

Chapter 18.117

COMPREHENSIVE PLAN AMENDMENT ADMINISTRATIVE PROCEDURE

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18.117.010 Purpose.

The purpose of this chapter is to establish the process and criteria for changing the comprehensive plan and/or land use map. Amendments may include additions, deletions, corrections, updates, modifications or revisions to maps, goals and policies in the comprehensive plan. The comprehensive plan amendment process provides for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a city-wide basis, in conjunction with budget decisions and honors the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes. (Ord. 2006-13 § 4, 2006)

18.117.020 Applicability.

Any person or entity may apply for an amendment to the comprehensive plan. A determination shall be made at the preapplication conference as to whether a request shall be processed as regular or extended (subsection B of this section).

A. Except in the event of an emergency as determined by the city council, plan amendments that are regular, with the criteria established in this chapter, will be considered once in a calendar year so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the comprehensive plan. Starting in 2006, and thereafter no more often than once each year, the planning commission may recom-

mend and the city council may adopt amendments to the land use map, or the text of the comprehensive plan, upon finding that each proposal meets all of the applicable conditions and requirements of this chapter.

B. Amendment applications that are established as extended, as specified in subsection B.2.a of this section, will be processed every other year or within the context of a comprehensive plan update:

1. Regular Amendments. A regular amendment may be considered if the applicant can demonstrate that the request is consistent with the adopted comprehensive plan, and that policy adjustments or map amendments are needed to further the vision, goals or policies of the plan.

a. Policy Adjustments. Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:

- i. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- ii. The capacity to provide adequate services is diminished or increased;
- iii. Land availability to meet demand is reduced;
- iv. Population or employment growth is significantly different than the plan's assumptions;
- v. Plan objectives are not being met as specified;
- vi. The effect of the plan on land values and affordable housing is contrary to plan goals;
- vii. Transportation and/or other capital improvements are not being made as expected;
- viii. A question of consistency exists between the comprehensive plan and its elements and Chapter 36.70A RCW, the Kitsap Countywide Planning Policies, or development regulations.

b. Map Changes. Changes to the land use map may only be approved if the proponent has demonstrated that all of the following are true:

- i. The designation is in conformance with the appropriate land use designation purpose statement identified in the comprehensive plan;
- ii. The map amendment or site is suitable for the proposed designation; and
- iii. The map amendment implements applicable comprehensive plan policies better than the current map designation.

2. Extended Amendments.

a. An extended amendment application may be considered if the applicant can demonstrate that community values, priorities, needs and trends have sufficiently changed to justify a fundamental shift in the comprehensive plan. The burden of proof rests entirely with the applicant to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:

- i. Growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
- ii. The capacity to provide adequate services is diminished or increased;
- iii. Land availability to meet demand is reduced;
- iv. Population or employment growth is significantly different than the plan's assumptions;
- v. Transportation and/or other capital improvements are not being made as expected;
- vi. Conditions have changed substantially in the area within which the subject property lies and/or citywide;
- vii. Assumptions upon which the plan is based are found to be invalid; or
- viii. Sufficient change or lack of change in circumstances dictates the need for such consideration.

b. If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the rele-

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vant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.

C. The city council may determine, by resolution, that a proposed amendment be processed as an emergency amendment to the comprehensive plan. (Ord. 2006-13 § 4, 2006)

18.117.030 Review process.

The city shall process comprehensive plan amendment applications in accordance with Chapter 2.18 BIMC and the following procedures:

A. Preapplication Conference. Prior to submittal of a comprehensive plan amendment application, the applicant or applicant's representative shall attend a preapplication conference in accordance with the procedures of BIMC 2.16.035. Interested citizens may attend the preapplication meeting. The director shall determine whether a proposal is regular or extended 14 days from the preapplication conference.

B. Application. An applicant may submit an application for a comprehensive plan amendment after completion of a required preapplication conference. Proposed amendments shall be submitted in 2006-2007 between May 1, 2006, and February 28, 2007, and between January 1st and February 28th for all subsequent years.

C. SEPA Review. Environmental review shall be completed prior to planning commission review. The applicant is responsible for conducting any further environmental analysis, including the preparation of an environmental impact statement, if necessary.

D. Written Analysis. For each proposed amendment, staff (or the lead department, as determined by the mayor) will prepare a written analysis for the planning commission. The analysis will be accompanied by a recommendation that the proposed amendment be approved, denied, or approved with modification. Proposals may be grouped and evaluated by geographic sector and/or subject matter to be assessed for cumulative impact.

E. Planning Commission Review. Subsequent to completion of the analysis prepared by the lead department and the SEPA review,

the planning commission shall conduct one or more public hearings as defined in BIMC 2.18.020. The planning commission shall also solicit comments regarding the proposed amendment from the public or from 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 notice and public hearing for proposed comprehensive plan amendments may be combined with any notice or public hearing for proposed amendments to the land use code or for other actions of the planning commission; provided, that all appropriate noticing is conducted as required by law.

