

PLAN ADMINISTRATION ELEMENT

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INTRODUCTION

For cities and counties in Washington, the adoption and use of comprehensive plans is guided by the Growth Management Act¹ and other state laws. This element (chapter) describes some key points, especially as they relate to the City of Mountlake Terrace.

BACKGROUND

The following items pertain to adoption and submittal requirements for the City's comprehensive plan. As used here, "a city" means a city government, including the legislative body, its appointees, and staff.

Authority of the Plan

A comprehensive plan is the basis for other county and city actions.² Even state government must follow the local plan, so long as it is consistent with state law.³

A proposed comprehensive plan, including any amendment to it, goes through a process of consideration and recommendation by an appointed planning commission. Opportunity for public participation is part of the process. Adoption of the final comprehensive plan or any amendment is the responsibility of the legislative body of the city or county. The plan is considered valid upon adoption. For Mountlake Terrace, this means that the entire plan, including any amendment, is "valid," or legal, when it is adopted by the City Council. The plan remains valid unless a court of law or state hearings board determines that it is out of compliance with other laws.

In order to receive certain kinds of state funding, a city or county must have comprehensive plans and development regulations that are in conformance with the Growth Management Act.

Public Notice and Submittals

State law requires that each local government notify the public about the adoption of its comprehensive plan. Copies of the plan may be made available electronically or in hard copy.

In addition, every city and county must submit its draft and adopted comprehensive plan, as well as draft and adopted development regulations, to the state Department of Commerce. Amendments must be submitted in the same manner.⁴

Cities and counties must also submit the transportation element of their comprehensive plans to the appropriate regional transportation planning organization for review and certification. Only

¹ For a brief summary of the Growth Management Act, see Appendix X.

² "Each city or county...shall perform its activities and make capital budget decisions in conformity with its comprehensive plan" [RCW 36.70A.120].

³ "State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided..." [RCW 36.70A.103].

⁴ See RCW 36.70A.106.

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jurisdictions with certified transportation elements are eligible for certain kinds of transportation funding. Puget Sound Regional Council is the regional transportation planning organization for jurisdictions in Snohomish, King, Pierce, and Kitsap counties.

Finally, cities and counties are required to submit their comprehensive plans and development regulations to the county assessor. Each year, any amendments also must be submitted.

Implementation and Consistency

In Washington, comprehensive plans are not just exercises; they must be implemented. An adopted comprehensive plan is put into effect by the legislative body, its appointees, and staff, in accordance with their respective roles. For Mountlake Terrace, the legislative body is the City Council and the Planning Commission is an appointed citizen committee, with duties established in the municipal code. The City also has designated planning staff. In addition, actions by citizens, businesses, organizations, and special districts help implement the plan. Here are some specific ways a comprehensive plan is implemented.

Development Regulations

Development regulations are adopted rules with specific provisions to control what gets built and how. Mountlake Terrace is required to adopt development regulations, such as zoning, that are consistent with and implement its comprehensive plan.

Subarea Plans

A city or county may choose to adopt “subarea plans” that focus on specific areas. Subarea plans can be more detailed than the comprehensive plan. However, they are considered part of the overall comprehensive plan and must be consistent with it.

Budget

Local government budgets and spending are to be consistent with the comprehensive plan. This includes the City’s capital decisions (decisions about the streets, public buildings, sewer and water systems, and other capital facilities).¹

Project Review

Each city or county is responsible for issuing permits for development projects in accordance with the law. For example, when a project is proposed, the local government must first determine whether the permit application is complete. Then it must determine how a project should be treated under the State Environmental Policy Act and whether it is likely to have significant environmental impacts. The local government must also determine whether the project is consistent with the local regulations and/or comprehensive plan. In judging consistency, the city or county considers the following:

- a. Type of land use;
- b. Level of development (density or intensity);
- c. Infrastructure (public facilities and services) to support the project; and

¹ See RCW 36.70A.120.

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- d. Other characteristics of development (such as required building setbacks and lot coverage).

If the project meets applicable laws and regulations, the city or county must issue the permit. Conditions (extra requirements) may be added, consistent with the city or county code.

Where a comprehensive plan or development regulation is believed to be inadequate to address a particular project, the local government cannot change the rules “mid-stream.” Instead, the inadequacy must be docketed¹ for the next round of amendments to the comprehensive plan or development regulations.

Permitting

Because state and local government permit processes deal with a variety of issues and needs, they may have many components and variables. Sometimes the processes can seem daunting. That is why state law requires that cities over 10,000 in population have designated permit assistance staff to help applicants seeking development permits.² Mountlake Terrace meets this requirement because it has a designated permit coordinator. Other City staff also assist in the permit process.

