Ordinance No. 3847
(Amending or Repealing Ordinances)

CFN=377 – Comprehensive Plan
CFN=961 – Capital Facilities Plan (Growth Management Plan)
Passed – 7/17/2007
Docketing & Amendment Procedures (Amending Ch. 12.02)

Amends Ords. 3237;3650;3722; (Secs. 12.02.070; 12.02.080 & 12.02.100 are repealed)
ORDINANCE NO. 3847

AN ORDINANCE of the city council of the city of Kent, Washington, amending chapter 12.02 of the Kent City Code, entitled "Procedures for Amendments to Comprehensive Plan and Development Regulations," to clarify, simplify, and provide flexibility. (ZCA-2007-3).

RECITALS

A. The city of Kent has established procedures and substantive criteria for amending the Comprehensive Plan and development regulations in Chapter 12.02 of the Kent City Code. This chapter also contains the city's docketing process. Docketing refers to compiling and maintaining a list of suggested changes, from city staff or the public, to the comprehensive plan or development regulations to ensure that the changes will be considered by the city and are available for review by the public. The city's initial docketing process was adopted in November 2004. The current amendments to Chapter 12.02 are intended to make the process more flexible, more sensitive to time frames required for complex comprehensive plan amendments, and more supportive of implementation of the city's long-term plans.

B. On June 5, 2007, the city provided the State of Washington the notification required under RCW 36.70A.106 of the city's proposed amendments. On June 20, 2007, the state granted expedited review of this issue and provided its confirmation that the city met the requirements of RCW 36.70A.106.

C. The city's SEPA responsible official determined the proposed amendments were procedural in nature and no further SEPA review is required.

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D. The Land Use and Planning Board held a workshop regarding these issues on June 11, 2007, and a public hearing on June 25, 2007. The amendments were also considered by the city council’s Planning and Economic Development Committee on July 9, 2007. On July 17, 2007, the city council approved amendments to Chapter 12.02 of the Kent City Code.

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

ORDINANCE

SECTION 1. – Amendment. Chapter 12.02 of the Kent City Code, entitled “Procedures for Amendments to Comprehensive Plan and Development Regulations,” is amended as follows:

Sec. 12.02.005. Purpose.

The purposes of this chapter are to establish the procedures and review criteria for amending the city’s comprehensive plan and development regulations and to provide for public participation. Amendments to the comprehensive plan are the means by which the city may modify its twenty-year plan for land use, development or growth policies in response to changing city needs or circumstances. Comprehensive plan and development regulation amendments will be reviewed in accordance with the state Growth Management Act (GMA) and other applicable state laws, the countywide planning policies, and the Kent Comprehensive Plan. Comprehensive Plan and development regulation amendments will be afforded appropriate public review pursuant to this chapter.

Sec. 12.02.010. Annual docket. Amendments and exceptions.
A. The Comprehensive Plan shall be amended pursuant to this chapter no more than once each calendar year as part of the annual cycle established in this chapter. Amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations may be proposed to respond to changing circumstances or needs of the city via the annual docket process. The city council shall consider proposed amendments to the comprehensive plan no more than once.
each calendar year, except that under the following circumstances, amendments may be processed separately and in addition to the standard annual cycle 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 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.

The city council will hold the public hearing on this matter rather than the land use and planning board.

B. Annual cycle amendments to the Comprehensive Plan may be made to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language. This review may be referred to as the annual cycle.

C. Every seven years from December 1, 2004, the city shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks, and other relevant data in order to consider substantive changes to policy language.
Sec. 12.02.020. Concurrent review for comprehensive plan amendments.

Unless an exception is identified in KCC 12.02.010(A), in considering annual amendments to the comprehensive plan, city staff, the land use and planning board, and the city council shall consider all proposed Comprehensive Plan text and land use map amendments concurrently so as to assess their cumulative impact.

Sec. 12.02.025. Docketing procedure.

The purpose of this chapter is to establish the procedures and review criteria for amending the city of Kent comprehensive plan and to consider proposed amendment of development regulations through an open and public annual docketing process. Docketing refers to compiling and maintaining a list of proposed changes to the comprehensive plan or development regulations in a manner that will ensure such proposals will be considered by the city and will be available for review by the public.

A. In accordance with RCW 36.70A.470 a list of suggested changes to the comprehensive plan text, area-wide comprehensive plan land use map, or development regulations shall be coordinated by the planning services office. The list shall be known as the docket and is the means to suggest a change or identify a deficiency in the Comprehensive Plan or development regulations. Any interested party may submit items to the docket using the docket form prescribed by the planning services office.

