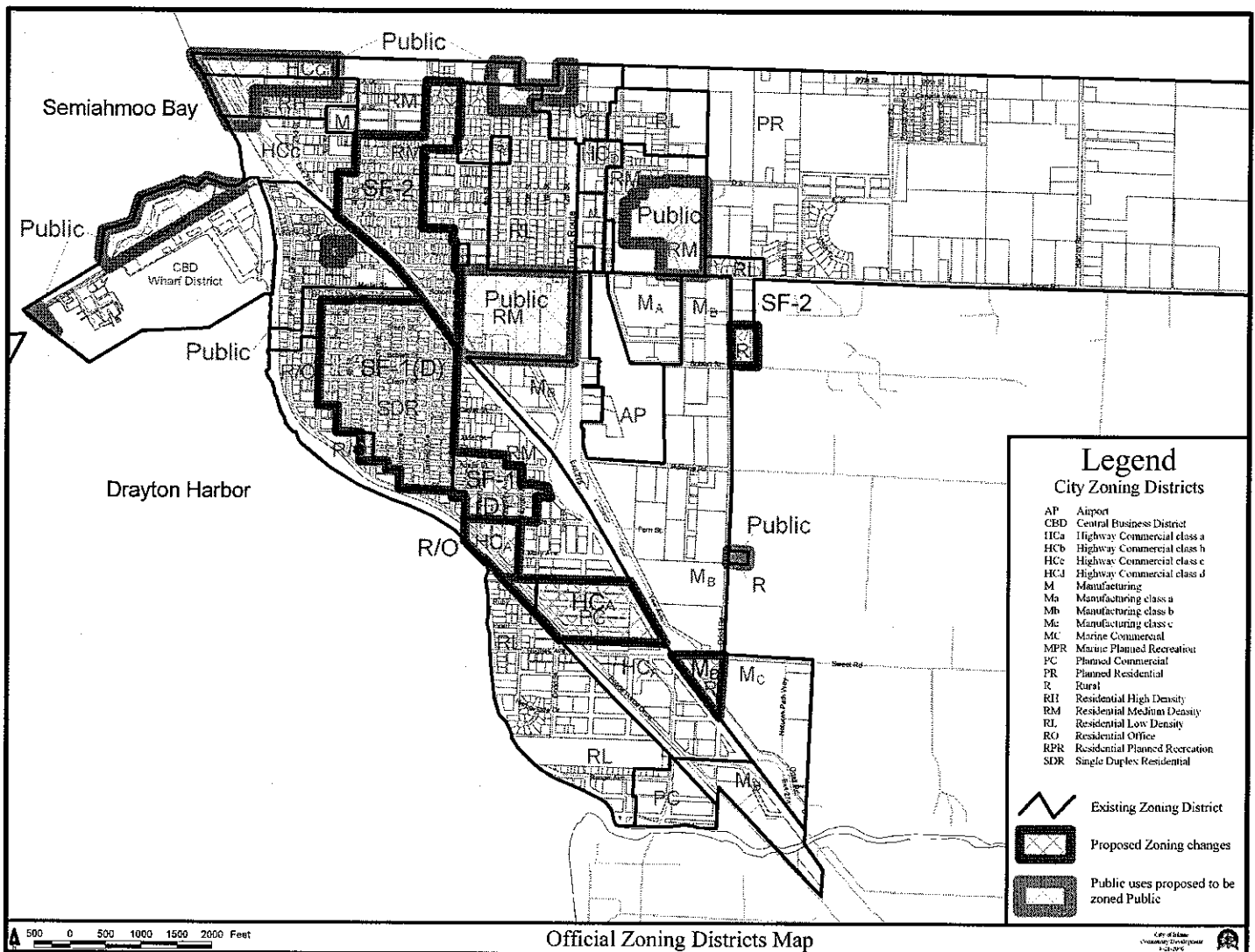
17.142.317 "Light trespass" is defined as light projected onto a property or roadway from a light source located on a different property

17.142.257 "Glare" is defined as the sensation produced by light that is sufficiently greater than the light to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility.

B. Official Zoning District Map

Zoning District Map Amendments

This map represents all zoning districts including the amendments requested in previous pages of the GMA Compliance recommendations. When adopted it will be the official zoning map for the City of Blaine:



Attachment A

GMA Compliance Analysis Table

The Compliance Analysis table identifies revisions to the Growth Management Act (GMA) since the 1999 Comprehensive Plan adoption, noting which ones pertain to Blaine's plan and possible courses the City may take to achieve compliance. Staff used this as a tool to determine where changes needed to be made to bring the City's Comprehensive Plan and Development regulations into compliance with the numerous amendments to the Growth Management Act. Each possible compliance action is numbered with that number corresponding to a proposed Comprehensive Plan (CP-1, CP-2, etc) or Development Regulations amendment (DR-1, DR-2, etc) included later in this packet.

