

SECTION 9 • COMPREHENSIVE PLAN AND GMA IMPLEMENTING REGULATIONS AMENDMENT PROCESS

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9.1 Amendments — Purpose and Introduction.

1. **Purpose.** The purpose of this Section 9 is to establish procedures for amending the Jefferson County *Comprehensive Plan*, defined for the purposes of this Section as including the plan text and/or the land use map.¹ The Growth Management Act (GMA, Chapter 36.70A.RCW) generally allows amendments to comprehensive plans no more often than once per year, except in emergency situations. This Section 9 is intended to provide the following:

A process whereby the county will compile and maintain a preliminary docket of proposed amendments to the *Comprehensive Plan* and then select which proposed amendments will be placed on the final docket for review, no more often than once annually;

- a. Timelines and procedures for placing formal applications for amendments by interested parties (i.e., project proponents or property

owners) on the final docket for review, no more often than once annually; and

- b. Criteria for review of the final docket by the Jefferson County Planning Commission and the Jefferson County Board of Commissioners. This Section is also intended to provide a process for the Planning Commission to monitor and assess the *Comprehensive Plan*, and based on this review to recommend amendments (if any) to the *Plan* as part of a standardized amendment process.

2. **Public Participation.** The public participation process set forth in this Section 9 is intended to solicit from the public suggested amendments to the Jefferson County *Comprehensive Plan* for future consideration, and to provide an opportunity for public comment on any proposed amendments. This is achieved by early and continuous public involvement with broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion, information services, and consideration and response to public comments.

3. **Planning Commission Role.** The Jefferson County Planning Commission is an advisory body that shall make recommendations to the county commissioners on all *Comprehensive Plan* matters, including amendments to the *Plan* text and land use map, implementing regulations and sub-area plans.

4. **Applicability of UDC Section 8.** Amendments to the text of the *Comprehensive Plan*, the land use map, and the implementing regulations are legislative, Type V decisions under Section 8 of this Code. Accordingly, all applicable provisions of that Section apply to the decision-making

¹ All references in this Section to the Jefferson County *Comprehensive Plan* are intended to include the *Comprehensive Plan* text, the land use map adopted concurrently with the *Comprehensive Plan* and/or sub-area plans.

² Final approval of a major industrial development processed under Section 3.8 of this Code is considered per RCW 36.70A.365(3) to be an adopted amendment to the *Comprehensive Plan* land use map designating the site as an urban growth area. Final approval of an application for a major industrial development shall not be considered an amendment to the *Comprehensive Plan* for the purposes of RCW 36.70A.130(2) and may be considered at any time. This Section 9 does not apply.

process adopted in this Section 9, regardless of whether or not they are specifically referred to herein.

9.2 Annual Amendments — Consideration of Cumulative Effects.

Except as provided in Section 9.3, below, proposals for amendments to the Jefferson County *Comprehensive Plan* shall be considered by the Board of County Commissioners no more frequently than once every year. Proposals for *Plan* amendment shall be considered concurrently so that the cumulative effect of all items on the final docket will be ascertained. Proposals may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments to the *Comprehensive Plan*.

9.3 Exceptions to the Annual Amendment Process.

1. **Exceptions – Emergencies.** In addition to the amendment process set forth in this Section 9, the Board of County Commissioners may amend the Jefferson County *Comprehensive Plan* in any of the following circumstances:
 - a. Resolution of an emergency condition or situation that involves public health, safety or welfare and when adherence to the amendment process set forth in this Section 9 would be detrimental to the public health, safety or welfare;
 - b. Initial adoption of a subarea plan identified in the Jefferson County *Comprehensive Plan*;
 - c. The adoption of or amendments to the Jefferson County Shoreline Master Program;
 - d. Technical, non-substantive corrections to manifest land use mapping errors which do not involve interpretations of the criteria for the various land use designations contained in the *Comprehensive Plan*;
 - e. Resolution of a decision by an administrative agency or court of competent jurisdiction; and
 - f. Special use permits for essential public facilities under Section 3.3.5 of this Code.
2. **Determination of Emergency.** Situations involving official legal or administrative action (e.g., decisions by the Western Washington Growth Management Hearings Board, state or federal courts, actions of a state agency or office, or the state legislature) affecting Jefferson County will be reviewed by the Jefferson County Board of Commissioners with advice from the prosecuting attorney's office to determine

whether an emergency exists warranting an emergency *Comprehensive Plan* amendment.

