



**Legislative Department  
Seattle City Council  
Memorandum**

**Date:** July 13, 2010

**To:** Sally Clark, Chair  
Tim Burgess, Vice Chair  
Sally Bagshaw, Member  
Committee on the Built Environment (COBE)

**From:** Ketil Freeman, Council Central Staff

**Subject:** Comprehensive Plan – Threshold Resolution Recommendations

**Introduction**

With a few limited exceptions, the Council may amend the Comprehensive Plan once a year. Council’s review process will culminate next spring with a vote on a bill amending the Comprehensive Plan. The Comprehensive Plan amendment process is set out in Resolution 31117.

Generally, the process occurs in two steps. First, in the summer the Council reviews amendment applications and establishes by resolution a docket of the amendments the Council will consider. This is often referred to as the “docket setting” or “threshold decision” resolution. Second, in the early spring of the following year, after Department of Planning and Development (DPD) review and environmental analysis, Council considers the merits of proposed amendments and acts on a bill amending the Comprehensive Plan.

- Step One: Docket Setting
  - Proposed amendments are submitted to Council by May 15<sup>th</sup>;
  - Council forwards proposed amendments to DPD and the Planning Commission for comment;
  - DPD and the Planning Commission return comments by late June;
  - COBE conducts a public hearing;
  - COBE votes on a recommendation to Full Council; and
  - Full Council votes on a resolution establishing the docket of amendments to be considered.
- Step Two: Consideration of Merits
  - DPD reviews the amendments in the policy docket, conducts environmental review and makes a recommendation to Council by November 20<sup>th</sup>;
  - COBE considers DPD’s recommendation, conducts a public hearing, discusses the merits of the proposed amendments, and votes on a recommendation to Full Council; and
  - Full Council votes on a bill amending the Comprehensive Plan by the end of March.

This memorandum 1) sets out the criteria Council uses to determine whether a proposed amendment should be included in the docket setting resolution and 2) discusses proposed amendments and the recommendations of DPD (Tab 2) and the Planning Commission (Tab 3).

## **Threshold Decision Criteria**

The Council applies a variety of criteria in deciding whether to include a proposed amendment in the docket setting resolution. A decision to include a proposed amendment in the resolution does not constitute Council approval of a proposed amendment. Rather, a decision to include a proposed amendment means that the Council has determined that the subject matter is appropriate for the Comprehensive Plan and consideration of the proposed amendment can be practically accomplished during the amendment cycle. Criteria applied by the Council include the following.

1. The amendment is appropriate for the Comprehensive Plan:
  - a. The amendment is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
  - b. The amendment is consistent with the Countywide Planning Policies;
  - c. The intent of the amendment cannot be accomplished by a change in regulations only;
  - d. The amendment is not better addressed as a budgetary or programmatic decision; or
  - e. The amendment is not better addressed through another process, such as neighborhood planning.
2. The amendment is legal - the amendment meets existing state and local laws.
3. It is practical to consider the amendment:
  - a. The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision.
  - b. Within the time available City staff will be able to develop the text for the amendments to the Comprehensive Plan and, if necessary, the Municipal Code, and conduct sufficient analysis and public review.
  - c. The proposed amendment is consistent with the overall vision of the Comprehensive Plan and well-established Comprehensive Plan policy, or the Mayor or Council is interested in significantly changing existing policy.
  - d. The amendment has not been recently rejected by the City Council.
4. There has been a neighborhood review process to develop any proposed change to a neighborhood plan, or a neighborhood review process can be conducted prior to final Council consideration of the amendment.

## **Next Steps**

COBE will discuss proposed amendments and recommendations from the Planning Commission and DPD and provide direction to staff at its meeting on July 14th. Staff will prepare a threshold resolution based on COBE direction. That resolution will be the subject of a vote at COBE's meeting on July 28th. A Full Council vote will likely occur on August 2nd.