CP = Comprehensive Plan

DR = Development Regulations

2005			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70B.220—Public Disclosure Law SHB 1133: Reorganizing Public Disclosure Law Reorganizes the public records disclosure laws into a new chapter in the Revised Code of Washington (RCW) that contains laws pertaining to open government.	Noted		None Required
RCW 36.70A—Multimodal Concurrency 2SHB 1565: Addressing Transportation concurrency strategies. <ul style="list-style-type: none"> ○ Specifies that concurrency compliance improvements or strategies may include qualifying multimodal transportation improvements or strategies. ○ Requires regional transportation plans that include provisions for regional growth centers to address concurrency strategies, measurements for vehicle level of service, and total multimodal capacity. ○ Requires the Department of Transportation (DOT) to administer a study to examine multimodal transportation improvements or strategies to comply with the concurrency requirements of the Growth Management Act. ○ Requires the study to be completed by one or more regional transportation planning organizations (RTPOs) electing to participate in the study. ○ Requires the DOT, in coordination with participating RTPOs, to submit a report of findings and recommendations to the appropriate committees of the Legislature by December 31, 2006. 	Noted NA NA NA NA	CP Update DR Update	CPA-3 DRA-16

2005			
GMA Amendment	Applicability	Course	Amendment #
<p>RCW 36.70A.130—Comprehensive plans ESHB 2171: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130. (Revised For Engrossed: Allowing counties and cities one additional year to comply with certain specified requirements of RCW 36.70A.130.)</p> <ul style="list-style-type: none"> ○ Counties and cities required to satisfy the review and revision requirements of the Growth Management Act (GMA) by December 1, 2005, December 1, 2006, or December 1, 2007, may comply with the requirements for development regulations that protect critical areas (critical areas regulations) one year after the applicable deadline provided in the statutory schedule. Jurisdictions complying with the review and revision requirements for critical areas regulations one year after the deadline must be deemed in compliance with such requirements. ○ Except as otherwise provided, only those counties and cities in compliance with the statutory review and revision schedule of the GMA, and those counties and cities demonstrating substantial progress towards compliance with the schedule for critical areas regulations, may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the schedule is deemed to be making substantial progress towards compliance. Additionally, notwithstanding other provisions, only those counties and cities in compliance with the review and revision schedule of the GMA may receive preferences for financial assistance from the public works assistance and water quality accounts. ○ Until December 1, 2005, a county or city required to satisfy the review and revision requirements of the GMA by December 1, 2004, that is demonstrating substantial progress towards compliance with applicable requirements for its comprehensive plan and development regulations may receive financial assistance from the public works assistance and water quality accounts. A county or city that is fewer than 12 months out of compliance with the GMA review and revision schedule for its comprehensive plan and development regulations is deemed to be making substantial progress towards compliance. 	Noted		None Required
<p>RCW 36.70A, 36.70A.030, 36.70A.060, 36.70A.130—Recreational facilities EHB 2241: Authorizing limited recreational activities, playing fields, and supporting facilities existing</p>	NA		None Required

2005			
GMA Amendment	Applicability	Course	Amendment #
<p>before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040.</p> <ul style="list-style-type: none"> Authorizes the legislative authority of counties planning under RCW 36.70A.040 and meeting specified criteria (Snohomish) to, until June 30, 2006, designate qualifying agricultural lands as recreational lands. Establishes designation criteria, including specifying that qualifying agricultural lands must have playing fields and supporting facilities existing before July 1, 2004, and must not be in use for commercial agricultural production. Specifies activities that may be allowed on designated recreational lands. 			
<p>RCW 36.70A.200—Long-term Air Transportation ESSB 5121: Assessing long-term air transportation needs.</p> <ul style="list-style-type: none"> Requires the Department of Transportation (DOT) to conduct a statewide airport capacity and facilities assessment and report results by July 1, 2006. Requires the DOT to conduct a 25-year capacity and facilities market analysis, forecasting demands for passengers and air cargo, and reporting results by July 1, 2007. After completion of the reports, the Governor is to appoint a ten member Aviation Planning Council to make recommendations on future aviation and capacity needs. The council expires July 1, 2009. 	NA		None Required
<p>RCW 36.70A.070—Physical Activity SSB 5186: Increasing the physical activity of the citizens of Washington state.</p> <ul style="list-style-type: none"> Land use elements of comprehensive plans are encouraged to consider using approaches to urban planning that promote physical activity. The transportation element of a comprehensive plan must contain a pedestrian and bicycle component that includes identified planned improvements for pedestrian and bicycle facilities and corridors to enhance community access and promote healthy lifestyles. Comprehensive transportation programs must include any new or enhanced bicycle or pedestrian facilities identified in the transportation element. The Washington State Parks and Recreation Commission shall maintain policies that increase access to free or low-cost recreational opportunities for physical activities, within allowable resources. The Health Care Authority, in coordination with other agencies, is authorized to create a work-site health promotion program for state employees to increase physical activity and 	<p>Noted</p> <p>NA</p> <p>NA</p>	CP Update	CPA-4

