

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Sylvia Goodwin	SG	12/1/97	RECEIVED DEC 03 1997 WHATCOM COUNTY COUNCIL	12/9/97	Council Introduction
Commission Head: Sylvia Goodwin	SG			1/13/97	Hearing
Dept. Head: Michael Knapp	MK	12/1/97			
Prosecutor:	SNF	12/2/97			
Purchasing/Budget:					
Executive:	PK	12-2-97			

SUBJECT: File Reference: 15-97:ZT A zoning text amendment to amend the Official Whatcom County Zoning Ordinance, WCC 20.10 regarding Comprehensive Plan amendments.

ATTACHMENTS: Proposed Ordinance

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

Related County contract #: n/a	Should Clerk schedule a hearing? NO / / YES /x / Requested date: January 13, '98
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES /X / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

The request is to adopt an ordinance to revise the procedure and schedule for processing Comprehensive Plan amendments.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council adopt the proposed ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 1997 - 410 12/9/97: Introduced
- 1/13/98: Public Hearing Held. Held In Committee
- 2/10/98: Adopted 7 - 0. Ord. #98-011

SPONSORED BY: Consent
PROPOSED BY: P&DS
INTRODUCTION DATE: 12/9/97

ORDINANCE NO. 98-011

AN ORDINANCE ESTABLISHING TIME LINES AND PROCEDURES FOR SUBMITTAL, INITIATION, REVIEW AND APPROVAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS.

1 **WHEREAS**, The Whatcom County Comprehensive Plan under the State Growth
2 Management Act was adopted on May 20, 1997; and

3 **WHEREAS**, RCW 36.70A.130 requires the County to establish procedures whereby
4 proposed amendments or revisions of the Comprehensive Plan are considered no more frequently
5 than once every year except in certain circumstances; and

6 **WHEREAS**, RCW 36.70A.130 allows consideration of Comprehensive Plan amendments
7 more than once a year under the following circumstances: initial adoption of subarea plans,
8 adoption of amendments of a shoreline master program, amendment of the capital facilities
9 element of a comprehensive plan that occurs concurrently with the adoption or amendment of a
10 county or city budget, when an emergency exists, or to resolve an appeal of a Comprehensive Plan
11 to the Growth Management Hearings Board; and

12 **WHEREAS**, RCW 36.70A.470 requires the County to include in its development regulations
13 a procedure for any interested person to suggest Plan or development regulation amendments and
14 requires that those suggested amendments are docketed and considered on at least an annual
15 basis, consistent with RCW 36.70A.130; and

16 **WHEREAS**, RCW 36.70A.106 requires transmittal of proposed Plan amendments to the
17 State Department of Community, Trade and Economic Development in the same manner as initial
18 plans and regulations; i.e., the County must notify the department of its intent to adopt such plans
19 or regulations at least 60 days prior to County adoption; and

20 **WHEREAS**, the annual review and evaluation of proposed Comprehensive Plan
21 amendments can consume considerable time and resources of Whatcom County Staff, the
22 Planning Commission and the County Council; and

23 **WHEREAS**, the public hearing and review process also consumes considerable time and
24 resources of concerned citizens; and

25 **WHEREAS**, the adoption of amendments to the Comprehensive Plan is a legislative matter
26 and the Council, at their discretion and subject to legislative rules, decides which amendments to
27 consider and which to approve; and

28 **WHEREAS**, the Council finds that exercising the discretion to determine which amendment
29 to consider by pre-screening of amendment proposals initiated by citizens has the potential to
30 reduce the expenditure of time and effort by staff and concerned citizens on amendment proposals
1 that have little chance of approval by the County Council; and

32 **WHEREAS**, the Council finds that establishing time frames and procedures for amending
33 the Comprehensive Plan is necessary to protect the public health, safety, and welfare, and protect
34 the public interest

35 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

36 **Section 1.** A new Chapter 20.10 titled Comprehensive Plan Amendments is hereby added to the
37 Whatcom County Code to read as set forth in Section 2 below.

38 **Section 2.**

39 **Chapter 20.10 Comprehensive Plan Amendments**

40 Sections:

41 20.10.010 Statutory Authority.

42 20.10.020 Purpose.

43 20.10.030 Types of plan amendments defined.

44 20.10.040 Council adoption of Comprehensive Plan amendments.

45 20.10.050 Docketing of suggested Plan amendments.

46 20.10.060 Applications for Comprehensive Plan amendments.

47 20.10.070 Initiation of Comprehensive Plan amendments excluding emergency amendments.

48 20.10.080 Initiation of emergency Comprehensive Plan amendments.

