RESOLUTION NO. 2012/020

A RESOLUTION BY THE MONROE CITY COUNCIL ADOPTING COMPREHENSIVE PLAN AMENDMENT PROCEDURES AND REPEALING RESOLUTIONS 2005/006, 2011/007, and 2011/021

WHEREAS, RCW 36.70A (the Growth Management Act – GMA) requires a broadly disseminated public participation program that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body; and,

WHEREAS, the GMA requires early and continuous public participation in the development and amendment of comprehensive plan land use plans and development regulations implementing such plans; and

WHEREAS, the City of Monroe adopted Resolutions 2005/006, 2011/007, and 2011/021 to comply with this requirement; and,

WHEREAS, the City Council desires to expedite the review of Comprehensive Plan amendments while still ensuring early and continuous public participation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE HEREBY RESOLVES AS FOLLOWS:

Resolutions 2005/006, 2011/007, and 2011/021 are hereby repealed and replaced by the following Comprehensive Plan Amendment Procedures:

City of Monroe
Comprehensive Plan Amendment Procedures

Overview

The Annual Comprehensive Plan Amendment Process (the Process) provides an opportunity to refine and adjust the Comprehensive Plan (the Plan) and to monitor and evaluate the progress of the implementation strategies and polices incorporated therein.

RCW 36.70A.130 – Growth Management addresses comprehensive plan amendments. Comprehensive plans may be amended no more than once a year, except for certain exemptions and "emergencies." The following amendments may be considered more frequently than once a year:

- Initial adoption of a sub-area or neighborhood plan(s) that does not modify the comprehensive plan policies and designations applicable to the subarea
- Adoption or amendment to a shoreline management program;
- An emergency exists (as defined by the City of Monroe);
- Resolution of an appeal of a comprehensive plan filed with a Growth Management Hearings Board or with a County, State or Federal court;

- An Amendment of the Capital Facilities element of the Comprehensive Plan that occur concurrently with the adoption or amendment of the city budget.

The Process is the vehicle by which the City and other public agencies, private owners, developers, community groups or individual citizen request changes to the land use designation of property and/or propose changes to the elements, goals and policies of the Plan. The Process may include the review of proposed expansions to the Urban Growth Area, allowing the City to evaluate the necessity for further urban expansion and growth. The Process affords the opportunity to adjust the Plan based on changing conditions and community needs.

In the Process, the Planning Commission and City Council shall consider current development trends to determine the City's progress in achieving economic, land use, and housing goals established in the Plan. Information which could be considered includes vacant land absorption, residential versus commercial development, amounts and values of non-residential construction, number and types of housing units authorized by building permit, effect of changes to adopted functional plans in the community, as well as activity levels in such processes as subdivision approvals, annexations, and building permits. Other information, which should be considered, includes the current capacity status of major infrastructure systems for which levels of police, fire, school, and park and recreational services are being provided. The Process also includes monitoring of overall population growth and relative comparison with the forecast growth projections contained in the Plan and the inclusion of updated projections where appropriate.

Amendments may propose new or amend existing sections, elements, appendices, goals and/or policies of the plan; be site specific; correct errors; edit language; adopt by reference; or change the map.

Except in the event of an emergency or other exemption allowed by State law, as determined by the City Council, by resolution, Plan amendments will be considered on an annual basis so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the remainder of the Plan.

All plan amendments will follow the requirements for public participation in accordance with RCW 36.70A.140.

Annual Review and Plan Amendment Procedures

Amendment Schedule

The Process is designed to be flexible to accommodate unique conditions such as the nature, complexity, or number of plan amendment requests received in a review period. The public can submit requests for amendments at any time; however, they will only be processed in accordance with these procedures once a year and conform to the following generalized schedule:

- May and June: City issues press releases, advertisements or other "effective" means of public notice soliciting public requests for comprehensive plan amendment applications.