2005			
GMA Amendment	Applicability	Course	Amendment #
engage individuals in their health care decision-making. The Health Care Authority must report on progress by December 1, 2006.			
RCW 35A.15—Agricultural Land SB 5589: Providing for proceedings for excluding agricultural land from the boundaries of a charter or noncharter code city. <ul style="list-style-type: none"> ○ Creates a method for property owners of agricultural land located within a code city to petition for exclusion from the incorporated area of that code city that does not require the issue to be submitted to the voters for approval. ○ Property owners of agricultural land may petition the legislative body of a code city for exclusion from the incorporated area of that city. The petition must be signed by 100 percent of the owners of the land. In addition, if non-agricultural landowner residents reside within the subject area, the petition must also be signed by a majority of those residents who are registered voters in the subject area. The petition must also set forth a legal description of the territory to be excluded and be accompanied by a drawing that outlines the boundaries of the territory sought to be excluded. ○ After such a petition is filed, the legislative body must set a date for public hearing on the petition within 60 days. Notice of the hearing must be published in at least one newspaper of general circulation in the city as well as in three public places within the territory proposed for exclusion. Interested persons are invited to appear and voice approval or disapproval of the exclusion. ○ If the legislative body decides to grant the petition following the hearing, they must do so by ordinance. The ordinance may exclude all or any portion of the proposed territory but may not include in the exclusion any territory not described in the petition. The petition is not submitted to the voters for approval. ○ The Growth Management Act defines "agricultural land" as land that has long-term commercial significance for agricultural production and is primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products; or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to certain excise taxes, finfish in upland hatcheries, or livestock. 	NA		
RCW 36.70A.070—Development of rural areas SSB 6037 Changing provisions relating to limited development of rural areas.	NA		None Required

2005			
GMA Amendment	Applicability	Course	Amendment #
<ul style="list-style-type: none">○ Modifies Growth Management Act provisions for public services and facilities in qualifying limited areas of more intensive rural development.○ Growth Management Act provisions for public services and facilities in qualifying limited areas of more intensive rural development (LAMIRDs) are modified. Until August 31, 2005, an example of a public service or facility that is permitted within recreational and tourist use LAMIRDs is a connection to an existing sewer line where the connection serves only the recreational or tourist use and is not available to adjacent nonrecreational or nontourist use parcels.			

