

ORDINANCE NO. C _____

An ordinance modifying the process and decision criteria related to comprehensive plan amendments, and amending SMC sections 8.02.069A, 11.02.0444 and 11.02.100.

WHEREAS, the City Council adopted a new Comprehensive Plan on May 21, 2001, which states that the “City of Spokane is committed to conducting an annual process to consider amendments to the comprehensive plan;” and

WHEREAS, under the Growth Management Act, comprehensive plans may be amended no more frequently than once a year. All amendment proposals must be considered concurrently in order to evaluate for their cumulative effect. The purpose for this is two-fold: it gives the plan stability over time, avoiding spontaneous changes in response to development pressures, and it groups all proposed amendments in a common process for consideration, providing the opportunity to examine their collective effects on the plan; and

WHEREAS, on July 29, 2002, the City Council enacted Ordinance No. C-33074 codifying the annual Comprehensive Plan amendment process in section 11.02.100 of the Spokane Municipal Code; and

WHEREAS, the proposed modifications to that new amendment process are designed to be more fair and equitable to all applicants, provide improved predictability for both the process and the review criteria, and better streamline the review and decision process related to rezones; and

WHEREAS, the City of Spokane Planning Services Department prepared an Environmental Checklist for a non-project action pursuant to chapter 197-11 of the Washington State Administrative Code and the Spokane Environmental Ordinance, and on August 12, 2003, a Determination of Nonsignificance (DNS) was issued; and

WHEREAS, the City Plan Commission concludes that the proposed amendments to the Spokane Municipal Code further the goals and policies of the Growth Management Act and the comprehensive plan, and that adoption by the Spokane City Council of the Spokane City Plan Commission’s recommendation is in the best interest of the general public, as well as its health, safety, and welfare; -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 8.02.069A is amended as follows:

8.02.069 Comprehensive Plan

A. An ~~initial~~ pre-application fee of two hundred and fifty dollars shall be charged for applications submitted pursuant to SMC 11.02.100 and shall be credited to the full application fee pursuant to SMC 11.02.100G.3.e.;

Section 2. That SMC section 11.02.0444 is amended as follows:

11.02.0444 Community Meeting

A. The applicant conducts a community meeting regarding the proposed application when required by subsection B of this section. The community meeting is conducted no more than one hundred twenty days prior to application and before the application is certified counter complete. When a traffic study is required as a part of an application, the traffic study scoping meeting required by subsection C of this section may be combined with the community meeting. Public notice of a community meeting shall be provided as required in Article V of this chapter. Any notice of a combined meeting must clearly advertise the purpose of the meeting as being for both the traffic study scoping and the required community meeting. The date, time and location of any community/traffic scoping meeting shall be approved in advance by either the planning director or the traffic engineer, depending on the department requiring the community meeting.

The applicant submits a summary of the community meeting with the application materials to the decision-maker. As a minimum, the meeting summary shall consist of an audio tape of the meeting; a list of attendees; and a copy of the notice of the meeting. Other attendees of the community meeting may also submit a summary to the decision-maker. Failure of the applicant to submit a summary of the community meeting at the time of application suspends processing of the permit application.

B. A community meeting is required in conjunction with an application for:

1. A special permit from the hearing examiner;
2. Plans-in-lieu from the hearing examiner;
3. A rezone;
4. A planned unit development;
5. A long subdivision;
6. skywalk permit;
7. ~~A comprehensive plan change;~~

- 87. An area-wide rezone;
- 98. A shoreline conditional use permit;
- C. Traffic studies require a traffic study scoping meeting prior to certification of the application as counter complete. The purpose of this meeting is to establish the scope of the traffic study. At the discretion of the City traffic engineer based upon the scope of the traffic study; the traffic impacts resulting from the permit application; and, the type of traffic mitigation required; a second traffic study meeting may be required during the public comment period following the notice of application. The purpose of the second traffic study meeting would be to report the results of the traffic study to the public. Public notice of the second traffic study meeting shall be provided in the same manner as the notice for the traffic study scoping meeting.

