

## Chapter 20.96

## AMENDMENTS

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20.96.010 Amendments in General.

- (a) Amendments to the text of this title or to the zoning map may be made in accordance with the provisions of this chapter.
- (b) Amendments to the text of the comprehensive plan or to the proposed land use map may be made in accordance with provisions of this chapter.
- (c) With the exception to those instances listed in AMC 20.96.015, the comprehensive plan may not be amended more than once a year (RCW 36.70A.130) and therefore requests for amendments will be deferred to the time of an annual public hearing. Only amendments submitted no later than the last working day of January each calendar year will be reviewed for the annual cycle.
- (d) Exceptions to Annual Cycle. Amendments to the comprehensive plan may be considered more frequently than once per year in any of the following circumstances:
  - (1) Resolution of an emergency condition or situation. Council shall confirm the Director's finding that such an emergency exists.
  - (2) Resolution of a decision by an administrative agency or court of competent jurisdiction.
  - (3) For any reasons specified in RCW 36.70A.130(2), as hereinafter amended.

20.96.015 Minor Corrections Exempt

An amendment that does not result in any substantive change to the content or meaning of a development regulation, such as a correction to punctuation or numbering or a typographical or technical error, shall be exempt from the notice and hearing requirements of this chapter. In such cases, the director may make a recommendation directly to the city council.

20.96.020 Initiation of Amendments.

- (a) Whenever a request to amend the comprehensive plan or zoning map is initiated by the city council, the planning commission, or the city administration, the city attorney in consultation with the planning staff shall draft an appropriate ordinance and schedule a public hearing before the planning commission, unless the code amendment is of an emergency nature, in which case a public hearing can be scheduled before the city council without planning commission consideration.
- (b) Any other person may also petition the council to amend the comprehensive plan or zoning map by submitting an application for a Code Amendment, signed by both the applicant and the property owner. The application shall be filed with the community development department and shall include, among the information deemed relevant by the community development director or his or her designee:
  - (1) The name, address, and telephone number of the applicant,
  - (2) A description of the land affected by the amendment if a change in zoning district classification is proposed,
  - (3) Public Notice Materials as required by [§20.24.020 \(Public Notice\)](#),
  - (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this title, and,
  - (5) If necessary, an environmental checklist and any other documentation needed to comply with SEPA (including but not limited to special studies).
- (c) Upon receipt of a petition as provided in subsection (b), the community development director shall either:
  - (1) Treat the proposed amendment as one initiated by the city administration and proceed in accordance with subsection (a) if he/she believes that the proposed amendment has significant merit and would benefit the general public, or
  - (2) Forward the petition to the appropriate hearing body for a public hearing.
- (d) Comprehensive plan and zoning map amendments shall comply with the procedures as required by §20.96.030 through §20.96.080.

20.96.022 Docketing Procedures - Comprehensive Plan Amendments.

- (a) The City shall compile and maintain a list, known as a docket, of all City-initiated and privately initiated proposed comprehensive plan amendments. The list shall be organized as to amendment type and include a description of the amendment in nontechnical terms, as well as the name of the applicant and date of submission to the city. The preliminary docket shall be made available to the public for review and comment for at least fifteen days prior to consideration by the planning commission. Written comments that are submitted by the end of the comment period shall be added to the preliminary docket. The final docket will be determined as described in AMC 20.96.0030 (b).
- (b) Preliminary review – Determination of Final Docket.
  - (1) Staff Evaluation. The community development director shall conduct a brief initial evaluation of all privately-initiated proposed comprehensive plan amendments to ascertain whether the proposals meet the preliminary review criteria in AMC 20.96.030(c) and to assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The director shall make a recommendation to the planning commission as to which proposed amendments should be included in the final docket, along with any city- initiated proposed amendments.
  - (2) Joint Workshop. During each annual amendment cycle, the city council and planning commission may, at the city council’s discretion, hold a noticed joint workshop to serve as an informational meeting between the two governmental bodies.

- (3) Planning Commission Hearing. The planning commission shall hold a noticed hearing on selection of proposed amendments for the final docket.
- (4) City Council Decision. The city council shall consider the planning commission's recommended final docket. Council may adopt the proposed final docket without a public hearing; however, in the event that a majority of the Council decides to add or subtract amendments, it shall first hold a public hearing. No additional amendments may be considered after council adoption of the docket for that year, except as provided in AMC 20.96.010(e). The final docket shall be approved by resolution.