2004			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A—Military installations ESSB 6401: PROTECTING MILITARY INSTALLATIONS FROM ENCROACHMENT OF INCOMPATIBLE LAND USES <ul style="list-style-type: none"> Legislative findings recognize the importance of the United States military as a vital component of the Washington State economy, and it is identified as a priority of the state to protect the land surrounding our military installations from incompatible development. Comprehensive plans, development regulations, and amendments to either should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A consultation procedure is established whereby counties and cities must notify base commanders during the process of adopting or amending comprehensive plans or development regulations that will affect lands adjacent to the installations. 	NA		None Required
RCW 35.63.160—Housing, Consumer Choices SB 6593: PROHIBITING DISCRIMINATION AGAINST CONSUMERS' CHOICES IN HOUSING <ul style="list-style-type: none"> Cities, code cities, and counties generally regulate manufactured homes in the same manner as all other homes. They may require new manufactured homes. The foundation must meet the manufacturer's design standard, and the placement of concrete or a concrete product between the base of the home and the ground may be required. Thermal standards must be consistent with the standards for manufactured homes. 	Not addressed	CP update DR update	CPA-5 DRA-1
RCW 36.70A.170—Agricultural Lands Study SB 6488: ORDERING A STUDY OF THE DESIGNATION OF AGRICULTURAL LANDS IN FOUR COUNTIES <ul style="list-style-type: none"> By December 1, 2004, the Department of Community, Trade, and Economic Development will prepare a report on designation of agricultural resource land in King, Lewis, Chelan, and Yakima Counties. The report will cover how much land is designated, how much is in production, changes in these amounts since 1990, comparison with other uses, effects on tax revenue, threats to the agriculture land base, and measures to better maintain the base and the agriculture industry. 	NA		None Required
RCW 36.70A .070—Rural development ESHB 2905: MODIFYING PROVISIONS FOR TYPE 1 LIMITED AREAS OF MORE INTENSIVE RURAL DEVELOPMENT <ul style="list-style-type: none"> Any development or redevelopment within one 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
<p>category of existing "limited areas of more intensive rural development" (LAMIRDs) must be principally designed to serve the existing and projected rural population.</p> <ul style="list-style-type: none"> • Building size, scale, use, or intensity of the LAMIRD development or redevelopment must be consistent with the character of the existing areas. • Development or redevelopment may include changes in use from vacant land or a previously existing use if the new development conforms to certain requirements. 			
<p>RCW 36.70A.106—Development regulations SHB 2781: CHANGING PROVISIONS RELATING TO EXPEDITED STATE AGENCY REVIEW OF DEVELOPMENT REGULATIONS</p> <ul style="list-style-type: none"> • Proposed changes to development regulations by jurisdictions that plan under the Growth Management Act (GMA) can receive expedited review by the Department of Community, Trade, and Economic Development and be adopted immediately thereafter, if timely comments regarding GMA compliance or other matters of state interest can be provided. 	NA		None Required
<p>RCW 36.70A.110—National historic reserves SSB 6367: PROTECTING THE INTEGRITY OF NATIONAL HISTORICAL RESERVES IN THE URBAN GROWTH AREA PLANNING PROCESS</p> <ul style="list-style-type: none"> • The existing requirement that cities and counties must include areas and densities sufficient to permit the urban growth projected for the succeeding 20-year period does not apply to those urban growth areas contained totally within a national historical reserve. • When an urban growth area is contained totally within a national historical reserve, a city may restrict densities, intensities, and forms of urban growth as it determines necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. 	NA		None Required
<p>RCW 36.70A.177—Agricultural land use SB 6237: PROVIDING NONAGRICULTURAL COMMERCIAL AND RETAIL USES THAT SUPPORT AND SUSTAIN AGRICULTURAL OPERATIONS ON DESIGNATED AGRICULTURAL LANDS OF LONG-TERM SIGNIFICANCE</p> <ul style="list-style-type: none"> • Agricultural zoning can allow accessory uses that support, promote, or sustain agricultural operations and production, including compatible commercial and retail uses that involve agriculture or agricultural products or provide supplemental farm income. 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.367—Industrial land banks SSB 6534: DESIGNATING PROCESSES AND SITING OF INDUSTRIAL LAND BANKS <ul style="list-style-type: none"> • The requirements for including master planned locations within industrial land banks and for siting specific development projects are separated so that designation of master planned locations may occur during the comprehensive planning process before a specific development project has been proposed. • Some of the current criteria for designating a master planned location within an industrial land bank may be delayed until the process for siting specific development projects within a land bank occurs. • Designating master planned locations within an industrial land bank is considered an adopted amendment to a comprehensive plan, and approval of a specific development project does not require any further amendment to a comprehensive plan. 	NA		None Required
RCW 36.70B.080—Growth management timelines HB 2811: MODIFYING LOCAL GOVERNMENT PERMIT PROCESSING PROVISIONS <ul style="list-style-type: none"> • Existing requirements for timely and predictable procedures for processing permit applications by local governments are clarified. • For the "buildable lands" jurisdictions, performance reporting requirements are reinstated and changed to an annual basis. A report on the projected costs of this reporting with recommendations for state funding must be provided to the Governor and the Legislature by January 1, 2005. 	NA		None Required
RCW 36.70—Manufactured housing SB 6476: DESIGNATING MANUFACTURED HOUSING COMMUNITIES AS NONCONFORMING USES <ul style="list-style-type: none"> • Elimination of existing manufactured housing communities on the basis of their status as a nonconforming use is prohibited. 	Not addressed	CP Update DR Update	CPA-5 DRA-1
SSCR 8418: CREATING A JOINT SELECT LEGISLATIVE TASK FORCE TO EVALUATE PERMITTING PROCESSES <ul style="list-style-type: none"> • A joint select legislative task force is established to make recommendations regarding permitting processes by January 1, 2006, after evaluating local development regulations of selected jurisdictions among the "buildable lands" counties and their cities over 50,000. • The task force is composed of the chairs and ranking minority members of the Senate Committee on Land Use and Planning and the House Local Government Committee. The 	NA		None Required

2004			
GMA Amendment	Applicability	Course	Amendment #
Governor will be invited to participate and form a "Five Corners Task Force." • An advisory committee is also established to assist the task force and is composed of the Department of Community, Trade, and Economic Development, the Department of Ecology, the Office of Regulatory Assistance, a county, a city, the business community, the environmental community, agriculture, labor, the property rights community, the construction industry, ports, and federally recognized Indian tribes.			

