Ordinance No. 3237

(Amending or Repealing Ordinances)

CFN=377 – Comprehensive Plan
Passed 7/5/1995
Adding a new chapter 12.02

Amended by Ord. 3650 & 3722
Amended by Ord. 3847 (Repealed Secs. 12.02.070; .080 & 12.02.100)
ORDINANCE NO. 3237

AN ORDINANCE of the City Council of Kent, Washington, adding a new chapter of the Kent City Code establishing procedures for amendments to the City of Kent Comprehensive Plan.

WHEREAS, in 1990 the Washington State Legislature adopted the Growth Management Act (GMA), which requires jurisdictions throughout the State of Washington, including the City of Kent, to prepare and adopt comprehensive plans under the guidelines and policies set forth in the Act; and

WHEREAS, the Kent City Council adopted the City of Kent Comprehensive Plan on April 18, 1995; and

WHEREAS, the GMA states that each comprehensive land use plan shall be subject to continuing evaluation and review by the city upon adoption (RCW 36.70A.130(1)); and

WHEREAS, each jurisdiction is required under the GMA (RCW 36.70A.130(2)) to establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the City Council no more frequently than once a year; that all proposals shall be considered by the City Council concurrently so the cumulative effect of the various proposals can be ascertained; and that the City may adopt amendments or revisions to the comprehensive plan whenever an emergency exists; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:
Section 1. There is hereby added a new chapter, 12.02, to the Kent City Code as follows:

Sec. 12.02.010. Amendments.

The City Council shall consider amendments to the Kent Comprehensive Plan no more than once each calendar year, except as provided in Section 12.02.035.

Sec. 12.02.020. Concurrent review.

In considering annual amendments to the comprehensive plan, City staff, the Planning Commission, and the City Council shall consider all proposed amendments concurrently so as to assess their cumulative impact.

Sec. 12.02.030. Time of filing.

Annual amendments to the comprehensive plan shall be submitted to the Kent Planning Department by September 1 of each calendar year. Requests for amendments shall be submitted on forms prescribed by the Planning Department. Incomplete amendment applications will not be accepted for filing. Requests received each year after September 1 shall be considered in the following year's comprehensive plan amendment process.

Sec. 12.02.035. Emergency amendments.

The City Council may consider and adopt amendments or revisions to the comprehensive plan more than once a year if an emergency exists. An emergency is defined as an issue of community-wide significance that promotes the public health, safety, and general welfare. Emergency comprehensive plan amendments may be processed separately and in addition to the standard annual update.
Sec. 12.02.040. SEPA review.

After September 1 of each calendar year, the City's Responsible Official shall review the cumulative anticipated environmental impact of the proposed comprehensive plan amendments, pursuant to the Washington State Environmental Policy Act (SEPA). If the Responsible Official determines that a Draft Final or Supplemental Environmental Impact Statement (EIS) or other appropriate environmental review is warranted, applicants may be responsible for a full or proportionate share of the costs of preparing the EIS as determined by the Responsible Official.

Sec. 12.02.050. Standard of review.

The Planning Department may recommend and the City Council may approve, approve with modifications or deny amendments to the comprehensive plan text or map designations based upon the following criteria:

A. The amendment will not result in development that will adversely affect the public health, safety and general welfare; and

B. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan; and

C. The amendment is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.

Sec. 12.02.060. Hearing procedures - notice requirements.

The Planning Department shall prepare a report and recommendation on proposed plan amendments which shall be presented to the Planning Commission at a public hearing. For proposed text
amendments, notice of public hearing shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to said hearing. For plan map amendments, notice of public hearing shall be given both by publication in the local newspaper as prescribed above, and by notification of all property owners within two hundred (200) feet of the affected property. Affected property is defined as the parcels identified by the applicant, plus any additional parcels contiguous to the applicant’s property which the Planning Director determines should also be considered for a potential amendment. The Planning Director shall consider the following in deciding whether to expand the geographic scope of a proposed amendment:

1. The effect of the proposed amendment on the surrounding area;
2. The effect of the proposed amendment on the land use and circulation pattern of the area; and
3. The effect of the proposed amendment on the future development of the area.

Following the public hearing by the Planning Commission, the Planning Department’s recommendation shall be forwarded to the City Council for action.

Sec. 12.02.070. City council action.

Within sixty (60) days after receipt of the Planning Department recommendation, the City Council shall either affirm, deny, or modify or return the application to the Planning Department for further consideration. In the event the City Council modifies the recommendation, it shall make its own findings and set forth in writing the reasons for the action taken.
Sec. 12.02.080. Standing.

Comprehensive plan amendments may be initiated by the City Planning Department or other administrative staff of the City, private citizens, or the City Council.

Sec. 12.02.090. Fees.

Application fees for comprehensive plan amendments shall be the same as the fee established for rezones.

Sec. 12.02.100. Appeals.

Appeals from a decision of the Kent City Council shall be pursuant to Chapter 36.70A RCW.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

ATTEST:

JIM WHITE, MAYOR

BRENDA JACOBER, CITY CLERK

DONNA SWAN, ACTING
APPROVED AS TO FORM:

[Signature]
ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 5th day of July, 1995.
APPROVED 6th day of July, 1995.
PUBLISHED 9th day of July, 1995.

I hereby certify that this is a true copy of Ordinance No. 3237, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK
DONNA SWAN, ACTING