Ordinance No. 3650
(Amending or Repealing Ordinances)

CFN=377 – Comprehensive Plan
Passed 7/15/2003
Amending Ch. 12.02 – Capital Facilities Plan – Comp Plan Update

Amends Ord. 3237
Amended by Ord. 3722
Amended by Ord. 3847 (Repeals Secs. 12.02.070;12.02.080;12.02.100)
ORDINANCE NO. 3650

AN ORDINANCE of the city council of the city of Kent, Washington, amending Chapter 12.02 of the Kent City Code, to add provisions for considering city initiated amendments to the comprehensive plan more than once per year and providing for a public hearing before the city council rather than the land use and planning board for certain amendments to the Capital Facilities Element.

WHEREAS, in accord with RCW 36.70A.130, the city council desires to amend chapter 12.02 of the Kent City Code, to add provisions for considering city initiated amendments to the comprehensive plan more than once per year and providing for a public hearing before the city council rather than the land use and planning board for certain amendments to the Capital Facilities Element, and

WHEREAS, after providing appropriate public notice, the city held a public hearing on this modification proposal at the regular land use and planning board meeting held on May 27, 2003, and

WHEREAS, the planning committee considered this matter at the regularly scheduled meeting on June 17, 2003, and

Capital Facilities Plans – Comprehensive Plan Update
WHEREAS, on May 5, 2003, the city provided notification to the State of Washington under RCW 36 70A.106 of the city's proposed amendment to add provisions for considering city initiated amendments to the comprehensive plan more than once per year and providing for a public hearing before the city council rather than the land use and planning board for certain amendments to the Capital Facilities Element, and

WHEREAS, the sixty (60) day notice period under RCW 36 70A 106 has elapsed, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS

SECTION 1. Amendment Chapter 12 02 of the Kent City Code is amended as follows

CHAPTER 12 02
PROCEDURES FOR AMENDMENTS
TO COMPREHENSIVE PLAN

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 KCC 12 02.035 under the following circumstances, which may be processed separately and in addition to the standard annual update

a. If an emergency exists, which is defined as an issue of community-wide significance that promotes the public health, safety, and general welfare,

b. To resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court,

c. To adopt or amend a shoreline management master program under the procedures set forth in chapter 90.58 RCW.
d. The initial adoption of a subarea plan, and

e. The amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget

Sec. 12.02.020. Concurrent review. In considering annual amendments to the comprehensive plan, city staff, the planning commission, land use and planning board, 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 services office department by September 1 of each calendar year. Requests for amendments shall be submitted on forms prescribed by the planning services office 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 services office 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:

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

2. 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

3. 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 and planning board at a public hearing. For an amendment of the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget, the city council will hold the public hearing instead of the land use and planning board. 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 manager determines should also be considered. The following criteria should be used 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 a the public hearing by the land use and planning board planning commission, the planning services office 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 services office 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 services office 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. – Savings The existing chapter 12.02 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 3. – Severability If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 4. – Effective Date This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

ATTEST.

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

PASSED 15 day of July, 2003

APPROVED 15 day of July, 2003

PUBLISHED 19 day of July, 2003
I hereby certify that this is a true copy of Ordinance No. 3650 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

(Brenda Jacober) (SEAL)
BRENDA JACOBER, CITY CLERK

Capital Facilities Plans – Comprehensive Plan Update