Section 3. That SMC section 11.02.100 is amended as follows:

11.02.100 Comprehensive Plan Amendment Process

A. Legislative Actions

All actions taken during the annual amendment process are legislative actions. These actions may include amendments to the land use plan map or text of the comprehensive plan, text of the Spokane Municipal Code, site-specific or area-wide rezoning, establishment of overlay zones, and annexations.

~~B. Minor Amendments: Timing, Criteria and Requirements~~

~~Starting in 2003, and thereafter no more often than once a year, the plan commission may recommend and the city council may adopt minor or technical amendments to the land use plan map, or the text of the comprehensive plan or land use code, that meet the following conditions and requirements.~~

- ~~1. GMA: The change is not inconsistent with the goals and purposes of the state Growth Management Act.~~
- ~~2. Regulatory Changes: It reflects any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.~~
- ~~3. Consistency:

 - ~~a. Internal:

 - ~~i. It is consistent with and implements the comprehensive plan and its supporting documents, such as the development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In~~~~~~

~~additional, amendments should strive to be consistent with the Parks Plan, and vice versa.~~

~~ii. Policy adjustments provide correction so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:~~

~~(1) growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~

~~(2) the capacity to provide adequate services is diminished or increased;~~

~~(3) land availability to meet demand is reduced;~~

~~(4) population or employment growth is significantly different than the plan's assumptions;~~

~~(5) plan objectives are not being met as specified;~~

~~(6) the effect of the plan on land values and affordable housing is contrary to plan goals;~~

~~(7) transportation and/or other capital improvements are not being made as expected;~~

~~(8) a question of consistency exists between the comprehensive plan and its elements and RCW 36.70A, the Countywide Planning Policies, or development regulations.~~

~~iii. Changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.~~

~~b. Regional: It is consistent with the Countywide Planning Policies, the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts.~~

~~4. Cumulative Effect: All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program,~~

~~neighborhood planning documents, adopted environmental policies, and other relevant implementation measures.~~

~~a. In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.~~

~~b. Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.~~

~~5. SEPA: SEPA review must be completed on all amendment proposals. When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.~~

~~6. Financing: Consistent with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of comprehensive plan amendments must be reflected in the relevant Six-Year Capital Improvement Plan(s) approved in the same budget cycle.~~

~~7. Public Benefit: The proposed changes will result in a substantial benefit to the public.~~

~~8. No Adverse Effect: The proposed changes will not have a significant adverse effect on the public.~~

B. Guiding Principles

The guiding principles of the annual process for comprehensive plan amendments are as follows:

1. Keep the comprehensive plan alive and responsive to the community.

2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a citywide basis and in conjunction with budget decisions.

3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.

4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.

5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.

C. ~~Major amendments: Timing, Criteria and Requirements~~

~~Starting in 2003, and thereafter no more often than once a year, the plan commission may recommend and the city council may adopt major amendments to the land use plan map, or the text of the comprehensive plan or land use code, upon finding that such changes are necessary in order to reflect the changing needs and priorities of the community. However, the Plan Commission and City Council reserve the right to postpone consideration of a major amendment proposal if they believe it is untimely or premature.~~

~~Qualifying amendments will reflect the following:~~

1. ~~Minor Amendment Criteria, Consistency: All of the criteria have been met for minor amendments. However, when shifting community values and priorities warrant substantial changes in the comprehensive plan and its supporting documents, a proposal may be considered that is *not* consistent with the comprehensive plan.~~
2. ~~Growth Management Monitoring Program: Results from various measurement systems demonstrate that a fundamental shift in the comprehensive plan is an appropriate response to changing conditions. Following are examples of the type~~
 - a. ~~Indicators listed above in B.3.a.ii(1) through (4) and (7);~~
 - b. ~~assumptions upon which the plan is based are found to be invalid; or~~
 - c. ~~sufficient change or lack of change in circumstances dictates the need for such consideration.~~
3. ~~UGA: When the proposal is for an adjustment to the Urban Growth Area (UGA), a review of densities and population growth trends must indicate that such a change is needed. The review shall conform to the requirements and guidelines contained in RCW 36.70A and the relevant Countywide Planning Policies. Urban growth boundaries may only be changed once every five years.~~

C. Amendments: Timing, Criteria

Starting in 2003, and thereafter no more often than once each year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan or land use code, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are *not* consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update

cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.