B. A property owner or authorized agent of the property owner shall request a site-specific amendment to the land use map of the comprehensive plan by submitting a complete application for comprehensive plan map amendment, an environmental checklist, and applicable fees. The application will be processed in accordance with Process VI as described in KCC 12.01 and shall be considered concurrently with the annual docket. Separate site-specific zoning district map amendments may be processed under Section 15.09.050(A)(3).

C. The docket request for Comprehensive Plan amendments and development regulations shall include the following elements, if applicable.
1. A detailed statement of the proposed amendment and reason for the amendment;

2. A statement of anticipated impacts of the change, including geographic area affected and issues presented;

3. A demonstration of why existing comprehensive plan guidance and development regulations should not continue in effect or why existing criteria no longer apply;

4. A statement of how the amendment complies with the Growth Management Act's goals and specific requirements;

5. A statement of how the amendment complies with the Countywide Planning Policies; and

6. A statement of how functional plans (e.g., subarea plans, utility plans) and capital improvement programs (e.g., transportation improvement program) support the change.

Sec. 12.02.030. Time of filing.
A. The deadline for submitting an application for amendments to comprehensive plan text, area-wide comprehensive plan land use map, site-specific amendments to the land use plan map in KCC 12.02.025(B), and development regulations for consideration in the annual cycle is September 1, or the first business day in September.

Any person, group, or agency may apply to propose text amendments to the comprehensive plan or development regulations using a "docket" form prescribed by the planning services office, which shall be submitted to the planning services office by September 1 of each calendar year.

B. A property owner or authorized agent of the property owner may apply to propose an amendment to the land use map of the comprehensive plan using forms prescribed by the planning services office, which shall be submitted to the planning services office.
services office by September 1 of each calendar year. Incomplete land use map amendment applications will not be accepted for filing.

G. Requests received each year after September 1 shall be considered in the following year's annual docket amendment process.

**Sec. 12.02.035. Process for review.**

A. All proposals for amendments to the comprehensive plan land use map that have been filed with the planning services office in accordance with KCC 12.02.0250(B) will be forwarded to the city council for action during the current annual comprehensive plan amendment annual cycle.

B. All proposals for amendments to development regulations that have been filed with the planning services office in accordance with KCC 12.02.0250(A) will be considered in an annual docket report which is forwarded to the city council each year for action and possible inclusion in a city department work program.

C. All proposals for amendments to the comprehensive plan text and development regulations filed with the planning services office in accordance with KCC 12.02.0250(A) shall be compiled by the planning services office and distributed for review and comment to those city departments responsible for the applicable element of the comprehensive plan or implementing the development regulation. The planning services office also shall seek public comment on the Comprehensive Plan and any proposed Comprehensive Plan amendments in accordance with KCC 12.02.055.

D. Using the criteria provided in KCC 12.02.045, city staff will review and submit to the planning services office, no later than October 31, recommendations as to which proposals should have action taken on them during the annual cycle and which should be made part of a city department work program.

E. The planning services office will compile all comments and recommendations on proposed amendments to the comprehensive plan text, area-wide comprehensive plan land use map and development regulations in an annual docket report along with a list of the proposed site-specific amendments to the comprehensive plan land use map.
use map. The report shall identify items appropriate for the current annual cycle, a future annual cycle, or the next seven-year cycle. If the docketed items will not be included in the annual cycle, the staff shall indicate the reason(s) why. The docket report also shall indicate the proposed public workshop and hearing dates for Land Use & Planning Board or other public meetings when the proposed changes will be considered, if known. The annual docket report shall be presented to the city council at its first meeting in December, land-use and planning board in a public hearing. The land-use and planning board will consider the annual docket report and forward a recommendation to the city council, by no later than December 1, as to which proposals in the annual docket report should be considered for action in the current annual comprehensive plan amendment cycle.

F. Council may accept or modify the recommendation given on the annual docket report by no later than January 31. Proposed amendments to comprehensive plan text, area-wide comprehensive plan land use map, and development regulations not included for action by the city council that the docket report determines are not appropriate for the current annual cycle shall be included for consideration in future the next year's docket reports for a period of three (3) years.

G. For docketed proposals accepted by the city council for inclusion in the annual comprehensive plan amendment cycle, the planning services office shall prepare a report and recommendation which shall be presented to either the land-use and planning board in workshop and public hearing, or to another body designated to hold a public hearing. Recommendations on the annual comprehensive plan amendments shall be forwarded to the city council no later than March 31.

