

## Issues and Concerns

1. Reliability and transparency of docket process impeded by:
  - a. Unclear timelines that vary from year to year and are not clearly delineated in local ordinance;
  - b. Items that are carried over from year to year make it difficult for community members to track amendments, provide input, and anticipate adoption dates;
2. Long dockets with multiple carry over items make it difficult to ascertain the cumulative effect of various proposals in accordance with RCW 36.70A.130;
3. Review criteria is ambiguous and difficult to apply consistently; and
4. No fees associated with application process as are typical of other jurisdictions.

## State Regulatory Context

### **Summary**

State law provides that jurisdictions may consider smaller comprehensive plan amendments (not part of the 8-year periodic review) no more than once per year, with some exceptions (RCW 36.70A.130(2)). Local jurisdictions that consider such amendments typically establish a list or “docket” of proposed amendments that will be considered together on an annual cycle. Rather than adopting changes on a piecemeal basis, proposed amendments must be considered “concurrently” so the cumulative effect of the various proposals can be ascertained.”

### **Procedures**

State law provides for local jurisdictions to establish a process for reviewing proposed comprehensive plan amendments annually. Procedures should include the following basic components:

1. An opportunity for interested persons, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments of comprehensive plans or development regulations.
2. Specific detail about what information must be submitted and the submittal deadlines so that proposals can be evaluated concurrently – this includes SEPA.
3. Frequency, process, and criteria for approval.
4. Procedures for approval – Comprehensive Plan amendments are legislative actions subject to approval by City Council.

### **Exceptions and Emergency Amendments**

State law allows for some exceptions to the annual docketing process. These include but are not limited to:

- Amendments to capital facilities elements,
- Amendments necessary to adopt a planned action under RCW 43.21C.031(2),
- Specific exceptions for the Shoreline Master Program, and
- Adoption of a subarea plan.

### **WAC 365-196-640**

#### **Comprehensive plan amendment procedures.**

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#### *(3) Amendments.*

*(a) All proposed amendments to the comprehensive plan must be considered by the governing body concurrently and may not be considered more frequently than once every year, so that the cumulative effect of various proposals can be ascertained. If a county or city's final legislative action is taken in a subsequent calendar year, it may still be considered part of the prior year's docket so long as the consideration of the amendments occurred within the prior year's comprehensive plan amendment process.*

*(b) Amendments may be considered more often under the following circumstances:*

- (i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (3)(b)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;*
- (ii) The development of an initial subarea plan for economic development located outside of the one hundred-year flood plain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;*
- (iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;*
- (iv) The amendment of the capital facilities element of a comprehensive plan that is part of the adoption or amendment of a county or city budget;*
- (v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in agreement with the public participation program established by the county or city under*

RCW 36.70A.140, and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment;

(vi) To resolve an appeal of the comprehensive plan filed with the growth management hearings board; or

(vii) In the case of an emergency.

(4) Emergency amendments. Public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan. Provisions in RCW 36.70A.390 apply only to moratoria or interim development regulations. They do not apply to comprehensive plans amendments. If a comprehensive plan amendment is necessary, counties and cities should adopt a moratoria or interim zoning control. The county or city should then consider the comprehensive plan amendment concurrently with the consideration of permanent amendments and only after public notice and an opportunity for public comment.

(5) Evaluating cumulative effects. RCW 36.70A.130 (2)(b) requires that all proposed amendments in any year be considered concurrently so the cumulative effect of the proposals can be ascertained. The amendment process should include an analysis of all proposed amendments evaluating their cumulative effect. This analysis should be prepared in conjunction with analyses required to comply with the State Environmental Policy Act under chapter 43.21C RCW.

(6) Docketing of proposed amendments.

(a) RCW 36.70A.470(2) requires that comprehensive plan amendment procedures allow interested persons, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments of comprehensive plans or development regulations. This process should include a means of docketing deficiencies in the comprehensive plan that arise during local project review. These suggestions must be docketed and considered at least annually.

(b) A consideration of proposed amendments does not require a full analysis of every proposal within twelve months if resources are unavailable.

(c) As part of this process, counties and cities should specify what information must be submitted and the submittal deadlines so that proposals can be evaluated concurrently.

(d) Once a proposed amendment is received, the county or city may determine if a proposal should receive further consideration as part of the comprehensive plan amendment process.

(e) Some types of proposed amendments require a significant investment of time and expense on the part of both applicants and the county or city. A county or city may specify in its policies certain types of amendments that will not be carried forward into the amendment process on an annual basis. This provides potential applicants with advance notice of whether a proposed amendment will be carried forward and can help applicants avoid the expense of preparing an application.

