Sponsored by: Councilmembers Stan Flemming, Connie Ladenburg, and Rick Talbert
Requested by: Executive/Planning and Land Services

ORDINANCE NO. 2014-31s

An Ordinance of the Pierce County Council Amending Chapter 19C.10 of the Pierce County Code, “Procedures for Amendments to the Comprehensive Plan”; Adopting Findings of Fact; and Setting an Effective Date.

Whereas, Chapter 19C.10 of the Pierce County Code was adopted to establish procedures for amending the Comprehensive Plan consistent with the requirements of Revised Code of Washington (RCW); and

Whereas, the Growth Management Act (GMA) through RCW 36.70A.130 requires the County to establish procedures whereby proposed amendments or revisions to the Comprehensive Plan area are considered no more frequently than once every year except in certain circumstances; and

Whereas, the two-year cycle for review and evaluation of proposed Comprehensive Plan amendments consumes considerable time and resources of Pierce County Staff, the Planning Commission and the County Council; and

Whereas, the current two-year review cycle procedures require the Planning Commission to forward its recommendation to the Pierce County Council by August 15 of the amendment cycle year; and

Whereas, the County Council is required to complete a series of public hearing(s) before the Community Development Committee and the full County Council prior to taking action on the proposed Comprehensive Plan amendments; and

Whereas, the current schedule requires the County Council to hold public hearings on the proposed Comprehensive Plan amendment in September and October; and

Whereas, the Pierce County Executive delivers the County’s subsequent year’s budget to the County Council in September; and

Whereas, the County Council is required to adopt its following year’s budget by December 1; and

Whereas, the annual budget consumes considerable time and resources of Pierce County staff and the County Council; and
Whereas, the Council has determined that amending Chapter 19C.10 of the Pierce County Code (PCC) to modify the timeframes is necessary to ensure that the review of amendments to the Comprehensive Plan shall not affect the timing or staff resources necessary to complete the County's subsequent year's budget; and

Whereas, the GMA through RCW 36.70A.130 provides for required periodic review procedures and schedules; and

Whereas, Pierce County is required to complete a review of its Comprehensive Plan and regulations and take action, if necessary, on or before June 30, 2015, and every eight years thereafter; and

Whereas, the 2015 two-year Comprehensive Plan amendment cycle coincides with Pierce County's required 2015 GMA periodic review; and

Whereas, the Council has determined that the GMA periodic review provides an opportunity for individual property owners to submit informal requests for changes to the Comprehensive Plan; and

Whereas, the Pierce County Environmental Official has determined the proposal is exempt from the State Environmental Policy Act, per Washington Administrative Code 197-11-800(19); and

Whereas, the Council has determined that applicants are exempt from paying Comprehensive Plan Amendment review fees as required in Pierce County Code, Table 2.05.040-15 during the required GMA periodic review cycle; Now Therefore,

BE IT ORDAINED by the Council of Pierce County:

Section 1. Chapter 19C.10 of the Pierce County Code, “Procedures for Amendments to the Comprehensive Plan,” is hereby amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Findings of Fact documenting actions taken by the County Council are hereby adopted as set forth in Exhibit B, which is attached hereto and incorporated herein by reference.
Section 3. If any provisions of this Ordinance are found to be illegal, invalid, or unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall become effective on July 1, 2014.

PASSED this 27 day of ______, 2014.

ATTEST:

Denise D. Johnson
Clerk of the Council

PIERCΕ COUNTY COUNCIL
Pierce County, Washington

Dan Roach
Council Chair

Pat McCarthy
Pierce County Executive
Approved Vetoed ______, this 2 day of ______, 2014.

Date of Publication of Notice of Public Hearing: April 30, 2014

Effective Date of Ordinance: July 1, 2014
Only those portions of Chapter 19C.10 that are proposed to be amended are shown. Remainder of text and/or tables, maps, or figures is unchanged.

Title 19C

COMPREHENSIVE PLAN PROCEDURES

CHAPTER:

19C.10 PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN.
19C.20 PROCEDURES FOR DEVELOPING COMMUNITY PLANS AND UPDATES TO COMMUNITY PLANS.