9.4 Applications for Comprehensive Plan Amendment.

1. Who May Propose Amendments — Application – Fee.

- a. **Applications for Formal Site-Specific Amendments.** Proponents of land development projects (for multiple sites) and/or property owner(s) or their authorized representative(s), may file an application for a proposed amendment to the *Comprehensive Plan* relating to a site-specific proposal ("formal site-specific amendments"). A filing fee as set forth in the Jefferson County Fee Ordinance shall accompany applications for site-specific amendments.
- b. **Applications for Suggested Amendments.** Anyone may apply for a "suggested amendment," to the *Comprehensive Plan* which shall be added to the list of proposed amendments to be maintained by the Administrator. Generally, applications for suggested amendments should be limited to proposals that broadly apply to the goals, policies and implementation strategies of the *Comprehensive Plan* rather than amendments designed to address site-specific issues of limited applicability. The process outlined in Section 9.6, below shall govern whether such suggested amendments are considered during the annual review process. No application fee shall be required for applications for suggested amendments.

2. Application Deadline — Form.

- a. **Deadline.** All applications for formal site-specific and suggested amendments shall be submitted to DCD by May 1st of the current calendar year in order to be considered during that year's amendment process; except that county-sponsored proposals to amend the capital facilities element of the *Comprehensive Plan* may be accepted later than other proposed amendments because of their relationship to the county's annual budget process. Beginning in Beginning in 2004, all applications for formal site-specific and suggested amendments shall be submitted to DCD by February 1st of the current calendar year in order to be considered during that year's amendment process; except that county-sponsored proposals to amend the capital facilities element of the *Comprehensive Plan* may be accepted later than other proposed

amendments because of their relationship to the county's annual budget process.

- b. **Application Form.** All proposed amendments (i.e., both formal site-specific and suggested) shall be submitted to DCD on forms provided by the department and shall include the following information, as determined by the Administrator to be necessary to evaluate a particular proposal:

- (1) Name and address of applicant;
- (2) A description of the proposed *Comprehensive Plan* amendment and any associated development proposals, if applicable. Formal site-specific or project-related amendments shall include plans, information and/or studies that accurately depict existing and proposed use(s) and improvements. Proposed site-specific or project-related *Comprehensive Plan* amendments that do not specify proposed use(s) and potential impacts will be assumed to have maximum impact to the environment and public facilities and services;
- (3) Proposed amendatory language, preferably shown in a "bill" format (i.e., new language underlined; language proposed for deletion in strikeouts);
- (4) An explanation of the rationale for the proposed amendment;
- (5) An explanation of how the proposed amendment and associated development proposal(s), if any, conform to, conflict with, or relate to the criteria set forth in Section 9.8.1(c) and (d), as applicable;
- (6) A completed SEPA checklist if the application is for a formal site-specific amendment; and
- (7) Any additional information reasonably deemed necessary by the Administrator to evaluate the proposed amendment.

3. **Failure to Comply – Effect.** Applications that do not include the information required under Section 9.4.2(b) above, or which are not received by the deadline set forth in Section 9.4.2(a), above, shall not be processed.

