

MEMORANDUM

Date: March 11, 2024
To: Roy Planning Commission
From: Katie Cote, AICP, Senior Planner and Rachel Chen, Planner – BHC Consultants
CC: Kimber Ivy, Mayor, and Michael Malek, City Clerk - Treasurer
Subject: Development Regulations Updates and Revisions

1. Background

BHC Consultants was hired to help the City of Roy update their comprehensive plan and development regulations for the 2024 periodic update cycle, as required by the Growth Management Act (GMA). Updates to the comprehensive plan are underway. By State law, development regulations must also be updated to be consistent with and implement the comprehensive plan. This memo provides an overview of the anticipated changes to existing development regulations.

2. Checklist & Anticipated Changes

The Department of Commerce developed the Periodic Update Checklist (“checklist”) in part to help cities identify development regulations that need to be updated to comply with changes to the GMA. BHC completed the checklist for Roy in March 2023 and submitted it to Commerce in June 2023 for grant reporting purposes. Additional updates may be identified throughout the course of the periodic update cycle as needed to respond to changes in State law or local conditions.

2.a. Title 11 Land Development Code

The checklist identified mandatory updates pertaining to zoning, essential public facilities (EPFs), subdivisions and critical areas. These development regulations are contained within the Land Development Code (Title 11) of the Roy City Code. The following changes are anticipated:

Zoning

Items highlighted in yellow will be completed with Task A.

1. Update zoning and land use designations as needed to accommodate future housing needs by income bracket.
2. Allow permanent supportive housing or transitional housing in zones where residences and hotels are allowed. Amend RCC 11-22, Specific Use and Structure

Regulations, to include a section on permanent supportive housing and transitional housing.

3. Add definition for “permanent supportive housing” to RCC 11-3 (Definitions) consistent with [RCW 36.70A.030\(31\)](#).
"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chap59.18 RCW.
4. Add definition for “transitional housing” to RCC 11-3 (Definitions) consistent with [RCW 84.36.043\(2\)\(c\)](#).
"Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.
5. Allow indoor emergency shelters and indoor emergency housing in zones where hotels are allowed. Amend permitted use sections in: RCC 11-15-2 (Commercial), RCC 11-6-2 (Light Industrial), and RCC 11-18-2 (Mixed Use).
6. Add definition for “emergency housing” to RCC 11-3 (Definitions) consistent with [RCW 84.36.043\(2\)\(B\)](#).
7. Add definition for “emergency shelters” to RCC 11-3 (Definitions) consistent with [RCW 36.70A.030\(15\)](#).
8. Repeal RCC 11-3 definition of “family.” It could also be redefined, but it may not need to be since “family group home” is defined separately.
9. Amend RCC 11-22-12 – Accessory Dwelling Units (ADUs) to delete subsection C-12 (RCC 11-22-12(C)(12)) “The total number of occupants in both the principal unit and ADU combined may not exceed the maximum number established by the definition of “family” in RCC 11-3”.
10. Amend RCC 11-22-12 to delete subsection (12) regulating total occupancy.
11. Additional incentives for affordable housing should be considered consistent with [RCW 36.70A.540](#) and [WAC 365-196-410\(2\)\(e\)\(i\)](#).
12. Define new housing types and other terms consistent with State law, such as “affordable housing” as defined in [RCW 84.14.010](#).
13. Additional changes to allow two accessory dwelling units per lot and related regulations are anticipated to implement HB 1110 and HB 1337. These legislative changes occurred after the checklist was completed.

Siting Essential Public Facilities

14. Prohibit siting EPFs within known hazardous areas. Amend RCC-11-22-21 – Siting of essential public facilities to include a subsection (C) for Known Hazardous Areas, stating EPFs must be located outside of known hazardous areas.
 - a. OR amend RCC-12-22-21 EPF CUP requirements to state (A) applicant should prioritize locating EPFs outside of known hazardous areas, or (B) locate EPFs outside of known hazardous areas. (This option would only apply to EPFs requiring a CUP though.)
 - b. OR address in CAO instead.