49 20.10.090 Review and evaluation of Comprehensive Plan amendments - Staff Report.

50 20.10.100 Review and evaluation of Comprehensive Plan amendments - Planning Commission.

51 20.10.110 Review and evaluation of Comprehensive Plan amendments - County Council.

52 20.10.120 Review schedule.

53 20.10.130 Transmittal of Comprehensive Plan amendments to the State.

54 **20.10.010 Statutory Authority**

55 The Growth Management Act (GMA) requires that an adopted Comprehensive Plan shall
56 be subject to continuing review and evaluation and that any amendments or revisions to the
57 Comprehensive Plan conform to the requirements of Chapter 36.70A RCW, and that any changes
58 to development regulations or official controls are consistent with and implement the
59 Comprehensive Plan (RCW 36.70A.130(2)). Additionally, GMA requires that the County establish
60 procedures whereby proposed amendments or revisions of the Comprehensive Plan are
61 considered by the County Council no more frequently than once every year except that
62 amendments may be considered more frequently under the following circumstances: (1) the initial
63 adoption of a subarea plan; (2) adoption or amendment of a shoreline master program; and (3) the
64 amendment of the capital facilities element of a comprehensive plan that occurs concurrently with
65 the adoption or amendment of a county or city budget. Proposals must also be considered by the
66 County Council concurrently so the cumulative effect of the various proposals can be ascertained.
67 However, Plan amendments that conform to the GMA may be adopted whenever an emergency

68 exists or to resolve an appeal of the Comprehensive Plan with a Growth Management Hearings
69 Board or the court.

70 **20.10.020 Purpose**

71 The purpose of this ordinance is to define the types of Plan amendments and establish time
72 lines and procedures to be followed when proposals are made for amending or revising the County
73 Comprehensive Plan.

74 **20.10.030 Types of plan amendments defined.**

75 (1) "Area-wide land use reclassification amendments" means a proposed change or revision
76 to the Comprehensive Plan Land Use Map that affects a number of properties under various
77 ownerships. An area wide reclassification is generally comprehensive in nature, deals with
78 homogeneous communities, is geographically distinctive, or has unified interest within the County,
79 such as community plan areas.

80 (2) "Capital Facilities Element amendment" means a proposed change or revision to the Capital
81 Facilities Element of the Comprehensive Plan that affects capital budget decisions.

82 (3) "Comprehensive Plan amendment" means an area-wide, or site specific land use
83 reclassification amendment, Capital Facilities Element amendment, emergency amendment, text
84 amendment or urban growth area amendment to the Comprehensive Plan.

85 (4) "Emergency amendment" means a proposed change or revision to the Comprehensive Plan
86 that arises from a situation that necessitates expeditious action to preserve the health, safety or
87 welfare of the public; or to support the social, economic or environmental well being of the county
88 or region. Emergency amendments may be reviewed and acted upon outside the annual
89 amendment review cycle. Emergency amendments may be adopted by Emergency ordinance
90 pursuant to Section 2.40 of the Whatcom County Charter when immediate rather than expeditious
91 action is required.

92 (5) "Site specific land use reclassification amendments" means a proposed change or revision
93 to the Comprehensive Plan Land Use Map that affects a small number of properties generally
94 under one ownership and is usually accompanied by a rezone request. A site specific
95 reclassification is generally limited in scope and area. Individually, site specific reclassifications
96 generally result in only minor changes to the land use map. However, the cumulative results of
97 many such reclassification can be significant.

98 (6) "Text amendments" means a proposed change or revision in the text of any element of the
99 Comprehensive Plan including revisions to the goals, policies, objectives, principles or standards
100 of the plan.

101 (7) "Urban Growth Area amendments" means a change or revision to an Urban Growth Area
102 boundary as adopted by the Comprehensive Plan including both County Urban Growth Areas and
103 those associated with Cities.

104 **20.10.040 Council adoption of Comprehensive Plan amendments**

105 (1) Comprehensive Plan amendments, except for amendments adopted by emergency
106 ordinance pursuant to the section 2.40 of the Whatcom County Charter, shall be adopted by
107 ordinance only after review by the Planning Commission including a public hearing and after a
108 recommendation by the Planning Commission has been submitted to the Council for its
109 consideration. All initiated amendments to the Comprehensive Plan with the exception of
110 Emergency amendments, Shoreline Master Program Amendments, and the initial adoption of a

111 subarea plan shall be considered by the Council concurrently and no more frequently than once
112 a year.