- Last working day in July: The annual deadline for public submittals (including fees) of proposed plan amendments closes. Citizen-initiated plan amendment requests submitted after the last working day in July of each year will be processed during the following review and amendment cycle.
- August: City staff forwards all amendment requests to the City Council. The City Council will hold a public hearing ,including a presentation by the applicants, on the proposed items for the Docket and select which amendment applications, with or without modifications, should be considered, along with a review schedule.
- September/October: City staff will begin review, analysis, and evaluation of docketed plan amendment proposals, including the SEPA threshold determination.
- November : Staff presents the various amendment applications and analysis to the Planning Commission at a Public Hearing.
- December-March Planning Commission reviews amendment applications and develops necessary Plan amendments. Planning Commission solicits public input through meetings and public hearings.
- April: The Planning Commission holds a Public Hearing on the final proposal and forwards their recommendation to the City Council.
- May City Council considers recommendations and holds first reading of ordinance. Staff also forwards recommended plan amendments to Department of Commerce.
- May-July Department of Commerce mandatory 60-day review period.
- July: City Council takes final action on the Plan amendments. Staff will transmit the approved amendments to Department of Commerce within 10 days of Council adoption.

All Plan amendment proposals shall be considered concurrently so that their cumulative impacts can be ascertained. The above schedule can be modified based on the number and complexity of the requested amendments.

Emergency Plan Amendment Consideration

The Plan may be amended outside the normal schedule if findings are adopted by the City Council (in resolution form) showing the amendment is necessary, due to an emergency situation of a neighborhood or citywide significance. The nature of the emergency shall be explained to the Council, after which the City Council shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule.

Plan amendments related to annexation may be considered during the normal annexation process and need not necessarily be coordinated with the annual Plan amendment schedule.

Procedures

Phase I – Selection of Amendments to be considered

I. Who may propose an amendment:

Any interested person.

II. When to propose an amendment:

Proposed amendments may be submitted at any time during the year. However, amendments proposed by the public after the last working day in July will not be considered until the following amendment cycle.

The amendment cycle shall be no more frequent than once a year, except when the amendment is one of the following:

1. Initial adoption of a sub-area plan that does not modify the comprehensive plan policies and designations applicable to the subarea;
2. Adoption or amendment of a shoreline master program under procedures of chapter 90.58 RCW.
3. Resolution of an appeal filed with the Growth Management Hearings Board or with a judicial court.
4. An emergency exists as defined above.

III. How to propose an amendment.

A proposed amendment must be submitted in writing to the City of Monroe on the appropriate city form. The proposed amendment application shall consist of at least the following information, and be consistent with the Citizen Initiated Comprehensive Plan Amendment Application and Submittal Checklist:

1. A description of the proposal, including any relevant background material including an environmental checklist. If a request to amend the Comprehensive Plan Land Use Map is selected for consideration during the review cycle, additional information may be required to be submitted including, but not limited to, additional environmental review, traffic study, and utilities analysis.
2. Reference to the element(s) of the comprehensive plan that is proposed for amendment;
3. Proposed amendment language, when applicable;
4. An explanation of why the amendment is being proposed;
5. A description and/or map of the property affected by the proposal; and
6. The appropriate fee, as listed in the Fees Resolution in place at the time of application submittal.

IV. Selection of amendments to be considered.

A. Selection Process. City of Monroe staff will submit all proposed amendments received prior to the last working day in July, to the City Council at the second council meeting in August along with an analysis of the proposed amendment in relation to the selection criteria and the application checklist. After holding a public hearing during the third council meeting of August, the City Council shall select those proposed amendments that should be considered for further review. Notification of all public hearings shall be in the same manner as for development applications as outlined in MMC Chapter 21 (Development Review Procedures). The City Council may modify a proposed amendment during the selection process.

B. Selection Criteria. The City Council should consider the following criteria when determining which proposed amendments that should be considered for further review:

(1) The proposed amendment advances the Council's vision of the City.

(2) The proposed amendment advances goals and policies of the comprehensive plan;

(3) The proposed amendment is consistent with the goals and regulations of the Growth Management Act;

(4) The relationship of the proposed amendment to other City codes and regulations; and

(5) The cumulative effect(s) of the proposed plan amendment(s).