19C.10.050 Initiation of Comprehensive Plan Amendments

F. Applications for Comprehensive Plan amendments considered pursuant to the required GMA periodic update cycle as required in RCW 36.70A.130 (5)(a) shall not be subject to the application requirements of Section 19C.10.050 E or 19C.10.055 but shall include an analysis and recommendation pursuant to Section 19C.10.065.


A. During a required GMA periodic update, the Planning and Land Services Department shall evaluate Council initiated amendments based upon the following:
1. Is there a community or countywide need for the proposed amendment? If so, what is that need?
2. Is the infrastructure available to support the requested amendment, such as sewer, water, roads, schools, fire support?
3. Would the requested amendment provide public benefits? If so, what sorts of public benefits?
4. Are there physical constraints on the property?
5. Are there environmental constraints, such as noise, access, traffic, hazard areas on or adjacent to the proposed amendment?
6. What types of land use or activities are located on the property?
7. What types of land use or activities are located on neighboring properties?
8. Is the proposed amendment consistent with all applicable state and local planning policies?

B. UGA amendments shall be evaluated based upon criteria listed in 19C.10.060.C.
C. Comprehensive Plan amendments for Planned Communities shall be evaluated based upon 19C.10.060.D.
D. Planning and Land Services shall forward the amendments to the Planning Commission with their recommendation, as part of the larger update proposal.
19C.10.070 Time Frame for Adoption of Comprehensive Plan Amendments.

A. All initiated Comprehensive Plan amendments, except Capital Facilities amendments and certain agriculture amendments described in D. of this Section, shall be considered by the Council concurrently and no more frequently than once every two years, unless an emergency exists.

1. Pierce County’s two-year review cycle shall begin with an application deadline of January 15, 2007. Each subsequent review cycle shall begin in two-year intervals thereafter—be completed in odd numbered years.

2. Applications for Comprehensive Plan amendments shall be accepted by the Council between December 1 and January 31 of the even numbered year during the even numbered year. During the remainder of the review cycle, suggested Plan amendments shall be provided to the Planning and Land Services Department, entered on the Docket, and treated as a suggested amendment pursuant to 19C.10.045 PCC. These suggested Plan amendments will be considered by Council during the following amendment review cycle after submittal of applications between December 1 and January 15.

3. Applications from the County Executive and the cities and towns shall be provided to the Council prior to January 31 of the even numbered years at the start of an amendment cycle.

4. The Council shall review all accepted and complete applications received for Council initiation and conduct at least one public hearing to determine which applications to initiate. Initiation shall be accomplished through an action of the Council by April 30 of the even numbered years at the start of an amendment cycle. Screening of applications by the Council will include review of the applications against the requirements in this Chapter and locational criteria and policies in the Comprehensive Plan.

5. The Planning and Land Services Department shall conduct its review, evaluation and report on initiated Comprehensive Plan amendments prior to and concurrently with the Planning Commission review. However, all departmental reporting and evaluation on initiated Comprehensive Plan amendments, including any necessary environmental review, shall be completed prior to the Commission taking action on recommendations regarding initiated Comprehensive Plan amendments.

6. The Planning Commission shall consider all initiated Comprehensive Plan amendments, except Capital Facilities amendments, concurrently so that the cumulative effect of the various proposals can be ascertained. The Commission shall complete its review, evaluation and recommendation on initiated Comprehensive Plan amendments by August 15 of the odd numbered years amendment cycle.

B. The time frames for Capital Facilities amendments shall include the submittal of proposed changes to the Capital Facilities Element (Titles 19A and 19E) in a staff report to the Planning Commission and the Council prior to the end of the second calendar quarter of each budget year. The staff report shall include an evaluation and environmental review consistent with the requirements for other types of Comprehensive Plan amendments. Furthermore, receipt of funds from non-County revenues for projects not identified in the County’s Capital Facilities Element, but identified in other long-term planning documents, may be spent or encumbered, as long
as the Capital Facilities Element is amended accordingly during the next available
review process.