113 (2) The Council shall complete their review and take action on comprehensive plan
4 amendments, other than emergency amendments, Shoreline Master Program Amendments, and
115 the initial adoption of a subarea plan, prior to or concurrent with the adoption of the County's
116 Annual Budget; provided that the Council may approve amendments to the capital facilities element
117 of the comprehensive plan outside the annual review process if adopted concurrently with the
118 adoption of an amendment to the County Budget.

119 (3) Urban Growth Area Comprehensive Plan amendments shall be reviewed for consistency
120 with any executed interlocal agreements for joint planning between the County and any City or town
121 prior to adoption.

122 **20.10.050 Docketing of suggested Comprehensive Plan amendments.**

123 (1) The Department of Planning and Development Services shall keep a docket of suggested
124 plan amendments submitted by interested citizens, hearing examiner, County staff, and County
125 board or commission members. The docket shall include the following:

- 126 (a) Docket Number;
- 127 (b) Name and Address of the person or agency proposing the Plan amendment;
- 128 (c) Type of amendment being proposed and description of the amendment;
- 129 (d) Date of proposed amendment;
- 130 (e) Section, Township and Range of affected area, if applicable;

131 (2) A completed application form described in 20.10.060 shall be on file for all docketed
132 amendment proposals.

133 (3) The docket and application files shall be available to the public for review during normal
134 business hours.

135 (4) The County Council shall consider the proposed amendments on the docket on an annual
3 basis during the pre-initiation phase of the amendment cycle (January 1 to March 1) for potential
57 initiation.

138 **20.10.060 Applications for suggested Comprehensive Plan amendments.**

139 (1) Applications for suggested Comprehensive Plan amendments shall include at least the
140 following information:

- 141 (a) A description of the Comprehensive Plan amendment being proposed including
142 proposed map or text changes;
- 143 (b) An explanation of how the Comprehensive Plan amendment conforms to the
144 requirements of the GMA and is consistent with the County-Wide Planning Policies for
145 Whatcom County.

146 (2) The Department of Planning and Development Services may prescribe additional
147 information requirements and provide forms for proposed Comprehensive Plan Amendments.

148 **20.10.070 Initiation of Comprehensive Plan amendments excluding emergency**
149 **Amendments.**

150 (1) Comprehensive Plan amendments, excluding emergency amendments, shall be initiated
151 by a resolution of the County Council adopted by majority vote.

152 (2) The following amendment proposals shall be deemed initiated and included in the
153 Resolution that initiates Comprehensive Plan Amendments:

- 154 (a) Amendment proposals that the Council approves for initiation from those proposed

155 amendments listed in the Docket of Proposed Comprehensive Plan Amendments.
156 (b) Comprehensive Plan Amendments proposed by council members that the Council
157 approves for initiation.
158 (c) Docketed amendment proposals timely submitted by the County Executive.
159 (d) Docketed amendment proposals timely submitted by Cities.
160 (3) The Resolution setting the list of Comprehensive Plan amendments initiated for the annual
161 amendment cycle shall be forwarded to the Department of Planning and Development Services.
162 Upon receipt of the resolution, the Department shall publish the resolution in a newspaper of
163 general circulation, make copies available to the public and begin the process for the review and
164 evaluation of the proposed amendments as set out in 20.10.090 of this Chapter.

165 **20.10.080 Initiation of emergency Comprehensive Plan amendments.**

166 (1) Emergency Amendments shall be initiated by Resolution approved by a two-thirds majority
167 vote of the Council upon a finding that a situation exists that necessitates expeditious action to
168 preserve the health, safety or welfare of the public; or to support the social, economic or
169 environmental well being of the county or region.
170 (2) Emergency Amendments so initiated shall be forwarded to the Department of Planning and
171 Development Services who shall immediately begin processing the initiated amendment in the
172 manner set forth for the processing of Comprehensive Plan Amendments provided that the
173 schedule set forth in 20.10.120 shall not apply.
174 (3) In conducting their review and evaluation, the Department of Planning and Development
175 Service and the Planning Commission shall each endeavor to perform their responsibilities
176 expeditiously while assuring appropriate public participation.
177 (4) The Emergency amendment process may also be used to process an amendment for the
178 purpose of resolving an appeal of the comprehensive plan filed with the growth management
179 hearings board or with the court.
180 (5) Nothing in this section shall be construed to the limit the authority of the Council to adopt
181 an emergency amendment to the Comprehensive plan by emergency ordinance as provided in
182 Section 2.40 of the Whatcom County Charter.