App. #	Applicant	Brief Description of Proposed Amendment Applications	Recommendations		Discussion
			SPC	DPD	
1	Department of Planning and Development (DPD)	DPD requests four placeholders for goals and policies that will be developed this later this year related to:	Include	Include	Based on the information provided by DPD, the subject matter of the proposed amendments are either required by state law to be included in the Comprehensive Plan or, where inclusion is not required, the subject matter is appropriate for the Comprehensive Plan. <b>Staff recommends that the Council include the proposed amendments in the docket setting resolution.</b>  The Council heard testimony at the public hearing on July 8th about the difficulty of commenting on proposed "placeholder" amendments for which language has not yet been proposed. DPD has indicated that proposed language for many of the placeholders may be available later this summer. However, proposed language for the VMT reduction targets may not be ready until a study of residential travel emissions, which is being conducted by Dr. Larry Frank of the University of British Columbia for the Washington Department of Transportation (WSDOT), the Seattle Department of Transportation (SDOT), and the Office of Sustainability and the Environment (OSE), is complete. That study may not be complete until November or December. In the interest of providing complete information, <b>the Council may wish to consider including language in the docket setting resolution setting dates-certain by which DPD will provide draft amendment language to the Council.</b>
		<ul style="list-style-type: none"> <li>A new state-required container port element;</li> </ul>			
		<ul style="list-style-type: none"> <li>Targets for reduction in Vehicle Miles Traveled (VMT) on Seattle's road network;</li> </ul>	Include	Include	
		<ul style="list-style-type: none"> <li>A state-required update to Seattle's Shoreline Master Program; and</li> </ul>	Include	Include	
		<ul style="list-style-type: none"> <li>Authorizing master planned communities on large sites, such as Seattle Housing Authority's Yesler Terrace site.</li> </ul>	Include	Include	
		<p>Additionally, DPD proposes amendments to goals, policies and the Future Land Use Map (FLUM), which were deferred last year due to appeals to the City Hearing Examiner, for the following updates to neighborhood plans:</p> <ul style="list-style-type: none"> <li>North Beacon Hill,</li> <li>North Rainier, and</li> <li>MLK@Othello.</li> </ul>	Include	Include	
2	Chris Leman	Mr. Leman proposes the following new policy for the Transportation Element:	Do Not Include	Do Not Include	Mr. Leman has proposed a similar Comprehensive Plan amendment for the past several years. The Council has declined to include the proposed amendment on the policy docket because the proposed amendment does not meet criteria for inclusion in the Comprehensive Plan. Specifically, the Council has determined that the amendment would be better addressed as a budgetary or programmatic decision.  Nevertheless, Council staff has researched the issue. There are some practical and legal constraints that might make implementation difficult. Under state law, see RCW §46.44.0941, garbage and recycling trucks can obtain special permits to drive on state roads carrying more weight than is permitted for other types of vehicles. The Seattle Municipal Code also allows special permits for up to 8,000 extra pounds on garbage trucks using City streets. The City signed a contract with waste-haulers last year that will expire in nine years. Provisions of the contract require that trucks meet all state and City weight limits. Transfer station and truck-based weight checks and new penalties are included to facilitate weight-limit enforcement. However, the contracts also allow especially heavy garbage trucks as long as permits are obtained. Allowing heavier garbage trucks helps reduce trips to the transfer station and associated labor, equipment and emissions. There are re-openers in the contract, but the best opportunity to examine this issue as it relates to solid waste haulers may not come again until 2020.  With respect to transit, federal law, 23 CFR 658.17 (k), exempts public transit vehicles which do not travel across state lines from the standard weight limits. Federal preemption prevents the state or City from adopting more restrictive standards for Metro, SoundTransit or other transit providers.  If this is an issues that the Council wants to consider further, a better avenue may be through a statement of legislative intent that tasks SDOT, Seattle Public Utilities and the Seattle Fire Department with looking into whether any City practices or regulations of heavy vehicles should change. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b>
		<p>"Minimize damage that is caused by vehicles that are heavier than would normally be allowed on Seattle's roads and bridges, especially those vehicles that are owned by the City, County, School District, and Port, and their contractors. Accordingly: (1) encourage the use of buses that are no heavier than would be allowable without a legislative exemption; (2) establish rules and incentives to discourage City agencies and contractors from using trucks that are heavier than would be allowable without a legislative exemption, (3) establish incentives to discourage the City's solid waste contractors from using trucks that are so heavy as to need the state's solid waste vehicle exemption that allows weights higher than for other trucks; (4) establish incentives to discourage the City's Fire Department from using the state exemption that allows fire trucks to be heavier than any other truck; and (5) effectively regulate all vehicle weights to ensure that no vehicle illegally exceeds legal limits."</p>			
3	Chris Leman	Mr. Leman proposes that the Comprehensive Plan include an open and participatory government element or appendix.	Do Not Include	Do Not Include	Mr. Leman has proposed a similar Comprehensive Plan amendment for the past several years. In 2009, the Council convened a special Open Government Committee to look at programmatic or budgetary actions the Council could take to improve transparency and citizen access. The work of that Committee resulted in changes to how the Legislative Department conducts business. These include changes to the Council rules, publishing budget documents, and development of a social media networking policy.