C. Urban Growth Area amendments initiated by cities and towns incorporated after initial
adoption of the County’s Comprehensive Plan, November 29, 1994, may be reviewed on
an annual cycle according to the procedures set forth in PCC 19C.10.070 A. for the first
two years after incorporation, if the city or town submits a complete application by
December 31 of an even numbered preceding the review year.

D. The following agriculture related amendments may be reviewed on an annual cycle
according to the procedures set forth in PCC 19C.10.070 A. and the initiation
requirements set forth in PCC 19C.10.050:
1. Technical corrections to resolve Agricultural Resource Lands mapping errors;
2. Amendments which result in a net increase in the acreage of Agricultural Resource
   Lands and include a conservation easement component which protects such lands in
   perpetuity; and
3. Amendments proposing redesignation of lands from Rural 10 to Rural Farm.

E. The time frames set forth in this Section may not apply to the following amendments:
   adoption or amendment of the Shoreline Master Program, adoption of the first
   community plan for an area, or adoption of amendments to resolve an appeal of the
   Comprehensive Plan with the Central Puget Sound Growth Management Hearings
   Board or with the court.
FINDINGS OF FACT

The Pierce County Council finds that:

1. During the Comprehensive Plan amendment cycle, the County Council, Planning Commission, Planning and Land Services, other agencies, and interested citizens expend a great amount of time and resources in reviewing, analyzing, and discussing proposed amendments to the Comprehensive Plan.

2. Chapter 19C.10 of the Pierce County Code, “Procedures for Amendments to the Comprehensive Plan,” was adopted to establish procedures for amending the Comprehensive Plan consistent with the requirements of Revised Code of Washington (RCW).

3. The Growth Management Act (GMA) through RCW 36.70A.130 requires the County to establish procedures whereby proposed amendments or revisions to the Comprehensive Plan area are considered no more frequently than once every year except in certain circumstances.

4. The two-year cycle for review and evaluation of proposed Comprehensive Plan amendments consumes considerable time and resources of Pierce County Staff, the Planning Commission and the County Council.

5. The current two-year review cycle procedures require the Planning Commission to forward its recommendation to the Pierce County Council by August 15 of the amendment cycle year.

6. The County Council is required to complete a series of public hearing(s) before the Community Development Committee and the full County Council prior to taking action on the proposed Comprehensive Plan amendments.

7. The current schedule requires the County Council to hold public hearings on the proposed Comprehensive Plan amendment in September and October.

8. The Pierce County Executive delivers the County’s subsequent year’s budget to the County Council in September.

9. The County Council is required to adopt its following year’s budget by December 1.

10. The annual budget consumes considerable time and resources of Pierce County Staff and the County Council.
11. The Council has determined that amending Chapter 19C.10 of the Pierce County Code to modify the timeframes is necessary to ensure that the review of amendments to the Comprehensive Plan shall not affect the timing or staff resources necessary to complete the County’s subsequent year’s budget.

12. The Growth Management Act (GMA) through RCW 36.70A.130 provides for required periodic review procedures and schedules.

13. Pierce County is required to complete a review of its Comprehensive Plan and regulations and take action, if necessary, on or before June 30, 2015 and every eight years thereafter.


15. The Pierce County GMA periodic review provides an opportunity for individual property owners to submit informal requests for changes to the Comprehensive Plan.

16. The Council has determined that the GMA periodic review provides an opportunity for individual property owners to submit informal requests for changes to the Comprehensive Plan.

17. The Pierce County Environmental Official has determined the proposal is exempt from the State Environmental Policy Act, per Washington Administrative Code 197-11-800(19).

18. The Community Development Committee of the County Council, after a properly noticed public hearing, considered oral and written testimony, and forwarded its recommendation to the full Council.

19. The County Council held a public hearing on May 27, 2014, where oral and written testimony was considered.

20. The proposed amendments are in the best interest and general welfare of the citizens of Pierce County.