1. GMA: The change must be consistent with the goals and purposes of the state Growth Management Act.
2. Consistency: Unless the proposal is consistent with and implements the current version of the comprehensive plan and its supporting documents, adoption of the proposal must also include any other changes needed to regain overall compliance with GMA's requirement for internal and regional consistency.
3. Cumulative Effect: All amendments must be considered concurrently in order to evaluate their cumulative effects.
4. SEPA: SEPA review must be completed on all amendment proposals.
5. Adequate Public Facilities: The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services.
6. Public Benefit: The proposed changes must result in a net benefit to the general public.
7. No Adverse Effect: The proposed changes must not have a significant adverse effect on the public.

D. Required as Amendments

~~If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and Capital Facilities Program.~~

D. Review Guidelines

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, and by the plan commission and city council in determining whether a criterion for approval has been met.

1. Regulatory Changes: Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
2. Financing: In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the

relevant Six Year Capital Improvement Plan(s) approved in the same budget cycle.

3. Funding Shortfall: If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and Capital Facilities Program.
4. Internal Consistency: The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, Capital Facilities Program, Shoreline Master Program, Downtown Plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the Parks Plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.
5. Regional Consistency: All changes to the comprehensive plan must be consistent with the Countywide Planning Policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional Transportation Improvement Plan, and official population growth forecasts.
6. Consistent Amendments:
 - a. Policy Adjustments: Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:
 - i. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - ii. The capacity to provide adequate services is diminished or increased;
 - iii. Land availability to meet demand is reduced;
 - iv. Population or employment growth is significantly different than the plan's assumptions;

- v. Plan objectives are not being met as specified;
- vi. The effect of the plan on land values and affordable housing is contrary to plan goals;
- vii. Transportation and/or other capital improvements are not being made as expected;
- viii. A question of consistency exists between the comprehensive plan and its elements and Chapter 36.70A RCW, the Countywide Planning Policies, or development regulations.

b. Map Changes: Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:

- i. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
- ii. The map amendment or site is suitable for the proposed designation;
- iii. The map amendment implements applicable comprehensive plan policies better than the current map designation.

7. Inconsistent Amendments:

- a. Review Cycle: Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.
- b. Adequate Documentation of Need for Change: The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:
 - i. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;

- ii. The capacity to provide adequate services is diminished or increased;
 - iii. Land availability to meet demand is reduced;
 - iv. Population or employment growth is significantly different than the plan's assumptions;
 - v. Transportation and/or other capital improvements are not being made as expected;
 - vi. Conditions have changed substantially in the area within which the subject property lies and/or citywide;
 - vii. Assumptions upon which the plan is based are found to be invalid; or
 - viii. Sufficient change or lack of change in circumstances dictates the need for such consideration.
- c. Overall Consistency: If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.
8. Cumulative Effect: All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies, and other relevant implementation measures.
- a. Land Use Impacts: In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
 - b. Grouping: Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.
9. SEPA: SEPA review must be completed on all amendment proposals.
- a. Grouping: When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.

- b. DS: If a Determination of Significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required Environmental Impact Statement (EIS).
- 10. Adequate Public Facilities: The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
- 11. UGA: Privately initiated comprehensive plan amendment applications proposing changes to the Urban Growth Area (UGA) will only be accepted during those years when the Board of County Commissioners (BoCC) reviews all UGAs countywide. Urban growth boundaries will be revised at least once every five years, per CWPP 1.19. Since the BoCC is the sole agency authorized to change the UGA, the city council's role is merely to review those suggested changes and make recommendations to the BoCC. A review of densities and population growth trends must indicate that such a change is needed, and the review shall conform to the requirements and guidelines contained in Chapter 36.70A RCW and the relevant Countywide Planning Policies.