Predictability and fairness in the permit process is important. Local governments are required to process completed permit applications, based on state and local rules that people can know ahead. Processing includes the following components, with some variations as appropriate to specific projects:

- Intake of the application
- Record-keeping
- Determination of procedural completeness
- Environmental determination under the State Environmental Policy Act
- Review for technical consistency with various state and local government standards
- Requests to applicants for additional information or corrections
- Determination of regulatory consistency
- Public notice and hearings
- Staff reports
- Consideration of findings and conditions
- Approval or denial; appeal if any.

The Project Review Act states that the maximum timeframe for this process should be 120 days, unless the local government makes written findings that additional time is needed for a particular project.³ Generally, the 120-day period does not count those days used by an applicant to make revisions to the application or to supply missing information.

Cities and counties with a population above 20,000 must begin providing annual reports about their performance for processing permits by September 1, 2003. Notice of the annual

¹ “Docketing” refers to putting an item on a list for future consideration.

² See RCW 36.70A.220.

³ See RCW 36.70B.080(1).

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performance reports should be posted on the jurisdiction's website.¹

During the year 2003, Mountlake Terrace participated in a pilot program for permit efficiency. The Snohomish County Economic Development Council sponsored the program to demonstrate how the permit process can be streamlined without sacrificing the quality of development. After completion of the project, the Economic Development Council provided a guidebook with key recommendations for achieving an efficient local permitting process.

Fees

A Washington city or county with a valid comprehensive plan may require and collect "development impact fees" on development projects, such as a new office building or a housing complex. Impact fees are a way for development projects to pay a portion of the public costs related to impacts of the growth and development of the specific project. By law,² impact fees are intended for the following public facilities:

- public streets and roads;
- publicly owned parks, open space, and recreation facilities;
- school facilities; and
- fire protection facilities in jurisdictions that are not part of a fire district.

Funds collected from impact fees can be spent only in conformance with the comprehensive plan. Other requirements apply.

In 2007, Mountlake Terrace began requiring impact fees for transportation and parks from development projects. Previously, the City used its authority under the State Environmental Policy Act to require "mitigation", including cost-sharing, for certain types of projects.

Development Agreements

The City may enter into development agreements with property owners for large-scale projects. A development agreement spells out the standards, timing, and fees to develop a specific project. Such an agreement must be consistent with the adopted comprehensive plan and development regulations.

Performance Measures

Several elements each include one performance measure, as a way of checking good faith progress each year. Performance measures have been selected on the basis of meaningfulness and availability of data.

Other Activities

All local government activities are required to be consistent with their comprehensive plans and regulations adopted under the Growth Management Act. Activities may include various programs, public education, strategies, incentives, intergovernmental coordination, annexation decisions, and other actions.

¹ See RCW 36.70B.080(2)(b).

² See RCW 82.02.090(7).

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Monitoring and Amending

Local governments are subject to certain requirements for monitoring and amending their comprehensive plans.

Monitoring

By law, each county and city's comprehensive plan and development regulations are subject to "continuing review and evaluation." However, at least every seven years, each jurisdiction needs to "take action to review, and if necessary, revise its comprehensive plan and development regulations to be consistent" with the Growth Management Act.¹ At the same time, the county or city can decide whether other revisions are desirable to reflect new ideas, requirements, or information.

Mountlake Terrace, along with other cities and counties in this region, was required to complete an update process between January 1, 2001 and December 1, 2004. After that, the next major update is due by December 1, 2011. (This schedule does not prohibit jurisdictions from adopting amendments at other times, if needed. See the Amendments section of this chapter.)

In addition, cities in faster-growing counties, like Snohomish County, must complete a special review and evaluation process related to land supply, densities, and other information.² This process is typically called the "Buildable Lands Program." Under the Program, a local government must collect data and determine whether it is meeting its comprehensive plan targets or objectives for population, housing, employment, and other issues. A five-year reporting timeline applies: 2002, 2007, 2012, and so on.

The Buildable Lands Program is implemented in conjunction with county-wide planning policies and is coordinated among each county and the cities within it. For Snohomish County jurisdictions, the adopted Snohomish County County-wide Planning Policies apply. According to these policies, an intergovernmental body, Snohomish County Tomorrow, is authorized to develop a Buildable Lands Program report on behalf of the member jurisdictions.

If the review and evaluation shows that a jurisdiction is not meeting its comprehensive plan targets or objectives, the jurisdiction must "take reasonable measures" to correct the problem. Such measures must then be monitored. If the measures do not have the desired effect, other actions must be taken.

