

## Chapter 17.125

### ~~AMENDMENTS TO COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS~~ Comprehensive

#### Plan, Zoning, and Development Regulation Amendments

**Commented [BJ1]:** BJ - 12-16-2024 - fixed odd singular confusion

#### Sections:

- 17.125.010 Title.
- 17.125.020 Application.
- 17.125.030 Purpose.
- 17.125.040 Authority.
- 17.125.050 ~~Comprehensive plan text and map amendments.~~
- 17.125.060 Development agreements associated with a comprehensive plan amendment.
- 17.125.070 ~~Area-wide rezones~~ Zoning map amendments, area wide.
- 17.125.080 ~~Site-specific zoning map amendments~~ Zoning map amendments, site specific.
- 17.125.090 ~~Development regulation text amendments~~ Development regulation amendments.

**Commented [BJ2]:** BJ - 12-16-2024 - uniform phrasing provides clarity

#### **17.125.010 Title.**

This chapter shall be called "Amendments to Comprehensive Plan and Development Regulations." (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.125.020 Application.**

The provisions of this chapter shall be applicable to all zones as set forth in this title. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.125.030 Purpose.**

The purpose of this chapter is to establish procedures and criteria for amending the city's zoning map, development regulations, comprehensive plan, and comprehensive plan map. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.125.040 Authority.**

This title is created pursuant to the authority set forth in chapters 35A.63, 36.70A, and 36.70B RCW and other applicable laws. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.125.050 Comprehensive plan ~~text and map~~ amendments.**

A. General. Pursuant to RCW 36.70A.130(2)(a) and the process set forth in BMC Title 14A, proposed updates to the comprehensive plan shall be processed only once a year except for the adoption of original subarea plans, amendments to the shoreline master program, the amendment of the capital facilities chapter concurrent with the adoption of the city budget, in the event of an emergency or to resolve an appeal of the comprehensive plan filed with the Growth Management Hearings Board.

B. Amendment Procedures. Comprehensive plan text and map amendments are classified as Type IV decisions and shall be processed pursuant to BMC Title 14A. (Ord. 1857 § 2 (Exh. B), 2018).

#### **17.125.060 Development agreements associated with a comprehensive plan amendment.**

A. Pursuant to RCW 36.70B.170 through 36.70B.210, the city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction as part of a comprehensive plan amendment and associated rezone. A development agreement and subsequent rezone shall be consistent with applicable development regulations set forth in BMC Title 14A.

B. Development agreements associated with a comprehensive plan amendment are classified as Type IV decisions and shall be processed in compliance with the comprehensive plan amendment and the regulations of RCW 36.70B.170 through 36.70B.210.

C. Development agreements associated with a comprehensive plan amendment and subsequent rezone may be used at the city council's discretion. Development agreements may be used to place restrictions on a proposed amendment to minimize the impacts of future development.

D. Development Agreement Contents. For the purpose of this section, development standards may include, but are not limited to, the following:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Affordable housing;
6. Parks and open space preservation;
7. Phasing;
8. Review procedures and standards for implementing decisions;
9. A build-out or vesting period for applicable standards; and
10. Any other appropriate development requirement procedure.

E. The final decision authority for approval of the development agreement and development plan shall be the city council as set forth in BMC Title 14A.

F. The decision of the city council on a development agreement and plan in conjunction with a comprehensive plan amendment and subsequent zoning change is the final decision of the city and may be appealed pursuant to chapter 36.70C RCW.

G. A development agreement shall be recorded with the Skagit County auditor at the applicant's expense. During the term of the development agreement, the agreement is binding on the parties and their successors.

H. The city will process and decide upon an application for an amendment as if it were an application for a new development agreement in a manner set forth above, unless it is deemed a minor modification as set forth in subsection (I) of this section.

I. Modifications of Development Plan.

1. The director of community development may approve minor modifications to the development plan pursuant to BMC Title 14A.
2. Criteria for approving minor modifications include but are not limited to the following:
  - a. Shall conform to the terms of the development agreement;
  - b. Shall not reduce landscaping, buffering, or open space areas;
  - c. Shall not reduce setback requirements;

- d. Shall not result in an increase in height of any structure;
- e. Shall not result in a change in ingress or egress;
- f. Shall not increase any adverse impacts or undesirable effects;
- g. Shall not significantly alter the project. (Ord. 1857 § 2 (Exh. B), 2018).