F. Planning Commission Recommendation.

1. The planning commission shall base its recommendation on whether the application meets the required decision criteria contained in BIMC 18.117.050 and consider public input, conclusions from any required studies, the staff recommendation, and findings from the SEPA analysis.

2. The planning commission may recommend to approve, deny, or approve with modification the proposed amendment. If the planning commission recommends denial of a proposed amendment, the findings shall include that:

a. The proposal does not comply with the decision criteria contained in BIMC 18.117.050; or

b. A majority of the planning commission finds that the proposal would be more appropriately and effectively addressed through another aspect of the city's work program.

3. The planning commission's findings and conclusions regarding its recommendation shall be forwarded to the city council within 30 days of their hearing.

G. City Council Review and Decision.

1. The city council considers whether the application meets the required decision criteria contained in BIMC 18.117.050 and also considers staff's recommendation and the planning commission's recommendations within the context of its budget discussions, and may act on the amendment proposals prior

to or at the same time as it adopts the city budget.

2. The council may decide to approve, deny, or approve with modification the proposed amendment.

3. The council shall base its decision on consideration of the record and the required decision criteria contained in BIMC 18.117.050, and shall cite these in their findings and conclusions.

H. Denied Amendments. Denied amendments shall not be accepted for the next comprehensive plan amendment cycle, unless the proposed amendment is substantially modified. However, applications that are denied for lack of documentation sufficient to support an extended proposal may reapply during the next cycle for extended amendments. (Ord. 2006-13 § 4, 2006)

18.117.040 Submittal requirements.

To apply for a comprehensive plan amendment an applicant must submit the following:

A. Preapplication Submittal. Prior to submitting an amendment proposal, an applicant is required to schedule a preapplication conference pursuant to Chapter 2.18 BIMC, by submitting a preapplication form, including a general summary of the nature of the desired change and any required fee.

B. Application Submittal. An applicant for a comprehensive plan amendment must submit the following:

1. An application for a comprehensive plan text or map amendment proposal, containing the following information:

a. Nature of and reason for the amendment request, including a description of how the proposal is regular or extended with the current comprehensive plan, and any specific suggested changes to the plan or appendices.

b. Statement of how the amendment request is consistent with all of the decision criteria specified in BIMC 18.117.050.

c. A completed SEPA checklist including supplemental sheet for nonproject actions.

d. The appropriate application fee as established by city resolution shall be paid by the applicant.

e. Any other reports or studies identified during the preapplication conference. (Ord. 2006-13 § 4, 2006)

18.117.050 Decision criteria.

The planning commission and city council shall base their respective recommendation or decision on a proposed comprehensive plan amendment on the following criteria:

A. Regulatory Changes. Amendments to the comprehensive plan shall comply with the Growth Management Act and other state and federal laws.

B. Resources.

1. The city must have the resources, including staff and budget, necessary to implement the proposal.

2. The amendment will not result in development that has significant adverse effects on community resources, including but not limited to: water resources, utilities, transportation, parks or schools.

3. The amendment must not adversely affect the city's ability to provide the full range of public facilities and services at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.

C. Internal Consistency. Amendments shall be consistent with the comprehensive plan including:

1. Land uses and growth projections that are the basis of the comprehensive plan; and

2. The overall intent of the comprehensive plan, including the community vision, overriding principles, and overall goals that guide the plan.

D. Cumulative Effect. All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, adopted environmental policies and other relevant implementation measures.

E. Land Use Impacts. Amendments shall not adversely affect public health, safety or

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welfare. An amendment must be compatible with neighboring land uses and surrounding neighborhoods, if appropriate. In addition, applications should be reviewed for their cumulative land use impacts. (Ord. 2006-13 § 4, 2006)

18.117.060 Public involvement.

This section identifies the various public involvement opportunities included as part of the comprehensive plan amendment process.

A. All complete applications for amendment to the comprehensive plan are considered and reviewed by the planning commission and city council. Depending on the content, scope or potential impact of a proposed modification, additional review by other citizen committees and opportunities for public comment may occur.

1. Various public meetings, forums, presentations and outreach may be conducted in order to ensure:

- a. Broad dissemination of proposals and alternatives;
- b. Opportunity for written comments;
- c. Provision for open discussion;
- d. Information services; and
- e. Consideration of and response to public comments.

B. Neighborhood Meetings. Since all proposals are required to be compatible with neighboring land uses and surrounding neighborhoods, persons proposing site-specific amendments may address issues of compatibility by participating in a neighborhood meeting organized by the city, with notifications as specified by the city.

C. Emergencies. Amendments outside the regular annual amendment cycle, such as emergency amendments, still carry a requirement for appropriate public participation. (Ord. 2006-13 § 4, 2006)

18.117.070 Revocation.

The comprehensive plan amendment may be reversed by the city council outside the regular amendment period following the procedures in BIMC 2.18.030 upon the finding of any of the following:

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

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. (Ord. 2006-13 § 4, 2006)

18.117.080 Appeals.

Appeal of a city council decision on a comprehensive plan amendment is governed by and shall be in accordance with state law. (Ord. 2006-13 § 4, 2006)