9.5 Compilation of Preliminary Docket.

1. **Preliminary Docket — Contents.** The preliminary docket described more fully in Sections 9.5.2 through 9.5.4, below, shall consist of the following:

*Unified Development Code
Section 9 • Comprehensive Plan
& GMA Implementing Regulations Amendment Process
Amended by Ordinance No. 18-12-13-02 and 21-1220-02*

- a. All proposals for formal site-specific amendments;
- b. All proposals for suggested amendments; and
- c. When applicable, all amendments recommended by the Planning Commission during its five (5) year assessment of the *Comprehensive Plan*.

2. **List of Suggested Amendments.** Each year, the Administrator shall maintain for public review the annual list of suggested amendments made by citizens, the Board of County Commissioners or members of the Board of County Commissioners, county staff, county departments or other agencies. By the end of the second full business week of June of each year, this list of suggested amendments shall be compiled into a preliminary docket. Beginning in 2004, by the end of the second full business week of March of each year, this list of suggested amendments shall be compiled into a preliminary docket. Section 9.6, below, sets forth the process for selecting which suggested amendments will be placed on the final docket to be formally reviewed during the annual review process.

3. **Formal Site-Specific Amendments.** The preliminary docket shall also include all formal site-specific applications for *Comprehensive Plan* amendments. Formal site-specific applications for amendments that are properly and timely filed under Section 9.4.3(a), above, shall be placed on the final docket for consideration during the current annual amendment process.

4. Planning Commission Five (5) Year Assessment — Recommendations.

- a. **Five (5) Year Assessment – Timelines.** Beginning in 2002 and every five (5) years thereafter, the Planning Commission shall review, and if necessary, recommend revisions to the *Comprehensive Plan*. The Planning Commission shall complete its assessment of the *Comprehensive Plan* by April 15 of each fifth year, and any amendments recommended by a majority vote of the Planning Commission shall be forwarded to the Administrator by May 1st of each fifth year. The Administrator shall place all such recommended amendments on the preliminary docket to be considered during the final docket selection process set forth in Section 9.6, below.
- b. **Criteria Governing Planning Commission Assessment.** The Planning Commission's five (5) year assessment and recommendation shall be based upon, but

shall not be limited to, an inquiry into the following growth management indicators:

- (1) Whether growth and development as envisioned in the *Comprehensive Plan* is occurring faster or slower than anticipated, or is failing to materialize;
- (2) Whether the capacity of the county to provide adequate services has diminished or increased;
- (3) Whether sufficient urban land is designated and zoned to meet projected demand and need;
- (4) Whether any of the assumptions upon which the *Plan* is based are no longer found to be valid;
- (5) Whether changes in county-wide attitudes necessitate amendments to the goals of the *Plan* and the basic values embodied within the *Comprehensive Plan Vision Statement*;
- (6) Whether changes in circumstances dictate a need for amendments;
- (7) Whether inconsistencies exist between the *Comprehensive Plan* and the GMA or the *Comprehensive Plan* and the *County-wide Planning Policy for Jefferson County*.

9.6 Review of Preliminary Docket – Adoption of Final Docket.

1. **DCD Review of Preliminary Docket.** After compiling the preliminary docket, the Administrator shall review the suggested amendments and prepare a report concerning which suggested amendments the Administrator believes should be placed on the final docket for consideration during the annual amendment process. In addition to addressing the need, urgency and appropriateness of each suggested amendment, the staff report shall include, but not be limited to, a consideration of the following:
 - a. The availability of sufficient DCD staff to substantively review the suggested amendments and manage the public review process with available staff; and
 - b. Anticipated DCD costs and budget for processing the suggested amendments.
2. **Optional Board of County Commissioners/ Planning Commission Workshop.** The Board of County Commissioners and Planning Commission may, but are not required to, hold a noticed joint workshop meeting to gather information regarding the items on the preliminary docket and the Administrator's report

and recommendation. If held, notice of the joint workshop meeting shall be given by publication in the county's official newspaper at least one (1) time ten (10) days prior to the date of the meeting and by posting a copy of the meeting notice at the county courthouse, which shall include a statement of the purpose of the joint workshop.