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					The Council has declined to include the proposed amendment on the policy docket in past years because the proposed amendment, which articulates policies for the Executive Branch, City Council, City Attorney, and advisory boards, is not consistent with the role of the Comprehensive Plan as a generalized land use plan under the State Growth Management Act. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b>
4	Chris Leman	Mr. Leman proposes the following new goal for the Transportation Element:  "To help realize goal EG-7 and state goals to reduce emissions of carbon dioxide and other climate-changing greenhouse gases, the annual per capita vehicle miles traveled in and through Seattle will be reduced by at least eighteen percent by 2020, thirty percent by 2035, and fifty percent by 2050."	Do Not Include	Include	Numerical goals for VMT reduction targets are appropriate for the Comprehensive Plan and will assist in informing and implementing land use and transportation decision-making that is consistent with the urban village strategy in the Comprehensive Plan. For the past several year the Council has deferred including numerical VMT reduction targets pending the outcome of research being conducted by OSE, SDOT and WSDOT. That research is nearly complete and should be ready in time to inform a Council decision in March.  <b>Staff recommends that the Council include the proposed amendment in the docket setting resolution. Additionally, staff recommends that the Council direct the Executive in the docket setting resolution to conduct a complete analysis of Mr. Leman's proposal, including environmental review, to ensure that the Council can consider the merits of Mr. Leman's proposal as well as DPD's proposal.</b>
5	Irene Wall	Ms. Wall proposes the following new policy:  "Actively engage citizen-based neighborhood plan committees to review all changes in residential and job growth targets prior to the City Council accepting by resolution or ordinance growth targets developed by the Puget Sound Regional Council and or King County."	Do Not Include	Defer	The Growth Management Act expressly values citizen participation in land use planning and elevates participation to a goal of the Act. See R.C.W. §36.70A.020. This is reflected in the Comprehensive Plan which states that the "City will strive to find improved means to communicate with and involve citizens in planning and decision making." Minimum steps for public participation in amending the Comprehensive Plan are articulated in Resolution 31117. In practice, the City often exceeds these minimums. A recent example is the use of the Planning Outreach Liaison (POL) model for neighborhood plan updates in southeast Seattle.  However, the depth and character of City outreach is often informed by the capacity of agencies to perform outreach given the constraints of their budgets and programmatic direction from the Council and Mayor. In other words, the character and depth of outreach beyond minimums are essentially budgetary and programmatic decisions. Consequently, a policy related to citizen engagement that goes beyond the minimums established might be better addressed as a budgetary or programmatic decision.  If this is an issues that the Council wants to consider further, a better avenue may be through a statement of legislative intent that tasks DPD with setting out their proposed public outreach process for the 7-year update. That update will allocate adopted employment and residential growth targets among Seattle's planning geographies. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b>
6	John Fox for the Seattle Displacement Coalition (SDC)	The SDC proposes a set of amendments that either add new goals and policies or amend existing goals and policies related to:  <ul style="list-style-type: none"> <li>Ensuring that adequate infrastructure is in place prior to allocating new employment or residential capacity to any area of the City;</li> </ul>	Do Not Include	Defer	Planning for adequate public facilities to support residential and employment growth is an appropriate subject matter for the Comprehensive Plan. However, it is worth reiterating DPD's observation that the amendment language proposed by SDC far exceeds the concurrency requirements of the GMA and would likely not be implementable. Additionally, policy changes related to transportation concurrency may be better addressed through changes to existing transportation concurrency regulations codified in Chapter 23.52 of the Land Use Code.  DPD has recently begun to reexamine how infrastructure investments are coordinated with the Comprehensive Plan's urban village strategy. This ongoing body of work is intended, in part, to inform the 7-year update. <b>Staff recommends that the Council <u>defer</u> the proposed amendment to the 7-year Comprehensive Plan update.</b>
		<ul style="list-style-type: none"> <li>Encouraging public participation in establishing employment and residential growth targets; and</li> </ul>	Do Not Include	Defer	See discussion for amendment application number five. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b>