H. The annual docket report will be posted on the city's web site throughout the year and updated annually.

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 amendments to the comprehensive plan land use map, comprehensive plan text, and development regulations, pursuant to the Washington State Environmental Policy Act (SEPA). If
the responsible official determines that an environmental impact statement (EIS), supplemental EIS, or other appropriate environmental review is warranted, applicants for amendments to the comprehensive plan land use map may be responsible for a full or proportionate share of the costs of preparing the necessary documents as determined by the responsible official.

**Sec. 12.02.045. Annual docket evaluation criteria.**

A. Proposed amendments to the comprehensive plan text, area-wide comprehensive plan land use map and development regulations on the annual docket may be appropriate recommended-for action if the following criteria have been met:

1. The proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the comprehensive plan;

2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically-identified goals and policies of the comprehensive plan;

3. The proposal addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents, including but not limited to the comprehensive plan;

4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by city council;

5. The proposal can be reasonably reviewed within the time frame of the current annual work program and existing staff and budget resources; and

6. The proposal has not been voted on considered by the city council in the last three (3) years. This time limit may be waived by the city council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifies the need for the amendment.

B. Staff may propose to expand the geographic scope of an amendment to the comprehensive plan land use map to allow for consideration of adjacent property, similarly situated property, or area wide impacts. The following criteria shall be used...
in determining whether to expand the geographic scope of a proposed land use map amendment:

1. The effect of the proposed amendment on the surrounding area or neighborhood or city;

2. The effect of the proposed amendment on the land use and circulation pattern of the surrounding area or neighborhood or city; and

3. The effect of the proposed amendment on the future development of the surrounding area or neighborhood or city.

Sec. 12.02.050. Comprehensive plan amendment 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 land use 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 will result in long-term benefits to the community as a whole and is in the best interest of the community; and

34. 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. 12.02.055. Public participation program, basic elements.

A. Pursuant to RCW 36.70A.140, the city shall provide for early and continuous public participation in the development and amendment of the comprehensive plan and development regulations.
B. Public participation shall at a minimum include the following elements:

1. Annual dissemination of a schedule for public participation.

2. Issuance of a Citizen’s guide to the comprehensive plan process that provides information on citizen participation in the comprehensive plan process, a description of the procedure and schedule for amending the comprehensive plan and development regulations, and a guide on how to use the docket.

3. Provision for broad dissemination of proposed amendments and alternatives, if appropriate. The city shall make available to the public printed and electronic information which clearly defines and visually portrays, when possible, the range of options under consideration by the city. This information shall also include a description of any policy considerations; the schedule for deliberation; opportunities for public participation; information on the proposed amendment review procedures; for written comments and the name, address, and telephone number of the responsible official(s). The methods employed may include, but are not limited to, the use of the following: published notice in the official city newspaper and other appropriate publications, news media notification, mailed notice to property owners and to citizens or groups with a known interest in the proposal, government channel, and internet.

4. Public meetings to obtain comments from the public or other agencies on a proposed comprehensive or subarea plan, or an amendment to the comprehensive plan or development regulation. Public meeting means an informal meeting, hearing, workshop or other public gathering of people for the purpose of obtaining public comments and providing opportunities for open discussion. All public meetings associated with review of the comprehensive plan or development regulations shall provide a means for the public to submit items for the docket. A public record of each public meeting should be maintained to include documentation of attendance, record of mailed notice, and a summary of public comments not incorporated in the docket.
Sec. 12.02.060. Process and Notice requirements.

For the initial review of annual docket report described in KCC 12.02.035(F), notice of public hearing shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the hearing. For proposed amendments to the comprehensive plan, land use map, notice of the 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. For revised geographic scope of land use 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 the revised land use map amendment area. Proposed amendments shall be classified and public notice shall be given in accordance with KCC Chapter 12.01.

12.02.070 City council action.

Within sixty (60) days after receipt of the recommendation provided per KCC 12.02.035(G), the city council shall affirm, deny, modify, or return the proposed amendments to the planning services office for further consideration. In the event the city council modifies the proposed amendment it shall make its own findings and set forth in writing the reasons for the action taken.

12.02.080 Standing.

Comprehensive plan amendments may be initiated by the city planning services office or other administrative staff of the city, private citizens, or the city council.

Sec. 12.02.090. Fees.

Application fees for docketed comprehensive plan land use map amendments shall be the same as the fee established for rezones. There shall be no fee for docketed proposals to amend the comprehensive plan text or development regulations.
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 one or more sections, sub-sections, 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 3. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after the date of passage as provided by law.

Suzette Cooke, Mayor

Brenda Jacober, City Clerk

TOM BRUBAKER, CITY ATTORNEY


Docketing and Amendment Procedures
I hereby certify that this is a true copy of ordinance no. 3847, 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, CITY CLERK

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