3. **Planning Commission Hearing - Report and Recommendation.** The Planning Commission shall hold a noticed public hearing to accept public comment regarding the suggested amendments on the preliminary docket. Following the hearing, the Planning Commission shall prepare a report and recommendation identifying those suggested amendments that it is recommending for consideration by the Board of County Commissioners during the annual amendment process. The Planning Commission's recommendation shall be based upon the perceived need, urgency and appropriateness of each suggested amendment. The Planning Commission's report and recommendation shall also include those proposed amendments resulting from the five (5) year review and assessment set forth in Section 9.5.4, above, as applicable. Notice of the Planning Commission hearing shall be given by publication in the county's official newspaper at least one (1) time ten (10) days prior to the date of the meeting and by posting a copy of the hearing notice at the county courthouse, which shall include a statement of the purpose of the hearing.
4. **Board of Commissioner's Decision – Adoption of Final Docket.**
 - a. **Review and Decision Process.** By the second regular Board of County Commissioners meeting in July of each year, the Board of County Commissioners shall review and consider the Planning Commission's report and recommended final docket at a regularly scheduled commissioner's meeting. Beginning in 2004, by the second regular Board of County Commissioners meeting in April of each year, the Board of County Commissioners shall review and consider the Planning Commission's report and recommended final docket at a regularly scheduled commissioner's meeting. The Board of County Commissioners may adopt the Planning Commission's recommended final docket without a public hearing; however, in the event that a majority of the Board of County Commissioners decides to add or subtract suggested amendments, it shall first hold a public hearing, noticed as set forth in Section 9.6.3, above, which shall be held by

the first Board of County Commissioners meeting in August.

- b. **Final Docket – Contents.** The final docket as adopted by the Board of County Commissioners shall include the following:
 - (1) All applications for formal site-specific amendments timely submitted under Section 9.5.3, above;
 - (2) Any proposals for suggested amendments which the Board of County Commissioners elects to consider during the annual amendment process; and
 - (3) When applicable, any amendments recommended by the Planning Commission during its five (5) year assessment of the *Comprehensive Plan* that the Board of County Commissioners elects to consider during the amendment process.
- c. **Effect of Final Adopted Docket.** The decision of the Board of County Commissioners to adopt the final docket does not constitute a decision or recommendation that the substance of any formal site-specific, suggested, or Planning Commission recommended amendment should be adopted. No additional amendment proposals shall be considered by the county after adoption of the final docket for that year; except for exceptions and emergencies as set forth in Section 9.3 above, and county-sponsored proposals to amend the capital facilities element of the *Comprehensive Plan* as set forth in Section 9.4.1(d), above.

9.7 Final Docket — DCD Review and Recommendation – SEPA Review.

The final docket as adopted by the Board of County Commissioners shall first be reviewed and assessed by DCD, and the Administrator shall prepare a staff report and recommendation on each proposed amendment. DCD shall also be responsible for conducting SEPA review of all items on the final docket (see Section 8.10 of this Code). As appropriate, the Administrator shall solicit comments regarding the proposed amendments from the public and/or government agencies. The Administrator shall also provide notice and opportunity for public comment as deemed appropriate given the nature of the proposed amendments and consistent with RCW 36.70A.140 and SEPA (Chapter 43.21C RCW and Chapter 197-11 WAC).