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		<ul style="list-style-type: none"> <li>Ensuring that there is 1-1 replacement of existing affordable housing that would otherwise be lost to redevelopment.</li> </ul>	Do Not Include	Do Not Include	The suite of proposed amendments would establish a policy that there be no net loss of affordable housing through redevelopment. Implementing the proposed policy could result in City programs that would be unconstitutional. Specifically, the City's Housing Preservation Ordinance, which implemented a similar 1-1 replacement policy, was struck down by the State Supreme Court. See <i>San Telmo Associates v. City of Seattle</i> , 108 Wn. 2d. 20 (1987). Thus, the proposed amendment may not meet the criterion that a proposed amendment be legal. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b>
7	Frederica Merrell for the North Beacon Hill Community Planning Team (NBCPT)	<p>The NBHCPT proposes a variety of alternative goals and policies that replace and / or complement goals and policies proposed by DPD for the update to the North Beacon Hill neighborhood plan.</p> <p>Additionally, the NBHCPT proposes, as materials for the North Beacon Hill neighborhood plan update, 1) a draft North Beacon Hill neighborhood plan approval and adoption matrix, 2) a revised cover and credits page, and 3) a generalized land use map.</p>	Do Not Include	Do Not Include	The proposed amendments update an adopted neighborhood plan and have been developed with a neighborhood review process. Consequently, the subject matter is appropriate for the Comprehensive Plan. However, reconciliation of the NBHCPT's goals and policies with the goals and policies recommended by DPD may delay plan recognition. Council has requested, through Resolution 31204, that recognition of the neighborhood plan updates for the North Rainier, Othello, and North Beacon neighborhoods occur by September of this year. <b>Staff recommends that the Council include the proposed amendment in the docket setting resolution.</b>
8	Edward Hewson for the Roosevelt Development Group (RDG)	The RDG proposes several amendments to the Roosevelt neighborhood plan goals and policies, an amendment to a land use policy related to rezone criteria, and a FLUM amendment. All are intended to support a future rezone in the vicinity of the intersection of 15 <sup>th</sup> Avenue N.E. and N.E. 65 <sup>th</sup> Street.	Include	Include	The proposed amendments would enact policy changes in support of potential future, project specific regulatory changes in the Roosevelt residential urban village. The subject matter is consistent with the role of the Comprehensive Plan as a generalized land use plan. <b>Staff recommends that the Council include the proposed amendment in the docket setting resolution.</b>
9	Henry Liebman for American Life	American Life proposes to add a new policy to the Greater Duwamish neighborhood plan that would promote a wider range of uses in the SODO sub-area. These uses would include high-tech research and development uses, high technology office uses, larger administrative office uses, and larger retail uses along the 1 <sup>st</sup> Avenue S. and 4 <sup>th</sup> Avenue S. corridors.	Do Not Include	Do Not Include	<p>Existing goals and policies for industrial areas contemplate high-tech research and development, office, and retail as allowed uses in industrial zones. Specifically, Land Use Policy (LU) 141 states in part, “[c]onsider manufacturing uses, advanced technology industries and a wide range of industrial-related commercial functions...appropriate for industrial areas.” Additionally, LU 142 states in part, “[p]ermit commercial uses in industrial areas to the extent that they reinforce the industrial character...” Consequently, existing policies do not, in and of themselves, preclude higher concentrations of high-tech research and development uses, high technology office uses, larger administrative office uses, and larger retail uses in sub-areas of the Duwamish Manufacturing / Industrial Center.</p> <p>The intent of the amendment can be accomplished by a change in regulation. Consequently, the amendment is not appropriate for the Comprehensive Plan. <b>Staff recommends that the Council <u>not</u> include the proposed amendment in the docket setting resolution.</b></p>
10	Kiki Gram	Ms. Gram proposes a FLUM amendment to expand the boundary of the 23 <sup>rd</sup> @Jackson residential urban village to include the block on the east side of Martin Luther King Jr. Way between E. Columbia Street and E. Cherry Street. The proposed change is intended to support a future rezone from a single family zone designation to a lowrise multifamily zone designation.	Include	Include	The proposed amendments would enact policy changes in support of potential regulatory changes in the 23 <sup>rd</sup> @Jackson residential urban village. The subject matter is consistent with the role of the Comprehensive Plan as a generalized land use plan. <b>Staff recommends that the Council include the proposed amendment in the docket setting resolution.</b>