Chapter 7– Administration Element

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I. INTRODUCTION

Purpose

This Administration Element has been developed to address Comprehensive Plan amendment processes and maintaining consistency with development regulations, in accordance with the requirements of the Washington State Growth Management Act including RCW 36.70A.106, 36.70A.120, 36.70A.130 and 36.70A.140.

The Administration Element has also been developed in accordance with the Yakima Countywide Planning Policy. The Administration Element specifically considers the process for Comprehensive Plan amendments including timing, procedures, public participation, consistency with other City fiscal and regulatory processes and State review of amendments.

Growth Management Act Requirements

The Administration Element consists of procedures for:

1. Evaluation of plans and development regulations;
2. Maintaining conformity with GMA requirements;
3. Maintaining consistency within the comprehensive plan and with implementing regulations;
4. Making amendments to the Comprehensive Plan no more than once a year or due to an emergency situation;
5. Considering all proposed amendments to the Comprehensive Plan concurrently so that the cumulative effects of the various proposals may be ascertained;
6. Ensuring that the plan reflects accommodation of the urban growth projected to occur for the succeeding 20-year period;
7. Ensuring early and continuous public participation in Comprehensive Plan amendments;
8. Allowing State review and comment on proposed amendments as required under GMA.

II. AMENDMENTS

Following adoption of the revised Comprehensive Plan, the City shall monitor change and needs within the community and document needed amendments to the Comprehensive Plan. Amendments that are quasi-judicial in nature (site-specific and/or are associated with a project of a quasi-judicial nature, such as a rezone) shall be considered by the Hearing Examiner, as provided by GMC Chapter 2.50. Amendments that are legislative in nature, such as City-initiated area-wide amendments for planning purposes, shall be considered by the Planning Commission, as provided by GMC Chapter 2.40. Through the remainder of this chapter, the Hearing Examiner and the Planning Commission will be referred to as the "advisory body."

Timing

All proposals shall be considered by the relevant advisory body and City Council concurrently so the cumulative effect of the various proposals may be ascertained. Proposals for Comprehensive Plan amendments will be accepted at any time during the year and will be scheduled along with all other proposals received, to form a docket of proposed plan changes for consideration as part of the

Comprehensive Plan's yearly review and amendment process. The City of Grandview sets January as the month of the year in which amendments to the Comprehensive Plan will be scheduled for consideration by the City Council.

The Comprehensive Plan may be revised or amended outside of this normal schedule only after appropriate public participation and if findings are adopted to show that the amendment is necessary, due to an emergency situation of a neighborhood-wide or community-wide significance and not a personal emergency on the part of a particular applicant or property owner. The nature of the emergency must be documented as part of written findings and approved by the City Council prior to consideration of an emergency amendment. The City Council shall decide whether to allow the proposal to proceed ahead of the normal amendment schedule.

The Comprehensive Plan may also be revised or amended after appropriate public participation at any time of the year to resolve an appeal of a Comprehensive Plan filed with the Washington State Growth Management Hearings Board or with Superior Court.

The City shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered by the governing body of the City no more frequently than once every year. "Update" means to review and revise, if needed. Amendments may be considered more frequently than once per year under the following circumstances:

1. The initial adoption of a sub-area plan that does not modify the Comprehensive Plan policies and designations applicable to the sub-area;
2. The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;
3. The amendment of the capital facilities element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of a county or City budget;
4. The adoption of Comprehensive Plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the City and all persons who have requested notice of a Comprehensive Plan update are given notice of the amendments and an opportunity to comment.

All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, the City may adopt amendments or revisions to its Comprehensive Plan whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with a growth management hearings board or with the court.

In compliance with RCW 36.70A.130(5)(c), the City of Grandview will establish a schedule every ten ~~eight~~ years to take action to review and, if needed, revise their Comprehensive Plan and development regulations. Under the GMA, the City of Grandview's statutory deadline for the next Comprehensive Plan update is June 30, 2036~~17~~. Annual amendments cannot occur separately in the year designated for the eight-year update. All annual updates coinciding with the ten~~eight~~-year update cycle must be submitted concurrently within that year.

However, any amendment to the zoning and other development regulations that is consistent with the adopted Comprehensive Plan can be made any time during a year.