E. Amendment Exceptions

The following types of ~~comprehensive plan~~ amendments ~~can~~ may be considered more frequently than once a year, provided that all of the ~~requirements for minor amendments~~ criteria have been met, and appropriate steps have been taken to ensure public participation.

- 1. ~~Initial Adoption of Special Area Plans: For example, neighborhood and centers planning efforts through the Neighborhood Planning Program will result in new neighborhood planning documents.~~ Initial Adoption of a Specific/Subarea Plan that does not modify the comprehensive plan policies and designations applicable to the subarea:- (RCW 36.70A.130(2)(a)(i). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the Neighborhood Planning Program. Also, future annexations will require an amendment to the land use plan map.
- 2. Adoption or Amendment of a Shoreline Master Program.
- 3. Amendment of the Capital Facilities Program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a city budget.

4. Whenever an Emergency Exists. The Plan Commission will review a potential emergency situation, with advice from the City Council Attorney's Office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services.
5. Changes Necessary to Resolve an Appeal of a comprehensive plan filed with a growth management hearings board or with the court.
6. Changes Necessary to Address Any Recent State or Federal Legislative Actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
7. New Changes to Development Regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan may be adopted at any time.
8. Technical Corrections that would remove typographical errors or resolve a mapping error.

F. Rezones, Land Use Plan Map Amendment

1. A proposal for an area-wide or site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) may be considered at any time, subject to the application requirements of SMC 11.02.0448
2. Corresponding rRezones will be approved adopted concurrently with land use plan map amendments as a legislative action of the City Council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

G. Amendment Applications

1. Scope of Amendments: A proposed plan amendment may include additions, deletions, corrections, updates, modifications, or revisions to:

- a. comprehensive plan maps, goals and policies in the various elements, including the Capital Facilities Program and other supporting documents;
 - b. regulations that implement the comprehensive plan, including the land use code or zoning map, the Shoreline Master Program, and critical areas regulations;
 - c. administrative and regulatory procedures that implement the comprehensive plan; or
 - d. the comprehensive plan or its implementation measures, as necessitated by annexation actions.
2. Applicant: Any person or entity may apply for a comprehensive plan amendment.
3. Pre-Application: Prior to submitting an amendment proposal, a private applicant is required to schedule a pre-application conference by submitting the following:
- a. pre-application form, including a general summary of the nature of the desired change;
 - b. the pre-application fee as specified in SMC 8.02.
- 3.4. Application Components: A private applicant for a comprehensive plan amendment must submit the following documents and fees; ~~except that fees are not required for amendment applications that result from a neighborhood planning process.~~
- a. A general application;
 - b. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:
 - ii. Description of the nature and reason for the amendment request, including any specific suggestions for parts of the plan to be changed. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent or inconsistent with the current comprehensive plan, and any specific suggested changes to the plan or related documents. The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.

- ii. Statement of how the plan or zone change request is consistent with all of the applicable decision criteria.
- c. A completed SEPA checklist: A supplement is required for since all comprehensive plan amendments are considered non-project proposals.
- d. A notification district map;
- e. Fees: Full application fee (as specified in SMC 8.02) with credit given for the pre-application fee that has already been paid.
 - i. ~~An initial application fee of \$250.00 is due when the application is first submitted.~~
 - ii. ~~The full application fee (as specified in SMC 8.02) becomes due after the amendment proposal is approved for consideration by the City Council during the Screening Process, with credit given for an initial application fee that has already been paid.~~
 - i. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - ii. SMC 8.02.011C provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

