

July 19, 2012

To: Planning, Land Use & Sustainability Committee

From: Peter Harris, Central Staff

Re: Criteria for Comprehensive Plan Dockets

## **Introduction**

On July 25 the Committee will discuss a resolution identifying Comprehensive Plan amendments to be considered for possible adoption in 2013 – that is, creating the Comprehensive Plan docket for 2013. As in past years, the Department of Planning & Development (DPD) and the Planning Commission made recommendations on the amendments that should be placed on the docket, following criteria established by Resolution 30662 in 2004 and repeated with some changes in subsequent resolutions on the dockets for succeeding years.

In reviewing these criteria I found one small but potentially important substantive problem in the use of a conjunction. The word “or” is used as a coordinating conjunction among several criteria, when the apparent intent and practice implies that it should be “and”.

Also, I suggest that the Council consider an additional criterion in future years, namely, that the amendment is likely to make a material difference in a City regulatory or funding decision. One reason would be to ensure efficient use of the considerable public resources – including your time – required to develop, review, analyze, select, incorporate and publish the amendments. Another would be for the quality of the plan itself. What does not add, subtracts. The purpose of a plan is to guide action. Words in the plan that do not affect action distract from, and perhaps obscure, those that do.

## **What are the existing docket criteria?**

From Resolution 30662 in 2004:

- A. The amendment or policy is appropriate for the Comprehensive Plan:
  - \* The amendment is not appropriate as a regulatory measure, and warrants a Comprehensive Plan amendment;
  - \* The amendment is not better addressed as a budgetary or programmatic decision;
  - \* The amendment is not better addressed through another planning process, such as neighborhood planning; or
  - \* The Growth Management Act (GMA) mandates the amendment as part of the 10-year update.
  
- B. The amendment is legal - the amendment meets existing state and local laws.

C. It is practical to consider the amendment:

- \* The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision.

- \* City staff will be able to conduct sufficient analysis and to develop policy and code language within the available time frame. (GMA requires that implementing regulations, if needed, be adopted at the same time as adoption of Comprehensive Plan policies.)

- \* 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.

- \* The amendment has not been recently rejected.

- \* 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.

The criteria were stated in exactly the same fashion in an attachment to Resolution 31117 in March 2009. In Resolution 31146 of August 2009, which set the docket for 2010, they were revised. They were described as guidelines rather than criteria, two of the criteria under appropriateness were revised, the fourth criterion under appropriateness was deleted, and two new ones were added:

A. The amendment is appropriate for the Comprehensive Plan:

1. The amendment is consistent with the role of the Comprehensive Plan under the State Growth Management Act;

2. The amendment is consistent with the Countywide Planning Policies;

- ~~3. The amendment is not appropriate as a regulatory measure, and warrants a Comprehensive Plan amendment. The intent of the amendment cannot be accomplished by a change in regulations only;~~

4. The amendment is not better addressed as a budgetary or programmatic decision; **or**

5. The amendment is not better addressed through another ~~planning~~ process, such as neighborhood planning.

~~The Growth Management Act (GMA) mandates the amendment as part of the 10-year update.~~

B. The amendment is legal - the amendment meets existing state and local laws.

C. It is practical to consider the amendment:

1. The timing of the amendment is appropriate and Council will have sufficient information necessary to make an informed decision.

2. 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.

3. 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.

4. The amendment has not been recently rejected by the City Council.

D. 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.

Note first the conjunction “or” between criteria A.4 and A.5, boldfaced for emphasis. This would imply that an amendment is appropriate if it meets any of these five criteria. The apparent intent and practice has instead been that an amendment is considered appropriate only if it meets all five. If this is the intent, the conjunction should instead be “and”.

Note also the change in the lettering and numbering. Numbers replace stars, and criterion (or guideline) D now stands alone rather than being one criterion under C relating to practicality. The numbering and lettering changed again in a July 2011 staff memo covering the docket resolution for 2012. The memo described them as criteria rather than guidelines, and switched numbers for letters, such that guideline A.1 from Resolution 31146 became criterion 1.a in the memo. This would be insignificant, except that DPD and the Commission use the latter numbering system in referring to the criteria in their recommendations, which would be confusing to anyone who finds the criteria in a resolution rather than in the staff memo.

### **How might the criteria be revised?**

Here is a new version that corrects the problems described above, adds the new criterion suggested in the introduction, and makes some other minor changes for clarity:

1. The amendment is appropriate for the Comprehensive Plan because:
  - a. It is consistent with the role of the Comprehensive Plan under the State Growth Management Act;
  - b. It is consistent with the Countywide Planning Policies;
  - c. Its intent cannot be accomplished by a change in regulations alone;
  - d. It is not better addressed by a budgetary or programmatic decision; and
  - e. It is not better addressed through another process, such as neighborhood planning.
2. The amendment is legal under state and local law.
3. It is practical to consider the amendment because:
  - a. The timing of the amendment is appropriate and the Council will have sufficient information to make an informed decision;
  - b. City staff will have time to conduct sufficient analysis and public review and to develop the text for the amendments to the Comprehensive Plan and for any necessary amendments to the Seattle Municipal Code;
  - c. The proposed amendment is consistent with the overall vision and established policy of the Comprehensive Plan, or the Mayor or Council wishes to consider changing the vision or established policy; and
  - d. The amendment has not been rejected recently by the Council.
4. If the amendment would change a neighborhood plan, it either is the result of a neighborhood review process or can be reviewed by such a process prior to final Council consideration of the amendment.
5. The amendment is likely to make a material difference in a future City regulatory or funding decision.

## **Conclusion**

If you would like to implement one or more of these suggestions, please let me know, and I will draft a resolution doing so.