

Chapter 14.15
AMENDMENTS TO THE
COMPREHENSIVE PLAN
AND DEVELOPMENT CODE

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14.15.010 Early and Continuous Public Participation

The City encourages early and continuous public participation in the Comprehensive Planning and development regulation process and to that end has established notification procedures in SMC 14.55.040, which are consistent with the requirements of RCW 36.70A.130, 140, and 470. Procedures, timelines, and application forms are available from the City Planner.

14.15.020 Initiation of Amendments

- A. The City or someone with ownership interest in at least a portion of a site may, in the latter case upon payment of the application fee, initiate a Comprehensive Plan or Development Code amendment such as a change of land use designation.
- B. Comprehensive Plan amendments shall be processed annually. Complete

applications received by March 31st shall be processed in the following calendar year as Type 6 permits. The City Planner shall docket such applications in accordance with RCW 36.70A.470(2).

- C. Property owner initiated, site-specific amendments to the Development Code's Land Use Designation Map shall be processed as Type 6 permits without frequency restriction.
- D. All individuals and organizations are encouraged to suggest amendments to the Comprehensive Plan or Development Code which are not specific to any site, such as text amendments or area-wide map amendments. Such suggestions shall be made in writing to the City Planner, who shall docket them in accordance with RCW 36.70A.130 and 36.70A.470(2). Also, the Planning Commission and City Council may initiate amendments to the Comprehensive Plan or Development Code for inclusion in the preliminary docket, which are not specific to any site. (Ord. 2092, 2006)

14.15.030 Scheduling Consideration of Proposed Amendments

The City Planner and Planning Commission, under City Council direction, shall schedule consideration of all proposed amendments to the Comprehensive Plan or Development Code, regardless of who suggested or initiated them. The Development Code may be amended at any time as determined necessary by the City Council. The Comprehensive Plan may be amended no more than once per year and any contemplated amendments shall be considered concurrently, provided that this limitation shall not apply to the

circumstances stated in RCW 36.70A.130(2). The City may concurrently amend the Comprehensive Plan and Development Code.

14.15.040 Threshold Determination, Scheduling of Hearing, and Notice

- A. Amendments to the Comprehensive Plan or Development Code may be requested utilizing a form provided by the City Planner subject to payment of prescribed fees. The City Planner shall verify completeness and shall docket complete requests.
- B. Once a proposed amendment to the Comprehensive Plan or Development Code has been drafted, the City Planner shall:
 - 1. Perform a threshold determination regarding the proposal in accordance with WAC 197-11 Part Three;
 - 2. If a determination of significance (DS) is issued, determine the scope of the environmental impact statement (EIS) and prepare the draft EIS;
 - 3. Schedule a public hearing before the Planning Commission for a date that conforms to the following notice requirement; and
 - 4. Publish between 15 and 30 days before the hearing a notice of hearing in the official newspaper (see Ch. 1.20 SMC), provided that:
 - a. If a determination of non-significance (DNS) has been issued, the notice shall state that if timely comments are received the City Planner will reconsider the DNS.

- b. If WAC 197-11-340(2) applies (i.e., City cannot take final action until 14 days after issuing a DNS), the City Planner shall also send the notice of hearing/DNS and environmental checklist to the agencies listed in WAC 197-11-340(2).
- c. If a DEIS has been prepared, the notice shall state that comments on the DEIS will be accepted until and at the hearing.
- d. If the proposal is a site-specific amendment to the Land Use Map, the publication requirement shall be that of a Type 6 permit.
- e. The City Planner may publicize a given legislative proposal more broadly than stated herein to gather more public input. Minor errors in amendment procedures, such as unintended inaccuracies in any public notice, shall not invalidate an amendment proceeding.

14.15.050 Reconsideration of DNS

If a DNS is issued and timely comments are received, the City Planner shall reconsider the DNS in accordance with WAC 197-11-340(2)(f) and (3).

14.15.060 Forward to City Council and Planning Commission

The City Planner shall forward a staff report to the Planning Commission and City Council, which report shall include a summary of the environmental review for the proposal. If a determination of significance has been issued, the City Planner shall distribute copies of the draft and final EIS to the Planning Commission,

City Council, and other affected agencies.

14.15.070 State Review

The City shall comply with RCW 36.70A.106 regarding review by the Department of Community, Trade, and Economic Development of proposed amendments to the Comprehensive Plan or Development Code.

14.15.080 Hearing

- A. One or more public hearings shall be conducted in accordance with this section.
- B. If directed by the City Council, the Planning Commission shall hold a public hearing, which may be at a joint meeting of the Planning Commission and City Council at the discretion of the City Council.
- C. The City Council may conduct its own public hearing, in addition to or in lieu of any public hearing conducted by the Planning Commission.
- D. In the case of site-specific amendments to the Development Code's Land Use Designation Map, the only public hearing shall be the one conducted by the Hearing Examiner pursuant to Chapter 14.50 SMC.

14.15.090 Criteria - Findings and Recommendation

- A. The Planning Commission shall adopt written findings referencing the following criteria, and shall make a recommendation consistent with those findings to the City Council.
- B. The approval criteria for amendments to the Comprehensive Plan and

Development Code shall be that the amendment:

1. Is internally consistent with the Comprehensive Plan (for Comprehensive Plan amendments) or is consistent with the Comprehensive Plan (for Development Code amendments);
2. Is consistent with the Growth Management Act and the State Environmental Policy Act; and
3. Is in the interest of the public health, safety, and welfare of Snohomish residents.

14.15.100 Council Action

The City Council, if it elects to amend the Comprehensive Plan or Development Code, shall revise the findings if necessary and adopt said amendment by ordinance. Any substantive changes to the amendment considered at the public hearing shall be processed in accordance with the public participation requirements of RCW 36.70A.035.

14.15.110 Appeals

Amendments of the Comprehensive Plan or Development Code may be appealed to the Growth Management Hearings Board in accordance with RCW 36.70A.290.

14.15.120 Illustration

The following flow chart, entitled "Comprehensive Plan or Development Code Amendment", illustrates the Comprehensive Plan or Development Code amendment process. (Ord. 2082, 2005)

COMPREHENSIVE PLAN OR DEVELOPMENT CODE AMENDMENT