Page 10 of 27

RCW 36.70A.110 (SHB 1755) Annexation CREATING ALTERNATIVE MEANS FOR ANNEXATION OF UNINCORPORATED ISLANDS OF TERRITORY <ul style="list-style-type: none"> Creates an alternative method of annexation allowing jurisdictions subject to the "buildable lands" review and evaluation program of the Growth Management Act (GMA) to enter into interlocal agreements to annex qualifying territory meeting specific contiguity requirements. Creates an alternative method of annexation allowing counties subject to the "buildable lands" review and evaluation program of the GMA to enter into interlocal agreements with multiple municipalities to conduct annexation elections for qualifying territory contiguous to more than one city or town. 	NA		
RCW 36.70A.280 (SB 5507) Growth management boards CLARIFYING WHO HAS STANDING REGARDING GROWTH MANAGEMENT HEARINGS BOARD HEARINGS <ul style="list-style-type: none"> The requirement under the Growth Management Act for "participation" standing before a Growth Management Hearings Board is that a petitioner must have participated orally or in writing before the local government. An additional requirement to obtain "participation" standing is added and provides that only issues "reasonably related" to issues that the aggrieved person previously raised at the local level can be considered by the Board. 	Not addressed	CP Update DR Update	CPA-7 DRA-2
RCW 36.70A.367 (SB 5651) Land banks AUTHORIZING LAND BANKS IN CERTAIN COUNTIES WITH LOW POPULATION DENSITIES <ul style="list-style-type: none"> The industrial land bank program under the Growth Management Act is amended to provide that counties meeting certain geographic requirements are eligible for the program based on population density criteria, rather than unemployment criteria. Clarifies that Jefferson and Clallam counties are eligible for the program under this provision. 	NA		None Required
RCW 36.70A.450 (HB 1170) Day-care facilities LIMITING RESTRICTIONS ON RESIDENTIAL DAY- CARE FACILITIES <ul style="list-style-type: none"> A county cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone. The county can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone. 	NA		None Required
RCW 36.70A.480 (ESHB 1933) Shoreline and growth management	Noted	CP Update DR Update	CPA-2 CPA-8

INTEGRATING SHORELINE MANAGEMENT ACT AND GROWTH MANAGEMENT ACT PROVISIONS <ul style="list-style-type: none"> ○ The goals of the growth management act, including the goals and policies of the shoreline management act set forth, continue to be listed without priority. ○ Shorelines of statewide significance may include critical areas as designated by the GMA, but shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance. ○ Within shoreline jurisdiction, critical areas will be protected by the Shoreline Master Program and regulations will be reviewed for compliance with the Shoreline Management Act. However, SMP regulations must provide a level of protection of critical areas at least equal to that provided by the county or cities adopted or thereafter amended critical areas ordinances. 			DRA-3 DRA-12
RCW 90.58.080 (SSB 6012) Codifying Shoreline Rules <ul style="list-style-type: none"> ○ The Department of Ecology (DOE) may adopt amendments to the shorelines guidelines no more than once per year and the amendments must be related to technical, procedural, or compliance issues. * ESHB 1769 was incorporated in its entirety into SSB 6012 ○ A staggered statutory schedule for the update of shoreline master programs, running from 2005 to 2014 and every seven years after the initial deadline is established. ○ Limits on grants from DOE to local governments for master program reviews are removed and new requirements for the receipt of such grants are created. 	Noted		None Required

Page 13 of 27

2002			
GMA Amendment	Applicability	Course	Amendment #
<ul style="list-style-type: none"> Required comprehensive plans to include an economic development element and a parks and recreation facilities element, if money to implement these requirements is appropriated by the Legislature. 			
RCW 36.70A.103 State agencies required to comply with comprehensive plans Amended to cross-reference new provisions for siting secure community transition facilities for sex offenders.	Noted		None Required
RCW 36.70A.130 Comprehensive Plans—Review Amendments Amended the deadlines for reviewing and updating comprehensive plans and development regulations adopted under the GMA and clarified the requirements relating to the reviews and updates.	Noted	CP Update	CPA-21
RCW 36.70A.200 Siting of essential public facilities—Limitation on liability Clarified that the deadline for adopting a process for siting secure community transition facilities for sex offenders must be adopted by September 1, 2002, even though deadlines for GMA reviews and updates were changed in amendments to RCW 36.70A.130. Exempted noncompliance with September 1, 2002, deadline from challenge before the Growth Management Hearings Boards and from economic sanctions under the GMA's enforcement provisions.	Noted	CP Update	CPA-11
RCW 36.70A.367 Major industrial developments—Master planned locations Established a pilot program authorizing the designation of industrial land banks outside urban growth areas if specified requirements are satisfied.	NA		None Required

2001			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.103 State agencies required to comply with comprehensive plans Authorized DSHS to site and operate a Special Commitment Center and a secure community transition facility to house persons conditionally released to a less restrictive alternative on McNeil Island. The state's authority to site an essential public facility under RCW 36.70A.200, in conformance with comprehensive plans and development regulations, is not affected, and with the exception of these two facilities, state agencies must comply with those plans and regulations.	Noted	CP Update	CPA-11
RCW 36.70A.200 Siting of essential public facilities Added "secure community transition facilities" (as defined in RCW 71.09.020) to the list of essential public facilities typically difficult to site. Each city and county planning under RCW 36.70A.040 is required to establish a process, or amend its existing process, for identifying and siting essential public facilities, and to adopt and amend its development regulations as necessary to provide for the siting of secure community transition facilities. Local governments are required to complete this no later than the deadline set in RCW 36.70A.130. Any city or county not planning under RCW 36.70A.040 is required to establish a process for siting secure community transition facilities and amend or adopt development regulations necessary to provide the siting of these facilities.	Not addressed	CP Update DR Update	CPA-11 DRA-4
RCW 36.70A.367 Major industrial developments – Master planned locations Extended deadline for counties eligible to use the industrial land bank authority. Currently, Grant County and Lewis County satisfy all three criteria. Until December 2002 eligible counties may establish a process for designating a bank of no more than two master planned locations for major industrial activity outside a UGA. Eligible counties must meet statutory criteria initially specified for the authority terminating on December 1999. RCW 36.70B.080	NA		None Required