9.8 Final Docket — Planning Commission and Board of County Commissioners Review.

- 1. **Planning Commission Review.** All proposed amendments on the final docket shall be reviewed and assessed by the Planning Commission, which shall make a recommendation to the Board of County Commissioners after holding at least one (1) open record public hearing.
 - a. **Notice.** The hearing before the Planning Commission shall be noticed by one (1) publication in the official newspaper of the county at least ten (10) days prior to the date of the hearing and by posting a copy of the notice of hearing in the Jefferson County Courthouse. This notice shall include the following:
 - (1) The purpose(s) of amending and/or updating the *Comprehensive Plan*;
 - (2) The deadline for submitting comments on the amendments; and
 - (3) A tentative hearing schedule; continued hearings may be held by the Planning Commission but no additional notices need be published.
 - b. **Required Findings – Generally.** For all proposed amendments, the Planning Commission shall develop findings and conclusions and a recommendation which consider the growth management indicators set forth in Section 9.5.4(b)(1) through (7), as well as the following:
 - (1) Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Jefferson County *Comprehensive Plan*;
 - (2) Whether the assumptions upon which the Jefferson County *Comprehensive Plan* is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the Jefferson County *Comprehensive Plan*; and
 - (3) Whether the proposed amendment reflects current widely held values of the residents of Jefferson County.
 - c. **Additional Required Findings – Formal Site-Specific Amendments.** In addition to the required findings set forth in Section

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9.8.1(b) above, in order to recommend approval of a formal site-specific proposal to amend the *Comprehensive Plan*, the Planning Commission must also make the following findings:

- (1) The proposed site-specific amendment meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., sheriff, fire and emergency medical services, parks, fire flow, and general governmental services);
- (2) The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County *Comprehensive Plan*;
- (3) The proposed site-specific amendment will not result in probable significant adverse impacts to the county's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;
- (4) In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to the following:
 - i. Access;
 - ii. Provision of utilities; and
 - iii. Compatibility with existing and planned surrounding land uses;
- (5) The proposed site-specific amendment will not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the county as a whole;
- (6) The proposed site-specific amendment does not materially affect the land use and population growth projections that are the bases of the *Comprehensive Plan*;
- (7) If within an unincorporated urban growth area (UGA), the proposed site-

specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;

- (8) The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the *County-Wide Planning Policy for Jefferson County*, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

- d. **Recommendation.** The Planning Commission's findings and conclusions shall include a recommendation to the Board of County Commissioners that the proposed amendment(s) be denied, approved, or approved with conditions or modifications.

2. Board of County Commissioners Review - Appeals.

- a. **Board of County Commissioners Workshop.** The Board of County Commissioners may first review the recommendation of the Planning Commission in a workshop meeting(s).
- b. **Board of County Commissioners Review.** The Board of County Commissioners shall consider the proposed amendments to the *Comprehensive Plan* at a regularly scheduled meeting. If after considering the matter at the regularly scheduled public meeting the Board of County Commissioners deems a change in the recommendation of the Planning Commission to be necessary, the change shall not be incorporated until the board conducts its own public hearing using the procedures set forth under Section 8.4.6 of this Code. The hearing shall be noticed by one (1) publication in the official newspaper of the county at least ten (10) days prior to the date of the hearing, and by posting copies of the notice of hearing in the Jefferson County Courthouse. The notice and public hearing for proposed *Comprehensive Plan* amendments may be combined with any notice or public hearing for proposed amendments to the county's *Comprehensive Plan* implementing regulations (e.g., this Code), or for other actions of the Board of County Commissioners.
- c. **Criteria for Evaluation of Proposed Plan Amendments.** The Board of County Commissioners shall apply the same criteria

as the Planning Commission as set forth in Section 9.8.1(b) and (c), above, as applicable.

- d. **Adoption by Ordinance.** The Board of County Commissioners shall adopt any amendments to the Jefferson County *Comprehensive Plan* by ordinance. This final action on the docket must be taken by the second regular board meeting in December of each year.
- e. **Transmittal to State.** The Administrator shall transmit a copy of any proposed amendment to the *Comprehensive Plan* to the Washington State Office of Community Development (OCD) at least sixty (60) days prior to the expected date of final action by the Board of County Commissioners, as consistent with Chapter 36.70A RCW. The Administrator shall transmit a copy of any adopted *Comprehensive Plan* amendment to OCD within ten (10) days after adoption by the board.
- f. **Appeals.** All appeals to the adoption of an amendment to the Jefferson County *Comprehensive Plan* shall be filed with and processed by the Western Washington Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