Amendments

"Piecemeal" amendments to comprehensive plans are discouraged. Instead, a city or county must consider needed amendments in context with each other and adopt those that have been selected all at one time. By state law, plan amendments are allowed no more than once a year, with some exceptions. The exceptions are:

- Initial adoption of a subarea plan
- Adoption or amendment of a shoreline master program

¹ See RCW 36.70A.130.

² This process is required under RCW 36.70A.215.

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- Amendment of the capital facilities element, concurrent with the city budget being adopted or amended
- Actions to address emergencies
- Actions to resolve an appeal filed with a growth management hearings board or with the court.

If a city or county finds deficiencies in its plans or regulations during the review of a proposed development project, it cannot stop the project review. Instead it must “docket” any deficiencies and consider them on an annual basis. Docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or regulations in a way that ensures the suggested changes will be considered by the jurisdiction and available for public review.

In addition to any docketing based on the project review process, each local government is required to have a procedure for interested persons to suggest amendments to the comprehensive plan and development regulations. Because the suggested amendments may take substantial effort to evaluate, including public process, many cities and counties charge a fee for amendment requests. Mountlake Terrace has an adopted process for people to formally request amendments to the plan and regulations. The process includes: (a) completion of an application and payment of fee; (b) a review and report by City staff, (c) public notification, and (d) two hearings: one by the Planning Commission, in preparation for making a recommendation, and one by the City Council, in preparation for making a final decision.

Timing of Amendments

Mountlake Terrace needs a clear, well-timed process for comprehensive plan amendments. Since some Plan amendments may have financial implications, the City’s Plan amendment process should be scheduled and completed early enough to allow the inclusion of financial adjustments in the City’s annual budget process.

The following guidelines will assist the City in processing Plan Amendments:

1. State law requires that, with few exceptions, all Plan amendment proposals be considered and acted upon concurrently (in a package) so that their cumulative effects can be understood.
2. The Comprehensive Plan is intended to be a 20-year Plan. There should be no need for extensive amendments each year.
3. Any annual amendments should consist of relatively minor changes, for example: site change for site-specific land use adjustments, technical corrections, updates to the transportation or capital facilities finance programs, and adoption of subarea plans that do not substantively affect the adopted Comprehensive Plan goals and policies.
4. Major changes to visions, goals, land use designations, policies or other aspects that might have citywide impacts usually require more extensive study and public input and, therefore, should be placed on a docket for the next seven-year update.
5. Plan Amendments should be processed early enough to allow City Council approval of the revised Capital Facilities Plan Element prior to consideration of the annual update of the Capital Facilities Plan (6-year program), which is directly related to the Plan element.
6. Plan Amendments should be processed expeditiously and completed early enough to allow any related financial implications to be considered in the annual budget process.

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The following steps schedule should be used, in conjunction with an adopted annual schedule:

- Public notification that the City is accepting both formal applications and suggestions for Comprehensive Plan Amendments and that the deadline for submittals is on a certain date. [Note: formal applications are those for which an applicant has paid a fee to cover processing costs.]
- Planning Commission reviews the docket of all applications and suggestions for Plan Amendments and recommends a Study List of potential amendments to be considered. [All formal applications will be processed.] The study list may include suggestions initiated by the Planning Commission or staff.
- City Council may develop a “Study List” of potential amendments to be considered.
- Processing of the proposed amendments begins, including for SEPA review and 60-day review by state agencies and any affected jurisdictions.
- Planning Commission conducts public hearing(s) on all proposed amendments and forwards recommendations to City Council.
- City Council conducts public hearing(s) and adopts amendments.
- City Council adopts a budget that incorporates any financial adjustments resulting from the approved Plan amendments, as well as annual revisions to the Capital Facilities Plan, consistent with the Comprehensive Plan.

The City should ensure that provisions for the joint City/County consideration of Plan amendments of mutual concern within the Urban Growth Area are included in the Urban Growth Management Agreement, or other appropriate agreement.

Off-Schedule Plan Amendments

The nature of any emergency or request for an off-schedule Plan Amendment shall be explained to the City Council, which shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule. Examples of off-schedule amendments are listed below:

- **Emergency:** The Comprehensive Plan may be revised or amended outside the normal schedule if findings are adopted to show that the amendment is necessary, due to an emergency situation of a neighborhood- or community-wide significance and not a personal emergency on the part of a particular applicant or property owner.
- **Subarea Plans:** The Comprehensive Plan may be amended through adoption of a subarea plan at any time, provided the subarea plan complies with the Growth Management Act and is consistent with City objectives and requirements.
- **Annexation:** Plan and zoning amendments related to annexations may be considered during the normal annexation process and need not be coordinated with the annual plan amendment schedule.