2000			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.520 Allows counties planning under RCW 36.70A.040 to authorize and designate national historic towns that may constitute urban growth outside UGAs, if specified conditions are satisfied. A GMA county may allocate a portion of its 20-year population projection to the national historic town to correspond to the projected number of permanent town residents.	NA		None Required
RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans Added language stating that for the purposes of being required to conform to the requirements of the GMA, no county is required to include in its population count those persons confined in a correctional facility under the jurisdiction of the state Department of Corrections that is located in the county.	NA		None Required

1999			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.035 Public participation – Notice provisions Added “school districts” to list of entities and affected individuals to be provided with notice of comprehensive plan/development regulation amendment.	Noted	CP Update DR Update	CPA-1 DRA-5

1998			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.040 Who must plan – Summary of requirements – Development regulations must implement comprehensive plans Added the requirement for cities or counties to amend the transportation element to be in compliance with Chapter 47.80 RCW no later than December 31, 2000.	Not addressed	CP Update	CPA-12
RCW 36.70A.060 Natural resource lands and critical areas – Development regulations The requirement for notice on plats and permits issued for development activities near designated resource lands expanded to activities within 500 feet, instead of 300 feet, of the resource lands. The notice for mineral lands is required to include information that an application might be made for mining-relating activities. (From the Land Use Study Commission recommendations bill.)	Noted	DR Update	DRA-12
RCW 36.70A.070 Comprehensive plans – Mandatory elements Required cities or counties to include level of service standards for state highways in local comprehensive plans, in order to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the Washington State Department of Transportation's (WSDOT) six-year investment program. Inventories of transportation are required to include state-owned transportation facilities.	Not addressed	CP Update	CPA-12
RCW 36.70A.131 Mineral resource lands – Review of related designations and development regulations Added a new section to the GMA. A county or city is required to take into consideration new information available since the adoption of its designations/development regulations, including new or modified model development regulations for mineral resource lands prepared by the Washington Department of Natural Resources (DNR), CTED, or the Washington Association of Counties.	NA		None Required
RCW 36.70A.200 Siting of essential public facilities Added state or regional facilities and services of state-wide significance as defined in subsection (7) of HB 1487 (definition located in Chapter 47.06 RCW per this amendment). Includes among others, are high speed rail, inter-city high speed ground transportation, the Columbia/Snake navigable river system, etc.	Noted	CP Update	CPA-11
RCW 36.70A.210 County-wide planning policies Added "transportation facilities of state-wide significance" to the minimums that county-wide planning policies shall address.	Noted	County responsibility	None Required

1998			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.360 Master planned resorts Master planned resorts expressly authorized to use capital facilities, utilities, and services (including sewer, water, stormwater, security, fire suppression, and emergency medical) from outside service providers. Any capital facilities, utilities, and services provided on-site are limited to those meeting the needs of master planned resorts. Master planned resorts are required to bear the full costs related to service extensions and capacity increases directly attributable to the resorts.	Noted		None Required
RCW 36.70A.367 Major industrial developments Authorized additional counties (Lewis, Grant, and Clallam) to establish industrial land banks for two master planned locations by December 31, 1999. Extended sunset date for Clark and Whatcom counties to December 31, 1999.	NA		None Required
RCW 36.70A.395 Environmental planning pilot projects Technical corrections to eliminate references concerning reports to the Legislature that are no longer necessary or have expired.	NA		None Required
RCW 36.70A.460 Watershed restoration projects – Permit processing – Fish habitat enhancement project A fish habitat enhancement project meeting the criteria of this law not subject to local government permits, inspections, or fees. Such projects, when approved and a hydraulic permit has been issued, are not required to complete a substantial development permit under the SMA. Fish habitat enhancement projects that meet the criteria of this act are considered to be consistent with local shoreline master programs.	Noted	CP Update DR Update	CPA-13 DRA-6