Subdivisions

15. Update duration of preliminary development plan approval to include “five to seven years” depending on the date of preliminary plat approval under RCC 11-44-6 – Effect of final plat approval.

Stormwater

Items highlighted in yellow will be completed with Task B.

16. Include provisions for corrective action for failing septic systems that pollute waters of the state, per [RCW 36.70A.070\(1\)](#), in RCC 10-5.

Critical Areas

17. Update to incorporate legislative changes and best available science to RCC 10-5.
18. Update CAO to reflect current Ecology guidance.
 - a. Add a definition of “geologically hazardous areas” in RCC 10-5D-1 consistent with [RCW 36.70A.030\(14\)](#).
 - b. Designate geologically hazardous areas in accordance with [WAC 365-196-830](#) and consistent with public health and safety.
 - c. Update RCC 10-5E with the definition of FWHCA found in [WAC 365-190-030](#) including subsections (6)(a)-(c).
 - d. Review priority habitats and species for any potential changes since last CAO update.
 - e. Could strengthen RCC 10-5E-5(K) to establish goal of riparian management zones to maintain no net loss of riparian ecosystem functions and values, per [WAC 365-190-130\(2\)](#).
 - f. Cities are encouraged to create a monitoring and adaptive management program for their CAO, per [WAC 365-195-905\(6\)](#). More information can be found in the [Critical Areas Handbook \(June 2018\)](#).
 - g. Update buffers to reflect current [Ecology guidance](#).
 - i. Reconfiguring the wetland buffer tables to align with Ecology guidance would allow the buffers to be clearer. For instance, the current buffers must be increased by 33% if mitigation measures are not applied. Alternatively, under Ecology guidance, the buffers must provide protections for “high” impact levels unless mitigation measures or a well-protected and vegetated corridor are present, in which case the buffers can be reduced to the “moderate” level. Including all of the

tables from Ecology would provide more straight forward guidance in the code that is site-specific.

- ii. Using the SPTH mapping tool, it seems Roy's stream buffer for Muck Creek is appropriate, but the buffer for the Type F stream, Lacamas Creek might need to be increased to around 195ft if they want to use the SPTH method.

Impact Fees

19. Add to RCC 3-5-8 limitations on impact fees for early learning facilities and exemption of impact fees for low-income and emergency housing development ([RCW 82.02.060](#)).

2.b. Title 14 Comprehensive Plan

The checklist identified mandatory updates pertaining to plan and regulation amendments, and tribal participation in planning. Provisions for planning and plan amendments are contained within the Comprehensive Plan (Title 14) section of the Roy City Code. The following changes are anticipated to meet current statute:

Plan & Regulation Amendments

20. Define "emergency" in the context of an emergency comprehensive plan amendment in RCC 14-2, RCC 11-3, or RCC 1-3-2. See definitions from [RCW 36.70A.130\(2\)\(b\)](#) and [WAC 365-196-640\(4\)](#).
21. Establish a process to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property, per [RCW 36.70A.370](#). Could be added to RCC 11-4.

Tribal Participation in Planning

There are no existing provisions in the Roy City Code for tribal participation in planning; however, it may be appropriate to include these in Title 14 Comprehensive Plan.

22. Establish provisions for entering into a mutually agreeable memorandum of agreement with affected Indian tribes regarding collaboration and participation in the planning process. See [RCW 36.70A.040\(8\)\(a\)](#).
23. Establish policies consistent with Countywide Planning Policies that address the protection of tribal cultural resources in collaboration with affected Indian tribes. See [RCW 36.70A.210\(3\)\(i\)](#).

2.c. No Changes Required

The following existing Roy development regulations were also reviewed against the checklist and were determined not to require changes to be consistent with State law: resource lands, concurrency management, transportation demand management, and project review procedures. Additional changes might be required based on the final adopted comprehensive plan.