C. Schedule. When selecting the proposed amendments to be considered, the City Council will adopt a schedule for completion, including any input from the public and the Planning Commission.

D. Modification. The City Council may modify a proposed amendment during the selection process.

Phase II – Review and Action for Selected Amendments

1. Review of Selected Amendments.

A. Written Analysis. For each proposed amendment that the Council selects for consideration, the Planning & Permitting Division will prepare a written analysis.

B. Environmental Review. In conjunction with the written analysis the city's SEPA Responsible Official shall issue a threshold determination no later than the fourth Thursday of October.

C. Planning Commission Review. Following completion of the analysis prepared by the Planning & Permitting Division, the Planning Commission shall conduct one or more public hearings. The Planning Commission may also solicit comments regarding the proposed amendment from the public and government agencies in any other manner it determines necessary and appropriate to the nature of the proposed amendment and consistent with RCW 36.70A.140. The Planning Commission shall develop language for

definitions, polices and goals, and provide recommendations for proposed amendments. All input of the Planning Commission requested by the City Council shall be submitted according to the schedule established in Phase I(4)(C) above.

D. Review Criteria. The Planning Commission shall use the following criteria in considering whether or not to recommend approval or approval with modification of the proposed Plan amendment::

(1) Each amendment:

a. Shall not adversely affect public health, safety, or welfare in any significant way.

b. Shall be consistent with the overall goals and intent of the comprehensive plan as amended by the proposals.

c. Shall be in compliance with the Growth Management Act and other State and Federal laws.

d. Must be weighed in light of cumulative effects of other amendments being considered.

(2) In addition to the above mandatory requirements, any proposed amendment must meet the following criteria unless compelling reasons justify its adoption without meeting them:

a. Addresses needs or changing circumstances of the City as a whole or resolves inconsistencies between the Monroe Comprehensive Plan and other city plans or ordinances.

b. Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.

c. Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.

d. Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.

e. Is consistent with other plan elements as amended by the proposals.

Any compelling reasons relied upon to justify adopting an amendment without meeting the above criteria must be specified in the ordinance adopting the amendment. When an amendment to the Comprehensive Plan also requires a subsequent rezone or amendment to the development regulations both may be considered concurrently.

2. Council Public Hearing and Notice.

The City Council will review the recommendation of the Planning Commission and may hold a public hearing for the purpose of receiving public comment regarding the merits of proposed amendment(s). Notice of the hearing will be given in the same

manner as notice of other City Council hearings pursuant to Title 21 MMC. Written comments may be given by anyone to the City Council regarding proposed plan amendments prior to the end of the public hearing(s).

3. Council Action.

   Upon receipt of a recommendation from the Planning Commission, the City Council shall adopt, adopt as modified, deny, or remand the application(s) to the Planning Commission for further consideration.

4. Map Revisions.

   If the City Council approves a change to the Comprehensive Plan that changes the land use designation of parcels within the Urban Growth Area, the City Council shall adopt an ordinance that amends the Comprehensive Plan Land Use Map and authorizes the Mayor to sign the revised map.

5. Revocation.

   The comprehensive plan amendment may be reversed by the City Council outside of the regular amendment period, upon finding of any of the following:

   A. The approval was obtained by fraud or other intentional or misleading representation;

   B. The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the comprehensive plan and City ordinances; or

   C. The amendment is being implemented in a manner that is detrimental to the public health or safety.

6. Appeals.

   State law governs the appeal process of a City Council decision on a comprehensive plan amendment(s).

7. Transmittal to State.

   The City DCD will transmit a copy of each proposed amendment of the Plan to the State of Washington Department of Commerce at least sixty (60) days prior to the expected date of final Council action on proposed amendments. The City DCD will then transmit a copy of all adopted amendments to Department of Commerce within ten (10) days after the adoption by the Council.

PASSED and APPROVED by the Mayor and City Council of the City of Monroe, Washington, at a regular meeting held this 17th day of July, 2012.

CITY OF MONROE, WASHINGTON

Robert G. Zimmerman, Mayor

ATTEST:

Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

J. Zachary Lell, City Attorney