Adoption and Initiation

The City Council may, after due notice and public hearing, amend, supplement or modify the text and maps of this Comprehensive Plan. An amendment may be adopted, amended, or supplemented by the City Council upon the recommendation of the relevant advisory body following a public hearing by the advisory body. Amendments may be initiated in the following manner:

~~1.~~ By motion of the City Council or advisory body;

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2. By the owner of property within the City filing a petition with the advisory body; the petition shall be on a standard form prescribed by the advisory body and available from the City Clerk;
3. A fee as determined by GMC 17.92.020, Comprehensive Plan Amendment. The cost of required engineering review or study payable to the City at the time of filing the petition shall be charged for advertising and mailing expenses. No part of the fee shall be returnable. However, when a map amendment of the Comprehensive Plan is in conjunction with a rezone request for the same property, only a single fee need be paid for the rezone/Comprehensive Plan map amendment. The higher fee shall prevail.
4. Motions and/or complete applications for amending, supplementing, or modifying the text and maps of this Comprehensive Plan will be received by the advisory body up until 60 days prior to the advisory body's public hearing on proposed amendments . This will allow adequate time for processing of the motion or application and will allow for proper public notification of the proposals. Motions and/or applications received after this date will be processed in the following year's cycle.

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Amendment Processing

All petitions for Comprehensive Plan amendments shall be processed following the applicable sections of GMC Title 14, Administration of Development Regulations. The City will docket (record for future action) all Comprehensive Plan amendments in the following manner:

1. The City will broadly disseminate to the public through a variety of media information about the Comprehensive Plan amendment process. This information will identify procedures and schedules whereby updates, proposed amendments, or revisions of the Comprehensive Plan are considered by City Council.
2. All petitions requesting Comprehensive Plan amendments shall be accepted during any time of the year and held until 60 days prior to the advisory body's public hearing on proposed amendments.
3. City staff will keep a docket of initiated Comprehensive Plan amendments.

4. The docket and all application files will be available for public review at City Hall during normal business hours.

Emergency Amendment Processing

An emergency requiring an exception to the once-a-year comprehensive amendment provision is defined as an unforeseen and not reasonably foreseeable event where some threat of harm to the public interest is imminent. Emergency amendments must be based on findings that show that the amendment is needed to resolve an emergency situation of a neighborhood-wide or community-wide significance, and not a personal emergency of a particular applicant or property owner. The nature of the emergency must be documented as part of written findings, and approved by the City Council prior to consideration of an emergency amendment. The City Council shall decide whether to allow the proposal to proceed ahead of the normal amendment schedule.

Public Hearing

The advisory body shall hold a public hearing on any such amendments, supplements, or modification of this plan, whether initiated by petition or motion. Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least fifteen (15) days prior to the date of the hearing. In addition, in cases of change of boundaries or of future land use designations, all owners of property within 300 feet of the boundary lines of the property proposed to be changed shall be notified of the proposed change and the date of hearing by United States mail. Notice mailed to the last known address of the person making the tax payment shall be deemed proper notice. However, in the case of a boundary change or a future land use designation change affecting three or more parcels, notice may be given by publication in all local newspapers published in the City for two consecutive weeks, of a notice of hearing on the proposed change. The notice shall contain the date, time and place of the hearing and a description that identifies the area of the proposed change(s) and the effects of the change(s).

Upon receiving the findings and recommendations from the advisory body from this public hearing, the City Council will conduct a public hearing to consider the recommended amendments. No decisions shall be made on the recommendations for amendment until after the initial 60 day State review and comment period has expired.

Advisory Body Recommendation

In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the advisory body shall state fully its reasons at the public hearing before the City Council, describing any change in conditions that it believes makes the amendment advisable and specifically setting forth the manner in which the advisory body is of the opinion that the amendment is in harmony with the purposes set forth in the plan. The advisory body shall only grant a change to the Future Land Use Map of the Comprehensive Plan if written findings are made according to Section IV of this Administration Element – Criteria Approving a Change in the Future Land Use Map.

In changing the future land use designation of any area, the zoning shall also be changed to maintain consistency between the Comprehensive Plan and the zoning ordinance.

State Review of Amendments, Supplements, and Modifications

Pursuant to RCW 36.70A.106, the Town/City shall provide required notifications to state agencies when

amending and adopting amendments to the comprehensive plan and development regulations. The Town/City shall meet this requirement by submitting necessary notices to the Washington State Department of Commerce (Commerce). Commerce administers a database system (PlanView) which will enable the City to simultaneously notify state agencies of the City's proposed and adopted amendments in fulfillment of this requirement for state records.