## Local Regulatory Context

### Summary

#### RZC 21.76.050 Permit Types and Procedures

Comprehensive Plan Amendments follow Type VI Legislative Permit process.

#### RZC 21.76.070 Land Use Actions and Decision Criteria

b. Criteria for **including proposed Comprehensive Plan amendments** in a given docket cycle. The following criteria will be used in determining which proposed Comprehensive Plan amendments will be given further consideration. Applications not included in an annual docket may be submitted in subsequent annual docketing processes, and would be evaluated again for consistency with criteria.

- i. Amending the Comprehensive Plan is the most appropriate mechanism available, as the desired outcome cannot be addressed as a regulatory, budgetary, or programmatic measure;
- ii. The proposed Comprehensive Plan amendment is best addressed as an individually docketed item, instead of evaluating as part of a periodic update to Redmond's Comprehensive Plan, neighborhood plan update, or other planning processes such as those led by neighboring jurisdictions, regional, or state agencies;
- iii. The proposed Comprehensive Plan amendment is consistent with existing local, state, and federal laws;
- iv. The proposed Comprehensive Plan amendment is timely with respect to other City and community initiatives, and planned public and private development activity;
- v. City Council, Planning Commission, and staff will have sufficient information necessary to analyze the proposal, develop a recommendation, and make an informed decision within the docket year;
- vi. The proposed Comprehensive Plan amendment is consistent with overall vision, policies and adopted functional plans; and
- vii. The proposed Comprehensive Plan amendment or similar amendment has not been considered or rejected within the last two years.

3. *Criteria for evaluation and action on proposed Comprehensive Plan Amendments. Once the scope of annual Comprehensive Plan amendments is confirmed via the docketing process described in RZC 21.76.070.J.2, each item is reviewed individually and acted on using the criteria below per Redmond Comprehensive Plan Policy PI-16. The review process shall follow Type VI (legislative) permit procedures as described in RZC 21.76.050.*
- a. *Consistency with the Growth Management Act (GMA), the State of Washington Department of Commerce Procedural Criteria, and the King County Countywide Planning Policies (CPPs);*
  - b. *Consistency with the Comprehensive Plan policies and the designation criteria;*
  - c. *Consistency with the preferred growth and development pattern in Section B of the Land Use Element of the Comprehensive Plan;*
  - d. *The capability of the land, including the prevalence of critical areas;*
  - e. *The capacity of public facilities and whether public facilities and services can be provided cost-effectively at the intensity allowed by the designation;*
  - f. *Whether the allowed uses are compatible with nearby uses;*
  - g. *If the purpose of the amendment is to change the allowed use in an area, the need for the land uses that would be allowed by the Comprehensive Plan amendment and whether the amendment would result in the loss of the capacity to meet other needed land uses, especially whether the proposed amendment complies with the policy on no net loss of housing capacity; and*

**Recommendations**

Goals and objectives of the update should focus on:

- Improving the transparency and predictability of the process for community members, elected officials, appointed officials, applicants and staff;
- Providing greater compliance with state law; and
- Streamlining procedures.

Amendments will likely provide the following changes:

- 1. Set annual intake of proposed amendments at the same time each year legislatively – practice has been to invite applications in August and September with a deadline at end of September with adoption no later than December;
- 2. Revise review criteria to add clarity and incorporate best practices from other jurisdictions;
- 3. Potentially add option for City Council to defer item to future docket or workplan; and
- 4. Add fees consistent with neighboring jurisdictions.