#### 20.96.024 Selection and Decision Criteria - Comprehensive Plan Amendments.

Considering that the Comprehensive Plan was developed after significant study and public participation, the principles, goals, objectives, and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant. The City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:

- (a) Proposed amendments that meet one of the following criteria may be included in the final docket:
  - (1) If the proposed amendment is site specific, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.
  - (2) State law requires or a decision of a court or administrative agency has directed such a change.
  - (3) There exists an obvious technical error in the pertinent Comprehensive Plan provision.
- (b) Proposed amendments that do not meet one of the criteria in subsection (1) of this section shall meet all of the following criteria:
  - (1) The amendment represents a matter appropriately addressed through the Comprehensive Plan, and the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.
  - (2) The amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council.
  - (3) The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. -Significantly changed conditions are those resulting from unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Comprehensive Plan map or text, where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.
  - (4) The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act, other State or Federal law, and the Washington Administrative Code and other applicable law.

#### 20.96.026 Selection and Decision Criteria - Text and Zoning Map Amendments.

- (a) The City Council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:
  - (1) The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan;

- (2) The proposed amendment is consistent with the scope and purpose of the City's zoning ordinances and the description and purpose of the zone classification applied for;
- (3) Circumstances have changed substantially since the establishment of the current zoning map or district to warrant the proposed amendment;
- (4) The proposed zoning is consistent and compatible with the uses and zoning of surrounding property;
- (5) The property that is the subject of the amendment is suited for the uses allowed in the proposed zoning classification;
- (6) Adequate public services could be made available to serve the full range of proposed uses in that zone.

#### 20.96.030 Public Hearings on Amendments.

- (a) The city shall compile and maintain a list, known as a docket, of all city-initiated proposed comprehensive plan amendments. The list shall be organized as to amendment type and include a description of the amendment in nontechnical terms, as well as the name of the applicant and date of submission to the city. The preliminary docket shall be made available to the public for review and comment for at least fifteen days prior to consideration by the planning commission. Written comments that are submitted by the end of the comment period shall be added to the preliminary docket. The final docket will be determined as described in this section.
- (b) Preliminary Review – Determination of Final Docket.
  - (1) Staff Evaluation. The community development director shall conduct a brief initial evaluation of all privately-initiated proposed comprehensive plan amendments to ascertain whether the proposals meet the preliminary review criteria in this section and to assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The director shall make a recommendation to the planning commission as to which proposed amendments should be included in the final docket, along with any city-initiated proposed amendments.
  - (2) Joint Workshop. During each annual amendment cycle, the city council and planning commission may, at the city council's discretion, hold a noticed joint workshop to serve as an informational meeting between the two governmental bodies.
  - (3) Planning Commission Hearing. The planning commission shall hold a noticed hearing on selection of proposed amendments for the final docket.
  - (4) City Council Decision. The city council shall consider the planning commission's recommended final docket. Council may adopt the proposed final docket without a public hearing; however, in the event that a majority of the council decides to add or subtract amendments, it shall first hold a public hearing. No additional comprehensive plan amendments may be considered after council adoption of the docket for that year, except as provided in Subsection [20.96.010](#)(d). The final docket shall be approved by resolution.
  - (5) Proposed amendments submitted under Subsection [20.96.020](#)(b) that meet one of the following criteria may be included in the final docket:
    - (A) If the proposed amendment is site specific, the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications.

- (B) State law requires or a decision of a court or administrative agency has directed such a change.
- (C) There exists an obvious technical error in the pertinent comprehensive plan provision.

#### 20.95.040 Public Hearings on Comprehensive Plan or Zoning Map Amendments

- (a) Except as provided by subsection (b), an open record public hearing shall be held before the planning commission for all amendments to the comprehensive plan. In addition, a hearing before the city council may also be held if the council so chooses.
- (b) Emergency ordinances may go to the city council directly pursuant to and in compliance with the RCW governing emergency ordinances.
- (c) The city shall give public notice of all public hearings as required per [Section 20.24.020](#) (Public notice).
- (d) Staff shall transmit to the department of commerce copies of all proposed amendments to the city's comprehensive plan and zoning map at least sixty days in advance of prior adoption, as required by RCW 36.70A.106.