183 **20.10.090 Review and evaluation of Comprehensive Plan amendments - Staff Report.**

184 (1) The Department of Planning and Development Services shall conduct environmental review
185 under SEPA and prepare a report including recommendations on all initiated Comprehensive Plan
186 amendments and forward both the report and the result of the environmental review to the Planning
187 Commission.
188 (2) The report shall evaluate the merits of each initiated amendment based on each of the
189 following as applicable:
190 (a) whether the initiated amendment conforms to the requirements of GMA, is internally
191 consistent with the Plan and is consistent with County-Wide Planning Policies and any
192 interlocal planning agreements executed pursuant to the GMA;
193 (b) the anticipated effect upon the rate or distribution of population growth, employment
194 growth, development, and conversion of land as envisioned in the Plan;
195 (c) the anticipated effect upon the ability of County and/or other service provider, as
196 applicable, to provide adequate public facilities including transportation facilities;
197 (d) anticipated effect upon critical areas and resource lands;
198 (e) other anticipated effects on the Comprehensive Plan, its policies and objectives that
199 in the opinion of the Department warrant consideration by the Planning Commission.

200 **20.10.100 Review and evaluation of Comprehensive Plan amendments - Planning**
201 **Commission.**

202 (1) The Planning Commission shall receive the Staff's findings and recommendations for the
203 initiated amendments and shall establish a public comment period during which a public hearing(s)
204 on the amendments will be scheduled. All amendments shall be considered concurrently.
205 However, separate hearings may be conducted on one or more of the amendments at a time, at
206 the discretion of the Commission.

207 (2) At the conclusion of the public comment period, the Commission shall evaluate the merits
208 of each amendment in relationship to County Wide Planning Policies and the Goals and Objectives
209 of the Comprehensive Plan and shall make a recommendation to the County Council as to whether
210 the amendment should be approved, approved with modifications or denied. The Planning
211 Commission shall then cause written findings and recommendations to be prepared for each
212 amendment. The written findings and recommendation shall be forwarded to the County Council
213 in the form an ordinance(s) for its consideration.

214 **20.10.110 Review and evaluation of Comprehensive Plan amendments - County Council.**

215 (1) The County Council shall receive the Planning Commission's findings and recommendations
216 on the initiated comprehensive plan amendments. The Council shall consider the Planning
217 Commission's recommendations concurrently and may schedule such additional public hearings
218 as the council deems necessary to serve the public interest.

219 (2) If, after deliberating, the Council believes the public interest may be better served by
220 departing from the recommendation of the Planning Commission on an initiated amendment, the
221 Council shall conduct a public hearing on that amendment.

222 **20.10.120 Review schedule.**

223 The following schedule for the annual review of Comprehensive Plan Amendments is hereby
224 established:

- 225 (1) Submittal Deadline for Amendment Proposals: December 31st.
226 (2) Council Resolution Initiating Amendments: On or about March 1st.
227 (3) Staff Report and Recommendation to Planning Commission: On or about June 1st.
228 (4) Planning Commission Action on initiated Amendments: On or about July 31st.
229 (5) Planning Commission Findings and Recommendations submitted to County Council: On
230 or about September 1st.
231 (6) County Council Final Action on initiated Amendments: On or about November 31st.

232 **20.10.130 Transmittal of Comprehensive Plan amendments to the State.**

233 Pursuant to RCW 36.70A. 106(3) the Department of Planning and Development Services
234 shall notify and transmit copies of initiated Comprehensive Plan amendments to the Washington
235 State Department of Community, Trade and Economic Development at least 60 days prior to
236 anticipated action on the initiated amendments. For the purposes of this ordinance, Planning and
237 Development Services shall transmit copies of the initiated amendments at the time Planning and
238 Developments Services issues their staff report to the Planning Commission. Planning and
239 Development Services shall send a second transmittal with the Planning Commission's
240 recommended amendments at the time the Planning Commission issues its recommendation to
241 the County Council.

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Section 3. Severability.

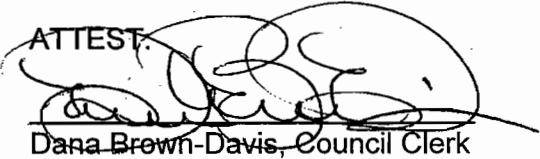
Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

246

ADOPTED this 10 day of February, 1998

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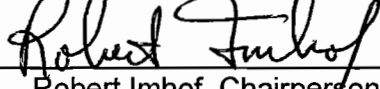
ATTEST:



Dana Brown-Davis, Council Clerk

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Robert Imhof, Chairperson

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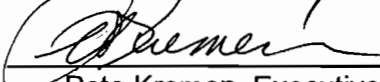
APPROVED as to form

Approved Denied

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Karen Frakes, Civil Deputy Prosecutor



Pete Kremen, Executive

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Date: 2.23.98