Page 19 of 27

<p>(3) of this section. (ESB 6094 amendments.)</p> <ul style="list-style-type: none"> • Changed to allow for the amendment of the capital facilities element of the comprehensive plan if it occurs concurrent with the adoption/amendment of a county/city budget. 			
<p>RCW 36.70A.165 Property designated as greenbelt or open space – Not subject to adverse possession Added a new section to the GMA. Adverse possession is prohibited on property designated as open space to a public agency or homeowner's association. (ESB 6094 amendments.)</p>	Noted	CP Update DR Update	CPA-16 DRA-8
<p>RCW 36.70A.177 Agricultural lands – Innovative zoning techniques Added a new section to the GMA. It allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.177 Agricultural lands – Innovative zoning techniques Added a new section to the GMA. It allows a variety of innovative zoning techniques in designated agriculture lands of long-term commercial significance. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.215 Review and evaluation program Created the Buildable Lands Program. Six Western Washington counties and the cities located within their boundaries are to establish a monitoring and evaluation program to determine if the actual growth and development is consistent with what was planned for in the county-wide planning policies and comprehensive plans. Measures, other than expanding UGAs, must be taken to correct any inconsistencies. (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation Amended subsection (7). It amends the boards' procedures for distribution of rules and decisions to follow the Administrative Procedures Act, Chapter 34.05 RCW, <u>specifically including the provisions of RCW 34.05.455 governing ex parte communications.</u> (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.290 Petitions to the growth management hearings boards – Evidence Amended this section as follows: <u>The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.</u> (ESB 6094 amendments.)</p>	NA		None Required
<p>RCW 36.70A.295 Direct judicial review Added a new section to the GMA. The superior court is allowed to directly review a petition for review, if all parties to a case before a board agreed to direct review in the superior court. (ESB 6094 amendments.)</p>	Noted		None Required

RCW 36.70A.300 Final orders Changed to allow the board to extend the time for issuing a decision beyond the 180-day period currently provided by the GMA to allow settlement negotiations to proceed if the parties agree to the extension. The boards may: (1) allow up to 90-day extensions that may be renewed; (2) establish a compliance schedule that goes beyond 180 days for a plan or development regulation that does not comply with the GMA if the complexity of the case justifies it; and (3) require periodic updates on progress towards compliance as part of the compliance order. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.302 Determination of invalidity – Vesting of development permits – Interim controls Clarified which permits invalidity orders apply to. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.320 Presumption of validity – Burden of proof – plans and regulations Burden shifted to the petitioner to demonstrate that any action by a respondent is not in compliance with the requirements of the GMA. The board is required to find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of the GMA. (ESB 6094 amendments.)	Noted		None Required
RCW 36.70A.3201 Intent – Finding – 1997 c 429~20(3) Added a new section to the GMA. Local comprehensive plans and development regulations require counties and cities to balance priorities and consider local circumstances. The ultimate responsibility for planning and implementing a county's or city's future rests with that community. The boards are to apply a more deferential standard of review to actions of counties and cities than the previous "preponderance of the evidence" standard. (ESB 6094 amendments.)	Noted	CP Update	CPA-17
RCW 36.70A.330 Noncompliance Changed to enable board to modify a compliance order and allow additional time for compliance in appropriate circumstances. The board is directed to take into account a county's or city's progress toward compliance in making its decision as to whether to recommend the imposition of sanctions by the Governor. (ESB 6094 amendments.)	NA		None Required
RCW 36.70A.335 Order of invalidity issued before July 27, 1997 Added a new section to the GMA. A county or city subject to an order of invalidity issued prior to the effective date of the act may request the board to review its order in light of the changes to the invalidity provisions. If requested, the board is required to rescind or modify an order to make it consistent with the act's changes. (ESB 6094 amendments.)	Noted		None Required

<p>RCW 36.70A.362 Master planned resorts – Existing resort may be included Added a new section to the GMA. Counties planning under the GMA may include some existing resorts as master planned resorts under a GMA provision that allows counties to permit master planned resorts as urban growth outside of UGAs. An "existing resort" is defined as a resort that was in existence on July 1, 1990, and developed as a significantly self-contained and integrated development that includes various types of accommodations and facilities.</p>	NA		None Required
<p>RCW 36.70A.367 Major industrial developments – Master planned locations Authorized an additional county (Whatcom), in consultation with its cities, to establish a process for designating land to be in an industrial land bank, according to certain conditions.</p>	NA		None Required
<p>RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants – Procedures The Department of Community, Trade, and Economic Development (CTED) is directed to encourage participation in the grant program by other public agencies through the provision of grant funds. CTED is required to develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program. Grants from the planning and environmental review fund are to be provided for proposals designed to improve the project review process and which encourage the use of GMA plans to meet the requirements of other state programs. (ESB 6094 amendments.)</p>	NA		None Required