**17.125.070 ~~Area-wide rezones~~ Zoning map amendments, area wide.**

A. Area-wide rezones shall be considered only in conjunction with updates to the comprehensive plan text and maps to ensure full consideration of the cumulative effects of all changes.

B. Area-wide rezones are classified as Type IV decisions and shall be processed pursuant to BMC Title 14A. (Ord. 1857 § 2 (Exh. B), 2018).

**17.125.080 ~~Site-specific zoning map amendments~~ Zoning map amendments, site specific.**

A. Site-specific zoning map amendment requests, which are consistent with the comprehensive plan map, may be submitted at any time. Site-specific zoning map amendments consistent with the comprehensive plan map shall be processed as a Type III review pursuant to BMC Title 14A. Amendments to the zoning map which are not consistent with the comprehensive plan map shall be processed as a Type IV review and may only be considered in conjunction with a corresponding amendment to the comprehensive plan.

B. All site-specific zoning map amendment requests must meet all of the following criteria:

1. The requirements of RCW 36.70A.070(6), ~~c~~Concurrence;
2. The requested map amendment is consistent with the comprehensive plan;
3. The map amendment bears a substantial relation to the public health, safety and welfare;
4. The map amendment is warranted in order to achieve consistency with the comprehensive plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property;
5. Property is adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same zoning classification;
6. The map amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
7. The map amendment has merit and value for the community as a whole. (Ord. 1857 § 2 (Exh. B), 2018).

**17.125.090 ~~Development regulation text~~ amendments.**

A. ~~Minor. A minor amendment is a change that does not substantively affect the meaning or intent of the code. Minor amendments include changes to address problems with spelling, grammar, and organization, or to address inconsistencies and conflicts. Minor amendments must be fully consistent with the comprehensive plan. The text of the city's development regulations-Minor amendments may be amended-adopted at any time provided the amendment is consistent with the comprehensive plan and does not interfere with its implementation. Text~~ amendments that cannot be classified as minor amendments shall be considered major amendments and shall be processed as a Type IV review pursuant to in accordance with BMC Title 14A and consistent with the annual review process outlined in BMC 17.125.100.

B. ~~Major. Major Text-amendments include changes the substantively affect the meaning of the code, which are not consistent with the comprehensive plan, or that cannot be classified as minor amendments. Major amendments shall be processed as a Type IV review in accordance with BMC Title 14A and consistent with the annual review process outlined in and may only be considered together with a corresponding amendment to the comprehensive plan. Text~~

Commented [BJ3]: BJ - 12-16-2024 - clarified section titles

~~amendments which are not consistent with the comprehensive plan shall be subject to the annual processing limitation described in~~ BMC 17.125.050. (Ord. 1857 § 2 (Exh. B), 2018).

#### 17.125.100 Annual Review Process.

A. Purpose. The purpose of this section is to establish procedures for amending the comprehensive plan and for major development regulation amendments.

B. Applicability. The following actions shall be subject to the provisions of this section (BMC 17.125.100):

1. Amending the text of the comprehensive plan or a comprehensive plan map.
2. Major amendments to the text of the City's development regulations. A major amendment is an amendment that substantively changes the effect of the code, requires a corresponding comprehensive plan amendment, or cannot otherwise be classified as a minor amendment.
3. Zoning map amendments that require a corresponding comprehensive plan amendment including area wide rezones as described in BMC 17.125.070.
4. Adoption or amending functional plans related to, referenced by, or necessary to implement the comprehensive plan, such as sewer, stormwater, or transportation plans.