H. Process for Application, Review and Decision:

- 1. ~~Application Deadline: Applications for amendment will be accepted anytime, but September 30 is the deadline in any year for accepting applications that will be reviewed in the following year. Consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal.~~
- 2. ~~Docketing: Planning staff docket each proposal as it comes in, and makes it available for public review.~~
- 3. ~~Initial Staff Review: Beginning in October of each year, Planning Dept. staff reviews the applications and solicits comments from other relevant departments and agencies in order to formulate the staff recommendation for which proposals to consider during that amendment cycle.~~
- 4. ~~Screening Process:~~
 - a. ~~City Plan Commission: The Plan Commission's recommendation, together with all amendment proposals, is forwarded to the City~~

~~Council by the end of November or within sixty (60) days of the application deadline. The Plan Commission formulates their recommendation for which proposals to consider during that amendment cycle based on factors such as the following:~~

- ~~i. Information contained in the application;~~
 - ~~ii. Staff recommendation;~~
 - ~~iii. Timeliness of the application (i.e., it was submitted before the deadline);~~
 - ~~iv. Whether there is sufficient time to review all applications;~~
 - ~~v. Potential to incorporate the proposal into planned or active projects;~~
 - ~~vi. Whether the geographic scope of a privately initiated amendment should be expanded in order to allow for consideration of nearby property, similarly situated property or area wide impacts; and~~
 - ~~vii. Whether further study is required before the Plan commission can determine if it would be appropriate to recommend the proposal for consideration. In the case of complex proposals, the Plan Commission may recommend that the review and decision period for a proposal either be extended or postponed until the following amendment cycle, as appropriate. (Also, the review and decision period for a proposal may be either extended or postponed until the following amendment cycle at the applicant's request.)~~
- ~~b. City Council: The City Council reviews all amendment proposals, considers the Plan Commission recommendation, and decides by the end of December which proposals will be considered during that amendment cycle. Their decision shall reflect the same decision criteria applied by the Plan Commission. In making their determination, they may choose to accept public input, but a public hearing is not required. The Council's decision at this stage is not subject to appeal. The selected amendment proposals are then returned to the Plan Commission and staff for full review and in-depth analysis.~~

1. Pre-application Form: Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.
2. Pre-application Conference: A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for

addressing the applicant's desired change. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their concern. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).

3. Deadline for Consideration: Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference. An application will not move ahead for further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30 will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31 if the applicant is seeking application certification by November 30. Applications that are certified complete after November 30 will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large-scale study is required in order to adequately assess a proposal.
4. Application Certification, Docketing: Within twenty-eight (28) days of receiving an amendment application, Planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 11.02.0380, A-E, H. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one hundred twenty (120) day review requirements of Chapter 36.70B RCW.)
5. Full Review, ~~SEPA~~: Following the City Council's screening decision, a Notice of Application is published, and full SEPA review and in-depth staff analysis begins December 1 for the selected those proposals certified complete by November 30. Priority of proposal review is based on ~~completeness of the application~~, and the applicant's timely compliance with notice requirements and provision of requested studies. Related proposals are reviewed in groups according to B4b-D8b and B5-D9a above. Based on findings from the SEPA review and staff analysis, the Plan Commission may require the applicant to conduct additional studies and/or community/neighborhood meeting(s). If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, consideration of those applications will be postponed until the next applicable amendment cycle.

6. ~~Notice of Application/SEPA: By mid-January or within fourteen (14) days of the Council's decision, staff sends the Notice of Application to the applicant. All notice requirements relative to Notice of Application (J2 or J3 below) must be completed by the end of January or within thirty (30) days of the Council's decision. By mid-December, staff sends the Notice of Application to the applicant. Applicants must complete all notice requirements (I4 or I5 below) by January 10. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the Planning Director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the Notice of Application reference all potentially affected sites.~~
7. Public Comment Period: The public comment period initiated by the Notice of Application may last up to sixty (60) days, depending on the complexity and number of applications. During this time period (usually ~~February and March~~ mid-January to mid-March), the ~~Plan Commission and staff may hold public workshops and open houses (in addition to other methods as outlined in Sections J and K below), and the~~ each applicant shall must present their proposal to representatives of the relevant all neighborhood councils related to each potentially affected site. As public comment letters are received, the Planning Dept. will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.
8. Plan Commission Consideration: Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence and hold public open houses during this time.
- 8.9. SEPA Determination: Within ten (10) days of the end of the public comment period, staff will complete the SEPA threshold determination, and mail a combined Notice of SEPA Determination and Notice of Plan Commission Hearing to those applicants with a notice duty. If studies required under SEPA cannot be completed by the end of the comment period, consideration of those applications may be postponed until the following amendment cycle. If a Determination of Significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required Environmental Impact Statement (EIS).