City	Application Period	Fee	General Procedures and Minimum Criteria for Review	Potential Actions	Application Handbook or Code
Bellevue	<p><b>December 1 - January 1</b></p> <ul style="list-style-type: none"> <li>January Application acceptance period to initiate Comprehensive Plan amendments</li> <li>February 1 List of initiated applications is established</li> <li>Early Spring Threshold Review/geographic scoping/study sessions and a public hearing before the Planning Commission</li> <li>Spring-summer City Council establishes annual CPA work program</li> <li>Summer Final Review/study sessions/and</li> </ul>	<p>2020 Schedule: \$736 deposit – charge review hrs. against deposit; bill additional time</p> <p>Site specific fee:</p> <p>Non-site specific fee:</p> <p>A \$2,988 fee is collected for each transportation traffic model run.</p>	<p><b>Process - Two Reviews: Threshold Review and Final Review/ Decision.</b></p> <p><b>Threshold Review</b> – determines whether request should be added to the work program <b>Final Decision Review</b> – criteria determines if the proposal is needed to address a specific need</p> <p><b>Site Specific Rezone</b> Site specific rezones may be considered concurrently – rezone criteria provide as well.</p> <p><b>20.30I.140 Threshold Review Decision Criteria</b> The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the annual CPA work program if the following criteria have been met:</p> <p>A. The proposed amendment represents a matter appropriately addressed through the Comprehensive Plan; and</p> <p>B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and</p> <p>C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and</p> <p>D. The proposed amendment can be reasonably reviewed within the resources and time frame of the annual Comprehensive Plan work program; and</p> <p>E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of “significantly changed conditions”; and</p> <p>F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and</p> <p>G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy</p>	<p>The City Council can determine that an initiated application will not be included in the year’s annual CPA work program and</p> <p>(a) have no further action taken on it;</p> <p>(b) at Council discretion, be included in a previously established ongoing work program; or</p> <p>(c) at Council discretion, be included in the next Comprehensive Plan Update (CPU) required by RCW 36.70A.130 (4).</p> <p><b>Three year limitation on applications</b></p>	<p><a href="https://bellevuewa.gov/sites/default/files/media/pdf_document/SD-53_-_2015.pdf">https://bellevuewa.gov/sites/default/files/media/pdf_document/SD-53_-_2015.pdf</a></p> <p><a href="https://bellevue.municipal.codes/LUC/20.30I.130.A.1.a">https://bellevue.municipal.codes/LUC/20.30I.130.A.1.a</a></p>

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	<p>a public hearing before the Planning Commission</p> <ul style="list-style-type: none"> <li>Fall City Council action on proposed amendments</li> </ul>		<p>implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or</p> <p>H. State law requires, or a decision of a court or administrative agency has directed such a change.</p> <p><b>20.30L150 Final review decision criteria</b> – criteria also provided for Council approval of amendments – somewhat restrictive relative to other cities.</p>		
<b>Kirkland</b>	<p>Every other year</p> <p>Call for submissions in October – Cut off is always December 1</p>	<p>The review fees are as follows:</p> <p>Phase I \$319 due with the application submittal.</p> <p>Phase II (study and decision on the request): \$319 due before the first study session in Phase II.</p> <p>Request for property specific map change</p> <p>Initial request</p> <p>\$1,000.00</p> <p>If request is authorized by City Council for</p>	<p><b>Process – Citizen-initiated requests require a 2-step review process using Process IV described in Chapter 160 KZC:</b></p> <ol style="list-style-type: none"> <li>A threshold review to determine those proposals that are eligible for further consideration; and</li> <li>A final decision.</li> </ol> <p><b>140.20 Threshold Determination for Citizen-Initiated Requests</b></p> <ol style="list-style-type: none"> <li>The City has the resources, including staff and budget, necessary to review the proposal; and</li> <li>The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or</li> <li>All of the following:               <ol style="list-style-type: none"> <li>The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and</li> <li>The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and                   <ol style="list-style-type: none"> <li>The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two (2) years); and</li> <li>The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two (2) years).</li> </ol> </li> </ol> </li> </ol> <p><b>140.25 Factors to Consider in Approving an Amendment to the</b></p>	<p><b>Threshold Determination Phase 1-</b> After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one (1) of the following:</p> <ol style="list-style-type: none"> <li>The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; or</li> <li>The proposal has merit, but should be considered at a subsequent amendment phase; or</li> <li>The proposal does not have merit and shall not be given further consideration.</li> </ol>	<p><a href="http://www.kirklandwa.gov/Assets/Comprehensive+Plan+Amendment+Application.pdf">http://www.kirklandwa.gov/Assets/Comprehensive+Plan+Amendment+Application.pdf</a></p> <p><a href="https://www.codepublishing.com/WA/Kirkland/?html/KirklandZNT.html">https://www.codepublishing.com/WA/Kirkland/?html/KirklandZNT.html</a></p>