1996			
GMA Amendment	Applicability	Course	Amendment #
RCW 36.70A.070 Comprehensive plans – Mandatory elements Added “general aviation airports” to subsection (6)(i) relating to required sub-elements of a transportation element as defined by this section.	Not addressed	CP Update DR Update	CPA-18 DRA-9
RCW 36.70A.270 Growth management hearings boards – Conduct, procedure, and compensation Boards are required to publish their decisions and arrange for reasonable distribution of them. The Administrative Procedures Act (APA) is to be used for the boards’ procedures, unless it conflicts with RCW 36.70A. The APA also is to be used to determine whether a board member or hearing examiner will be disqualified.	NA		None Required
RCW 36.70A.280 Matters subject to board review Clarified who may file petitions with the boards (i.e., standing).	Noted		None Required
RCW 36.70A.305 Expedited review New section added from SSB 6637. Courts are to expedite reviews on invalidity determinations made by the boards. Hearings on the issues are to be scheduled within 60 days of the date set for submitting the board’s record.	NA		None Required
RCW 36.70A.367 Major industrial developments – Master planned locations The GMA was amended to allow a pilot project to designate an urban industrial bank outside UGAs. A county is allowed to establish the pilot project if it has a population of more than 250,000 and if it is part of a metropolitan area that includes a city in another state with a population of more than 250,000 (Clark County). The urban industrial land banks are to consist of no more than two master planned locations. Priority is to be given to locations that are adjacent to or in close proximity to a UGA. The same criteria are to be met that are required under the existing major industrial development process in the GMA, except that specific businesses to locate on the site(s) need not be identified ahead of the designation. The pilot project terminates on December 31, 1998.	NA		None Required
RCW 36.70A.510 General aviation airports. General aviation airports were added to the list of items that all local governments must include in the land use elements of their comprehensive plans. General aviation airports include all airports in the state (i.e., public use facilities). There are currently a total of 129 airports that are classified as “general aviation.” Adoption and amendment of comprehensive plan provisions and development regulations under this chapter affecting general aviation airports are subject to RCW 36.70.547.	Not addressed	CP Update DR Update	CPA-18 DRA-9

Page 24 of 27

<ul style="list-style-type: none"> Added the requirement of public participation to the emergency amendment process already permitted by the GMA and added resolution of a growth management hearings board (board) or court order as an amendment permitted outside of the comprehensive plan amendment cycle. (ESHB 1724 amendments.) 			
RCW 36.70A.140 Comprehensive Plans – Ensure public participation <ul style="list-style-type: none"> Added the requirement of a public participation program that identifies procedures. Local governments must also provide public participation that is effective when responding to a board order of invalidity. (ESHB 1724 amendments.) 	Noted	CP Update DR Update	CPA-1 DRA-11
RCW 36.70A.172 Critical areas – Designation and protection – Best available science to be used New section added to the GMA that clarified the state's goals and policies for protecting critical areas functions and values. Local governments are required to include the "best available science" in developing policies and development regulations to protect the functions and values of critical areas as defined in the GMA and must give special consideration to preserving or enhancing anadromous fisheries. (ESHB 1724 amendments.)	Not addressed	CP Update DR Update	CPA-2 DRA-12
RCW 36.70A.175 Wetlands to be delineated in accordance with manual Washington Department of Ecology (Ecology) directed to adopt by a rule a manual for the delineation of wetlands regulated under the SMA and GMA. The manual is based on the 1987 U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency manual as amended through January 1, 1995.	Noted	CP Update DR Update	CPA-2 DRA-12
RCW 36.70A.280 Matters subject to board review Added shoreline master programs or amendments adopted under chapter 90.58 RCW, as subjects for board review. (ESHB 1724 amendments.)	NA		None Required
RCW 36.70A.290 Petitions to growth management hearings boards – Evidence Established the publication date for a shoreline master program or amendment to be the date when the shoreline master program or amendment is approved/disapproved by Ecology.	NA		None Required
RCW 36.70A.300 Final orders <ul style="list-style-type: none"> Added shoreline master program and amendments to final order procedures. Determined that a finding of non-compliance will not affect the validity of comprehensive plans/development regulations. Indicated the parameters of an invalidity determination by the boards, including vesting issues. 	Noted		None Required
RCW 36.70A.320 Presumption of validity Added that the shoreline element of a comprehensive plan and applicable development regulations adopted	Noted		None Required

Page 26 of 27

policies of a Shoreline Master Program for a county/city are required to become an element of the jurisdiction's comprehensive plan. All other portions of the Shoreline Master Program including regulations are required to become part of the county's or city's development regulations. Additionally, Shoreline Master Programs are to continue to be amended/adopted under the procedures of the SMA (Chapter 90.58 RCW).			
RCW 36.70A.481 Construction – Chapter 347, Laws of 1995 Added the above new section to the GMA, which states that nothing in RCW 36.70A.480 (shorelines of the state) shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of Chapter 90.58 RCW. (ESHB 1724 amendments.)	Noted		None Required
RCW 36.70A.490 Growth management planning and environmental review fund – Established Added the above new section to the GMA. Moneys in the fund are required to be used to make grants to local governments for the purposes set forth in RCW 43.21C.031. (ESHB 1724 amendments.)	NA		None Required
RCW 36.70A.500 Growth management planning and environmental review fund – Awarding of grants - Procedures Added the above new section to the GMA. Established procedures for dispersing funds. (ESHB 1724 amendments.)	NA		None Required
Chapter 36.70B RCW Regulatory reform bill to streamline permitting procedures in the state. (ESHB 1724 amendments.)	Noted	DR Update	DRA-15