- ~~9-10.~~ Notice of SEPA and Hearing: The combined Notice of SEPA Determination and Notice of Plan Commission Hearing must be published by ~~mid~~early April or within seventeen (17) days of the end of the public comment period, and fourteen (14) days prior to the Plan Commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.
- ~~10-11.~~ Staff Report: Once the SEPA appeal period ends, the staff prepares ~~their~~ its final report, which addresses both SEPA and the merits of the amendment proposal. Copies of the report are mailed to the applicant as well as the plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington State Office of Community, Trade and Economic Development and other state agencies for their sixty (60) day review, per RCW 36.70A106, WAC 365-195-620, and section I9 below.
- ~~11-12.~~ Plan Commission Hearing: The Plan Commission's public hearing takes place after the SEPA appeal period has expired. The hearing will usually occur around the ~~end~~ middle of April, or within thirty-one (31) days of the end of the public comment period.
- ~~12-13.~~ Plan Commission Recommendation: The Plan Commission bases ~~their~~ its final recommendation on the review guidelines and required decision criteria for either minor or major amendments (as appropriate for the proposal), public input, conclusions from any required studies, the staff report, and findings from the SEPA analysis. The Plan Commission's findings and conclusions regarding ~~their final~~ its recommendation ~~on~~ amendment proposals are forwarded to the City Council within thirty (30) days of their hearing or by the ~~end~~ middle of May. The plan commission's recommendation may take the form of one of the following:
- a. approval based on support for the proposal and recognition that it is either consistent with the comprehensive plan and/or that enough evidence was presented to justify the need for the change.
 - i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to

expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.

b. Denial for the following reason(s):

i. The proposal does not comply with the review guidelines or decision criteria.

ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.)

iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. This could be for a variety of reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.

~~13-14.~~ City Council: The City Council considers the amendment proposals, staff report, and Plan Commission's final amendment recommendations within the context of their its budget discussions, and acts on the amendment proposals prior to or at the same time as they it adopts the city budget. The Council may decide to approve, approve with conditions, modify, continue consideration of, or deny an amendment proposal. The Council may also remand the proposal back to the Plan Commission for further consideration, in which case the Council shall specify the time within which the Plan Commission shall report back with its findings and recommendations on the matter referred to it. If the Council wishes to substantially modify the proposal before adopting it, the Council may hold an additional hearing on the modified version. The Council's decision shall reflect the same decision criteria applied by the Plan Commission, as indicated by comments in the Council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearing are official amendments to the Comprehensive Plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.

15. Changes Made: As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

I. Notification

1. Application Deadline: ~~As applications are accepted all year long, there is no requirement to publish a notice of the application deadline. As a courtesy, the city will publish a reminder notice once in early January and again in early September regarding each year's amendment application deadlines.~~
2. Private Applicant: A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- ~~3. Community Meetings: When community meetings are required for comprehensive plan map or area-wide rezone amendment proposals notice shall be provided by the private applicant. Individual notice, posted notice, and legal notice in the newspaper are required, as specified in SMC 11.02.0530, SMC 11.02.0540, and SMC 11.02.0545.~~
- 4.3. Text changes: Notice of Application and notice of Plan Commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper and notice in the Official Gazette. Publication of notice of application shall occur between January 2 and January 10. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- ~~5.4.~~ Map changes: Notice of Application and notice of Plan Commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper and notice in the Official Gazette. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 11.02.0530, SMC 11.02.0540, and SMC 11.02.0545. Publication and individual notice of the Notice of Application shall occur between January 2 and January 10. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the Notice of Public Hearing to the Planning Services Department at least 10 days prior to the hearing.