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		review \$10,000.00  Request for city-wide or neighborhood-wide policy change	<p><b>Comprehensive Plan</b> - The City may amend the Comprehensive Plan only if it finds that:</p> <ol style="list-style-type: none"> <li>1. The amendment must be consistent with the Growth Management Act.</li> <li>2. The amendment must be consistent with the countywide planning policies.</li> <li>3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.</li> <li>4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.</li> <li>5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City’s adopted shoreline master program.</li> </ol>		
<b>Issaquah</b>	Schedule: During any calendar year, the City will accept Level 6 applications proposing Comprehensive Plan amendments up to the specified deadline of the second Planning Policy Commission (PPC) meeting in January, or January 31st, whichever is earlier.  Website indicates October- review January – Planning Commission	Comprehensive Plan Amendment \$2,500.00.	<p><b>Process – Level 6 application subject to same review criteria for PC and CC</b></p> <p>C. Approval Criteria: A plan amendment proposal should be granted only if the amendment is consistent with all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. Consistent with the Issaquah Comprehensive Plan; and</li> <li>2. Consistent with King County Countywide Planning Policies, and the Growth Management Act; and</li> <li>3. The proposed amendment addresses changed conditions since the last time the relevant policy or map was considered. (Ord. 2462 § 12, 2006; Ord. 2388 § 9, 2004; Ord. 2383 § 5, 2004).</li> </ol>	<ul style="list-style-type: none"> <li>• Council Action: Approve</li> <li>• Approve with Changes</li> <li>• Not Approved</li> </ul> <p><b>Once approved</b>                      Amendments may be remanded back to Planning Commission for further review</p> <p>Legislative action by the City Council shall take place in a manner consistent with the provisions of RCW 36.70A.130, including identifying the reasons for not adopting a proposed amendment and providing an additional opportunity for public review and comment before final voting if the City Council chooses to consider a significant change to a</p>	<a href="https://www.codepublishing.com/WA/Issaquah/#!/Issaquah18/Issaquah1804.html#18.04.635">https://www.codepublishing.com/WA/Issaquah/#!/Issaquah18/Issaquah1804.html#18.04.635</a> <a href="https://www.issaquahwa.gov/documentcenter/view/736">https://www.issaquahwa.gov/documentcenter/view/736</a>

City	Application Period	Fee	General Procedures and Minimum Criteria for Review	Potential Actions	Application Handbook or Code
	public hearing March – adopt amendments			proposed comprehensive plan or development regulation amendment after the required opportunities for public review and comment have passed. C.	
<b>Sammamish</b>	<p>(b) The deadline for submitting such an application is 5:00 p.m. on the first Monday of August each year. <b>No further code guidance Posted for 2019</b></p> <p>Aug 5 2019 – Deadline for submission</p> <p>Sept. 27 deadline for comments in docket request summaries</p> <p>October 8 Joint City Council and Planning Commission Review</p> <p>November 19 – City Council Public hearing</p>	Policy planning amendments (+ EIS if applicable) \$ 1,980.00 Plus \$132.00 per hour after the first 15 hours.	<p><b>Process -Two Types- site specific rezoning and Comprehensive Plan Text Amendment</b></p> <p><b>Comprehensive Plan Amendment Decision Criteria</b></p> <p>The planning commission may recommend, and the City council may approve, or approve with modifications, an amendment to the Comprehensive Plan or the Sammamish Municipal Code development regulations if:</p> <p>(1) The amendment is consistent with the GMA, the King County CPPs, the Sammamish Comprehensive Plan, the office of financial management’s population projections, the Puget Sound Regional Council’s planning documents, King County’s Urban Growth Capacity Study, and the Washington State Department of Commerce’s Review and Evaluation Program, as applicable; and</p> <p>(2) The amendment addresses changing circumstances, changing community values, or corrects information; and</p> <p>(3) The amendment is in the greater public interest and represents an action that best serves the entire community, taking into account the fiscal impact. (Ord. O2019-483 § 2 (Att. A))</p> <p>(1) Proposed amendments may be considered at separate meetings or hearings; however, the final action taken shall consider the cumulative effect of all proposed amendments to the Comprehensive Plan.</p> <p>(2) The City shall complete an environmental review of the combined impacts of all docketed requests consistent with WAC 365-196-620. (Ord. O2019-483 § 2 (Att. A))</p>	<p>The City Council has decision-making authority over all Comprehensive Plan AND development regulation amendment proposals. The City Council has broad authority to approve, deny, modify, or defer an amendment proposal. The City council may deny, approve, or modify the docket request at its discretion. Placement of a docket request on the annual docket does not mean the amendment request will be approved by the City council.</p> <p>If a site-specific land use map amendment docket request is not placed on the annual docket, the applicant, as defined in SMC 21A.15.070, must wait until the third docket cycle following the proposal’s rejection before they can resubmit a docket request for the same proposal. (Ord.</p>	<p><a href="https://www.codepublishing.com/WA/Sammamish/">https://www.codepublishing.com/WA/Sammamish/</a></p>

**ATTACHMENT B**

<b>City</b>	<b>Application Period</b>	<b>Fee</b>	<b>General Procedures and Minimum Criteria for Review</b>	<b>Potential Actions</b>	<b>Application Handbook or Code</b>
				O2019-483	