C. Exemptions. The following actions are not subject to the annual review process described in this section (BMC 17.125.100):

1. Changes necessary to address an emergency involving an immediate threat to public health, safety, or the environment;
2. Changes required by the Growth Management Hearings Board or a Court in order to address an appeal;
3. Amendments to the Capital Improvement Plan (CIP) associated with the adoption of the City's annual budget. Changes to the CIP shall be subject to BMC 17.125.110
4. Minor amendments to the text of the City's development regulations. A minor amendment is an amendment that has little or no substantive effect. Minor amendments include editing changes to correct spelling, grammar and organizational problems, and changes necessary to address contradictory requirements or conflicting code provisions. Minor changes must be fully consistent with the comprehensive plan.
5. Site specific zoning map amendments that are consistent with the comprehensive plan, do not require a corresponding amendment to a comprehensive plan map.

**6. Lawfully enacted moratoriums.**

D. Suggesting Amendments. Amendments to the comprehensive plan or comprehensive plan map and major development regulation amendments may be suggested by any person. Suggested amendments shall be submitted on forms provided by the Director and shall include all of the information required by the form in addition to all of the items listed below. Only suggested amendments that include all of the information required by this section will be advanced for further consideration.

1. Name, address, phone number, and email address of the person suggesting the amendment;
2. Citation of the specific text, map, or illustration to be amended;
3. The suggested amendment;
4. All applicable fees.

**Commented [BJ4]:** BJ - 12-16-2024 - These sections used to conflict. Any change the impacts the intent or meaning of the code should be a type IV annual review process.

**Commented [BJ5]:** BJ - 12-16-2024 - Already exempt by default since a moratorium is not a permanent change, but good to clarify as this has come up in other jurisdictions.

E. Evaluation of Suggested Amendments.

1. Suggesting Amendments. Suggested amendments shall be submitted between January 1<sup>st</sup> and June 1<sup>st</sup> of each year for possible consideration the following calendar year.
2. Department Action. On an annual basis the Community Development Department shall compile a list of suggested amendments received between January 1<sup>st</sup> and June 1<sup>st</sup>. The list prepared by the Community Development Department shall then be provided to the Planning Commission by August 1<sup>st</sup>.
3. Planning Commission Consideration. Based on the list prepared by the Community Development Department the Planning Commission shall hold one or more public meetings to consider the list of suggested amendments and may select suggested changes warranting further consideration and add them to the annual work program. Items should be selected for inclusion in the annual work program based on the priorities identified in the Implementation Element of the comprehensive plan and the following additional considerations.
  - a. The suggested amendments addresses a broad public interest rather than a narrow private interest;
  - b. The suggested amendment addresses a documented problem with the comprehensive plan or development regulations, or is intended to address a significant change in conditions that has occurred since the comprehensive plan or development regulations were adopted;
  - c. The suggested amendment does not conflict with other comprehensive plan provisions;
  - d. The suggested amendment is consistent with the requirements of the Washington State Growth Management Act (GMA) and the Skagit County Countywide Planning Policies;
  - e. The Community Development Department and Planning Commission have sufficient resources to properly consider the suggested amendment and consideration of the suggested amendment will not conflict with or delay other higher priority work items.
4. City Council Consideration. Following the review process outlined above the Planning Commission should forward a draft work plan and a list of any suggested amendments warranting further consideration to the City Council by October 1<sup>st</sup>. The Council should then act on the Planning Commission's recommendation by December 31<sup>st</sup>.
5. Effect of City Council Action. The list of suggested amendments included in the final work plan approved by the City Council shall be known as the "annual review docket". Only amendments included on the annual review docket may be considered for action the following year. Inclusion of a suggested amendment on the annual review docket does not require that be taken on the docketed item. Based on resource constraints, feasibility, or other considerations, docketed items may be deferred to subsequent years, deferred to subsequent periodic update cycles, or dropped from further consideration.
6. The process for suggesting amendments is intended to provide an opportunity to bring potential amendments to the attention of the Planning Commission and City Council but does not create an obligation for the City to act on any suggested amendment. The Planning Commission and City Council may, at their discretion, decline to take action or defer action to a subsequent year or review cycle.

F. Adoption Process. Amendments to the comprehensive plan and major development regulations amendments shall be made no more frequently than once each calendar year. All changes being advanced for action shall be combined and considered together in a consolidated fashion so the cumulative, or combined impact