- 6.5. City Council Hearing: Notice of City Council hearings require only notice must be published in the Official Gazette, and should also be published as a legal notice in the newspaper.
- 7.6. City Council Decisions: City Council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only requires notice in the Official Gazette. They do not require individual notice, even if numerous map changes could result from such an amendment. However, ~~t~~The City Council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 11.02.0550.
- 8.7. Duration, Content of Notice: Notice of Plan Commission public hearings shall be published at least 14 days in advance of the hearing. Notice of City Council public hearings must ~~appear in the Official Gazette~~ be published at least 14 days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request.
- 9.8. Transmittal to State, Notice of Intent to Adopt: At least sixty (60) days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington State Office of Community, Trade and Economic Development (CTED) as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions, for their review and comment. In addition, copies of adopted amendments must be transmitted to CTED within ten (10) days after final adoption. (RCW 36.70A.106, WAC 365-195-620)
9. Supplemental Notice: In order to make all efforts to notify related parties, supplemental notification methods should be utilized, as appropriate, such as:
- a. Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - b. Placing notices in appropriate regional, neighborhood, ~~ethnic~~ foreign language, or trade journals; and
 - c. Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

10. Who to Notify: Depending on the nature of particular applications, the Plan Commission may decide to require additional notice procedures that are reasonably calculated to provide notice of proposed amendments to comprehensive plans and development regulations to any of the following groups:
 - a. Property owners, residents, and building occupants;
 - b. Other affected and interested individuals;
 - c. Tribes;
 - d. Government agencies;
 - e. Businesses;
 - f. School districts; and
 - g. Organizations.

J. Public Participation Program

1. Roles: ~~All proposed changes~~ complete applications for amendment to the comprehensive plan are considered and reviewed by the Plan Commission and City Council. Depending on the content, scope, or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.
2. Goals: Various public meetings, forums, presentations, and outreach may be conducted in order to ensure:
 - a. broad dissemination of proposals and alternatives,
 - b. opportunity for written comments,
 - c. public meetings after effective notice,
 - d. provision for open discussion,
 - e. communication programs,
 - f. information services, and
 - g. consideration of and response to public comments.
3. Strategies and Methods: In addition to Plan Commission and City Council public hearings on amendment proposals, specific public participation strategies and methods should include, as appropriate:
 - a. efforts to involve the broadest cross-section of the community,

- b. a series of public meetings or workshops should be held at various locations,
 - c. opportunity to make written comment,
 - d. a variety of communication programs and information services, such as information packets, brochures, and a speakers bureau,
 - e. drafts of proposals and alternatives should be reproduced and made available to the public at the Planning Department offices, public libraries, and the Planning Department's website,
 - f. notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media.
 - g. all public meetings and hearings should be free and open. Anyone who wants to should be able to speak at a hearing.
4. ~~Community/Neighborhood Meetings: (a)~~ Since all proposals are required to be consistent with any adopted Neighborhood Plan or Center Plan, persons proposing site-specific amendments are encouraged to address these through the Neighborhood Planning process. If the affected area currently has no existing neighborhood or Center planning group, the applicant should meet with whatever representative body already exists (e.g., Neighborhood Council, or CDBG Steering Committee).
- ~~b. If a community/neighborhood meeting is required, documentation of that meeting shall be submitted to the Plan Commission. Documentation shall include but is not limited to a summary of the community meeting, consisting of a taped audio recording of the meeting, a list of attendees, and a copy of the meeting notice.~~
5. Consideration of and Response to Public Comments: All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.
6. SEPA: Every effort should be made to incorporate public involvement efforts into the SEPA process.
7. Emergencies: Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation.

Section 4. If any provision of the SMC conflicts with SMC 11.02.100, the provisions of SMC 11.02.100 shall prevail.

Passed by the City Council on _____, 2003.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date