Criteria for Approval of Plan Amendment Requests

Each component of an annual Comprehensive Plan Amendment package shall be reviewed and approved only if it meets all of the following criteria:

- The proposal is consistent with the provisions of the Growth Management Act and will not result in internal conflicts with the Plan;

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- If the proposal would change the development or use potential of a site or area, such change will avoid creating significant adverse impacts on existing sensitive critical land uses, or on the community as a whole;
- The proposed amendment can be accommodated by all applicable public services and facilities, including transportation;
- The proposal will help implement the goals and policies of the Mountlake Terrace Comprehensive Plan; and
- If the proposal could have significant impacts beyond the Mountlake Terrace City Limits, it has been sent to the appropriate local government officials for review and comment.

PLAN ADMINISTRATION GOALS AND POLICIES

Goals

The Plan Administration Element contains three goals, as follows. These goals are stated at a very broad level to indicate the desired end-result for key topics.

- GOAL PA-1.** Conformance with legal requirements
- GOAL PA-2.** Effective implementation
- GOAL PA-3.** Efficient permitting system

Policies

Below are the Comprehensive Plan policies that correspond with each plan administration goal. The City of Mountlake Terrace shall implement the following policies.

GOAL PA-1. Conformance with legal requirements

- Policy PA-1.1 Comply with the Growth Management act and other state laws regarding comprehensive plans, development regulations, and the permit process.
- Policy PA-1.2 Submit any amendments of the City’s Comprehensive Plan and development regulations to the Snohomish County assessor, to Puget Sound Regional Council, and to the state, as appropriate.

Discussion: Amendments should also be shared with cities, counties, and special purpose districts that may be affected.

GOAL PA-2. Effective implementation.

- Policy PA-2.1 Implement the Comprehensive Plan through development regulations, permitting, capital budget decisions, intergovernmental coordination, performance measures, and other activities.
- Policy PA-2.2 Based upon the Buildable Lands Report, take reasonable measures if needed to correct any shortfalls or deficiencies in meeting the Comprehensive Plan’s

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targets or objectives, and monitor the effectiveness of such measures.

Discussion: The Buildable Lands Program applies specifically to how the City is meeting its targets or objectives for population, housing, and employment. A list of some potential “reasonable measures” for local consideration has been compiled by the state Department of Commerce. A similar but more detailed list has been compiled by Snohomish County Tomorrow, with particular emphasis on urban growth area capacity where effective.

Policy PA-2.3 Provide a clear process for the public to make requests, between January 1 and April 1 each year, for amendments to the Comprehensive Plan.

Policy PA-2.4 Annually check the docket to see whether amendments have been suggested and, if so, consider them.

Discussion: See the “Monitoring and Amending” section for an outline of the expected process.

Policy PA-2.5 Provide an efficient permitting process that will encourage development in accordance with the Comprehensive Plan and adopted standards.

GOAL PA-3. Efficient permitting system

Policy PA-3.1 Ensure a timely, fair, and predictable permit management system that:

- a. Facilitates desirable development;
- b. Helps citizens and developers understand rules for development.

Policy PA-3.2 Include in the City’s permitting system such features as:

- a. One convenient location for intake of permit applications;
- b. Permit coordinator assigned to each project;
- c. Easy-to-understand information for customers, using hard-copy and internet formats to explain permit process;
- d. Simultaneous and coordinated review of permit applications;
- e. Standard turn-around times for reviewing various types of permit applications;
- f. Adequate staffing, with contracted assistance as needed, to manage permit process and to inspect construction;
- g. Clear communication with applicants about project status;
- h. Reliance on well-crafted development regulations, standards and final decisions made within certain limits;
- i. Administrative approval of projects that meet existing laws and regulations, except for those projects which are required by a state or federal law to obtain approval from another entity;
- j. Efficient management of records, including the use of an electronic data base, to track information on parcels, projects and permits;

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- k. Use of pre-applications meetings to identify development issues before significant resources have been invested in a project proposal;
- l. Fast-track procedures for certain types of permits.

ACTIONS TO TAKE

To help carry out this chapter, certain action steps are needed. During the next several years, these actions include the following:

- Annually review progress on Community Livability performance measures that are identified in the Comprehensive Plan.
- As part of the 2003 Permit Streamlining Pilot Program, work to implement recommendations from the Snohomish County Economic Development Council.