9.9 Amendments to GMA Implementing Regulations.

- 1. **Initiation.** The text of the county's adopted *Comprehensive Plan* implementing regulations (also referred to within this Code as "development regulations") may be amended at any time, provided the amendment is consistent with the Jefferson County *Comprehensive Plan* and land use map. When inconsistent with the *Comprehensive Plan* and land use map, the amendment shall be processed concurrent with any necessary *Plan* amendments using the process and timelines for *Plan* amendments set forth in this Section 9. "Implementing regulations" means the controls placed on development or land use activities by the county, including, but not limited to, this Unified Development Code, the Jefferson County Shoreline Master Program, or any other official controls required to implement the *Plan* (see RCW 36.70A.030). Proposed amendments, changes, or modifications may be initiated as follows:
 - a. When consistent with the *Plan*, at any time at the direction of the Board of County Commissioners or by the Planning Commission pursuant to RCW 36.70.550;

- b. When inconsistent with the *Plan*, under the process and time lines for *Comprehensive Plan* amendments by any interested person consistent with Section 9; or
- c. Immediately following or concurrent with an amendment or amendments to the Jefferson County *Comprehensive Plan*, the implementing regulations shall be amended to be consistent with the *Plan* and land use map.

2. Notice.

- a. Proposed amendments to the implementing regulations pursuant to Section 9.9.1, above, which must be processed concurrently with an amendment to the *Comprehensive Plan* and land use map shall be processed and noticed in the same manner as *Plan* amendments consistent with Section 9.
- b. Notice of any hearing on amendments to the implementing regulations generated by DCD staff, the Board of County Commissioners or the Planning Commission outside of the annual *Comprehensive Plan* amendment process shall be given by one (1) publication in the official newspaper of the county at least ten (10) days prior to the date of the hearing and by posting a copy of the notice of hearing in the Jefferson County Courthouse.
- c. Any additional notice required by state or local law (e.g., statutory notice requirements for amendments to the Shoreline Master Program), or deemed appropriate by the Administrator, shall be paid for by the applicant.

- 3. **Planning Commission Review.** The Planning Commission shall hold a public hearing on any amendment(s) to the implementing regulations and shall make a recommendation to the Board of County Commissioners using the site-specific criteria set forth in Section 9.8.1(b) and (c), as applicable.

- 4. **Board of County Commissioners Review.** The Board of County Commissioners shall consider the proposed amendments at a regularly scheduled meeting.

- a. If after applying the criteria set forth in Section 9.8.1(b) and (c), as applicable, the Board of County Commissioners concludes that no change in the recommendation of the Planning Commission is necessary, the board may make a final determination on the proposed amendment(s) and adopt the

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amendments as recommended by the Planning Commission.

- b. If after applying the criteria set forth in Section 9.8.1(b) and (c), as applicable, the Board of County Commissioners concludes that a change in the recommendation of the Planning Commission is necessary, the change shall not be incorporated until the board conducts its own public hearing using the procedures set forth under Section 8.4.6 of this Code. The hearing shall be noticed by one (1) publication in the official newspaper of the county at least ten (10) days prior to the date of the hearing, and by posting copies of the notice of hearing in the Jefferson County Courthouse. The notice and public hearing for proposed amendments to implementing regulations may be combined with any notice or public hearing for proposed amendments to the *Comprehensive Plan* or for other actions of the Board of County Commissioners.
5. **Transmittal to State.** The Administrator shall transmit a copy of any proposed amendment(s) to the implementing regulations at least sixty (60) days prior to the expected date of final action by the Board of County Commissioners, as consistent with Chapter 36.70A RCW. The Administrator shall transmit a copy of any adopted amendment(s) to the implementing regulations to OCD within ten (10) days after adoption by the board.
 6. **Appeals.** All appeals to the adoption of any amendment(s) to the implementing regulations shall be filed with and processed by the Western Washington Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A. RCW.