Initial Review of Proposed Amendments

At least sixty (60) days prior to the adoption of an amendment to the Comprehensive Plan, the City shall submit an electronic copy of the proposed amendment ~~five copies of the proposed change~~/draft version ~~shall be submitted to the Washington State Department of~~ Commerce to enable state agencies to ~~for~~ review and comment. One plan review checklist and any other supplementary documentation (e.g. State Environmental Policy Act [SEPA] information, outline of public participation process, staff report) shall accompany the proposed amendment. Should the City of Grandview not receive state comments on the proposed amendment within sixty (60) days after receipt of the proposed amendment by the State, the City shall be free to adopt the amendment without further delay.

Final Review of Adopted Amendment

Within ten (10) days from the adoption of the amendment, the City shall submit an electronic copy ~~two copies~~ of the adopted amendment ~~shall be submitted~~ to ~~the Washington State Department of~~ Commerce for filing. ~~An "Adopted Comprehensive Plan Submittal" form and any new or additional information shall accompany the adopted amendment.~~ The City may submit notice through the PlanView System, or alternatively email Commerce. Any agency or jurisdiction which commented on the draft of the amendments shall also receive a copy of the adopted amendment.

The City will also publish a notice of adoption and availability in its newspaper of record. A final 60-day review and comment period will commence from the date of publication. Appeals of the adopted amendment to the Eastern Washington Panel of the Washington State Growth Management Hearings Board would be filed during this final 60-day review period.

III. APPEALS

Initiation

Any interested citizen or administrative agency or commission may appeal to the City Council from any ruling, interpretation or decision of the advisory body adverse to his interest, by filing with the City Clerk within fourteen (14) days from the ruling, a written notice of appeal. The City Clerk shall transmit to the City Council all petitions, minutes of meetings, and other documents constituting a record upon which action appealed from was taken.

Time and Place of Hearing

Upon filing of the notice of appeal, the City Council shall fix the time of hearing and notify the appellant. The time fixed for hearing of the appeal shall not be more than thirty (30) days subsequent to the filing.

Authority to Rule

The City Council may, at its hearing, receive such additional evidence as it deems to be relevant and shall have the power to affirm, alter, or overrule any ruling, decision or interpretation of the advisory body.

Appeals to Others

Eastern Washington Growth Hearings Board

Parties aggrieved by the decision may appeal to the Eastern Washington Panel of the Growth Management Hearings Board (GMHB), if such decision is subject to review by the GMHB, and if the party has standing. Appeals to the GMHB must be filed within sixty (60) days of the publication of the action by the City Council, and must be filed in the office of the appropriate Board.

In general, the Growth Management Hearings Board shall hear only those petitions alleging either: a) that a state agency, County, or City is not in compliance with the requirements of the GMA, as amended or with environmental review as it relates to plans and regulations; or b) that the 20-year growth management planning projections adopted by the Office of Financial Management (OFM) should be adjusted.

For a person[1] to have standing, they must have appeared before the County or City regarding the matter on which a review is being requested, or be certified by the Governor within sixty (60) days of filing the request with the Board, or be a person qualified pursuant to RCW 34.05.530.

Appeals of Growth Management Hearings Board decisions may be filed in Superior Court as provided in RCW 34.05.514 or 36.01.050 within thirty (30) days of the final order of the Board.

IV. CRITERIA APPROVING A CHANGE IN THE FUTURE LAND USE MAP

Standards

A change in the Future Land Use Map of the Comprehensive Plan shall only be granted after the advisory body and City Council have reviewed the proposed change to determine if it complies with the standards and criteria listed below. A change in the Future Land Use Map shall only be granted if such written findings are made:

1. The proposal is consistent with the provisions of the Growth Management Act (GMA) and other applicable state planning requirements;
2. The proposal is consistent with and will help implement the goals, objectives and policies of this plan;
3. Required changes to implementing regulations are identified prior to adoption of the proposed change and are scheduled for revision so that these implementing regulations remain consistent with the Comprehensive Plan;
4. The proposal will increase the development or use potential of a site or area without creating significant adverse impacts on existing sensitive land uses or on other uses legally existing or permitted in the area;

[1] A "person" as defined in RCW 36.70A.280 - 3, means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

5. The proposal is an extension of similar adjacent use or is of sufficient size to make the proposal logical;
6. The traffic generated by the proposal will not unduly burden the traffic circulation systems in the vicinity. The collector and arterial system currently serves or can concurrently be extended to serve the proposal, as needed;
7. Adequate public facilities and services exist or can be concurrently developed to serve the proposal;
8. The other characteristics of the proposal are compatible with those of other uses in the vicinity.
9. The other uses in the vicinity of the proposal are such as to permit the proposal to function properly;
10. If the proposal has significant adverse impacts beyond the City limits, the proposal has been jointly reviewed by Yakima County;
11. Any other similar considerations that may be appropriate to the particular case.

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