#### 20.96.050 Planning Commission Consideration of Proposed Comprehensive Plan and Zoning Map Amendments.

The planning commission shall issue for each docket item a recommendation for approval, approval subject to recommended modifications or conditions of approval, continuance, or a decision for denial, which decision shall be forwarded to the city council for review and decision.

#### 20.96.060 Selection and Decision Criteria – Comprehensive Plan and Zoning Map Amendments.

- (a) Considering that the comprehensive plan and zoning maps were developed after significant study and public participation, the principles, goals, objectives, and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment to the comprehensive plan or zoning map of the city rests with the applicant. The city council's approval, modification, deferral, or denial of an amendment proposal shall be based on the following criteria:
  - (1) The amendment represents a matter appropriately addressed through the comprehensive plan, and the proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.
  - (2) The amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council.
  - (3) The proposed amendment addresses significantly changed conditions since the last time the pertinent comprehensive plan map or text was amended. "Significantly changed conditions" are those resulting from unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent comprehensive plan map or text, where such change has implications of a magnitude that need to be addressed for the comprehensive plan to function as an integrated whole.
  - (4) The proposed amendment is consistent with the comprehensive plan and other goals and policies of the city, the countywide planning policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code and other applicable law.

20.96.070 Council Action on Comprehensive Plan and Zoning Map Amendments.

- (a) At the conclusion of its consideration on a proposed amendment, the council may proceed to vote on the proposed ordinance, remand back to the planning commission for further study , or take any other action consistent with its usual rules of procedure.
- (b) The council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

20.96.080 Ultimate Issue Before Council on Amendments.

In deciding whether to adopt a proposed amendment to the comprehensive plan or zoning map, the central issue before the council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the presiding official and excluded. In particular, when considering proposed map or zoning amendments:

- (1) The council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (2) The council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
- (3) The council shall consider comprehensive plan amendments and zoning map amendments as recommended by the planning commission using the criteria established in [Section 20.96.060](#). If there are substantial changes to the proposed amendments after the public hearing by the planning commission, a second public hearing before the council may be required. If there are no substantial changes, the council may choose whether or not to hold another public hearing. The city shall transmit a copy of the comprehensive plan amendments to department of commerce within ten days of the city council's final adoption.

20.96.100 Docketing Procedures – Amendments to Development Regulations.

- (a) All proposed text amendments to the development or zoning regulations shall be developed, submitted and presented by the city staff, based on direction from the city council, planning commission, or the director of community & economic development or designee.
- (b) Private Party Requests. City staff shall submit proposals from private individuals or groups as follows:
  - (1) Private parties shall submit a written summary of the amendment proposed to city staff, an indication of why it is needed, and the potential land use impacts if approved. No fees shall be assessed.
  - (2) Staff shall maintain a docket listing of private party requests, and shall provide the listing not less than once per year to the Planning Commission, which shall determine which items shall be further reviewed by staff and submitted as a formal proposal, which shall be deferred to future work programs, and which shall not be considered. Decisions to defer or not consider private requests shall be considered final unless appealed as provided herein.
- (c) Most development regulation amendments shall be processed concurrently with the comprehensive planning docket developed under Subsection [20.96.030](#)(b). The community development director may direct that development regulation amendments proceed separately when deemed appropriate.

20.96.110 Notice to Department of Commerce.

Staff shall transmit to the department of commerce copies of all proposed amendments to the city's development regulations at least sixty days in advance of prior adoption, as required by RCW 36.70A.106.

20.96.120 Public Hearings on Development Regulation Amendments.

- (a) Except as provided by subsection (b), an open record public hearing shall be held before the planning commission for all amendments. In addition, a hearing before the city council may also be held if the council so chooses.
- (b) Emergency ordinances may go to the city council directly pursuant to and in compliance with the RCW governing emergency ordinances.
- (c) The city shall give public notice of all public hearings as required per [Section 20.24.020](#) (Public notice).

20.96.130 Planning Commission Review of Development Regulation Amendments.

The planning commission shall issue a recommendation for approval, approval subject to recommended modifications or conditions of approval, continuance, or a decision for denial, which decision shall be forwarded to the city council for review and decision.

20.96.140 City Council Decision Criteria – Development Regulation Amendments.

The city council's approval, modification, deferral, or denial of a development regulation amendment proposal shall be based on the following criteria:

- (1) The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, the multicounty planning policies, county planning policies, and the Growth Management Act, RCW Chapter 36.70A; and
- (2) The proposed change is necessary to further the public interest based on present needs and conditions.