

Chapter 1

Administration

Element

INTRODUCTION

PURPOSE

This Administration Element has been developed in accordance with Sections 36.70A.106, 36.70A.120, 36.70A.130 and 36.70A.140 of the Growth Management Act, or as they may be amended, to address amendment of the comprehensive plan and the maintenance of consistency with development regulations.

The Administration Element has also been developed in accordance with the countrywide planning policies. The Administration Element specifically considers the process for amendment to the comprehensive plan including timing, procedures, public participation, consistency with other city fiscal and regulatory processes and state review of amendments.

GROWTH MANAGEMENT ACT REQUIREMENTS

To comply with the Growth Management Act, the comprehensive plan needs an Administration Element consisting of procedures for Evaluation of plans and development regulations;

- Evaluation of urban growth areas and the densities permitted at least every ten years;
- Maintaining conformity with GMA requirements;
- Maintaining consistency with the comprehensive plan and with implementing regulations;
- Making amendments to the plan no more than once a year or due to an emergency situation;
- Considering all amendments proposed to the comprehensive plan concurrently so that the cumulative effects of the various proposals may be ascertained;
- Ensuring that the plan reflects accommodation of the urban growth projected to occur for the succeeding twenty-year period;
- Ensuring early and continuous public participation in the amendment of comprehensive plans; and
- Allowing state review and comment on proposed amendments as required under GMA.

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.

TIMING

Amendments to this comprehensive plan may be considered no more frequently than once every year unless an emergency exists. All proposals shall be considered by the planning commission and the city council concurrently so the cumulative effect of the various proposals may be ascertained. The City of Zillah sets May as its anniversary date of comprehensive plan adoption. This date will also serve as the first month of the year in which amendments to the comprehensive plan may be adopted.

Proposals for amendment to the comprehensive plan will be accepted at any time during the year and will be scheduled along with all other proposals received for consideration as part of the comprehensive plan's yearly review and amendment process.

The comprehensive plan may be revised or amended outside of this normal schedule only if findings are adopted to show that the amendment was necessary. By state law, plan amendments are allowed no more than once a year, with some exceptions. The exceptions are:

- Initial adoption of a subarea plan;
- Adoption or amendment of a shoreline master program;
- Amendment of the capital facilities element, concurrent with the city budget being adopted or amended;
- Actions to address emergencies; or
- Actions to resolve an appeal filed with a growth management hearings board or the court.

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 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. "Updates" means to review and revise, if needed.

Amendments may be considered more frequently than once per year under the following circumstances:

- (i) The proposed amendment concerns the initial adoption of a sub area plan that does not modify the Comprehensive Plan policies and designations applicable to the sub area;
- (ii) The proposed amendment concerns the adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;
- (iii) The proposed amendment concerns the amendment of the Capital Facilities Element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of a City budget;
- (iv) The proposed amendment concerns 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.

Seven-Year Update

In compliance with RCW 36.70A.130, the City of Zillah will establish a schedule every seven years to take action, to review and, if needed, revise their comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act. The City

of Zillah's statutory deadline for the next comprehensive plan update is June 1, 2017. The City of Zillah adopted several items that were important to the Comprehensive Plan over the seven years since the previous statutory deadline of December 1, 2006. The annual amendments cannot occur separately in the year designated for the seven-year update. All annual updates coinciding with the seven year update cycle must be submitted concurrently within that year.

However, any amendment to the zoning and other development regulations that are consistent with the adopted Comprehensive Plan can be made anytime 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 or with the concurrence of the planning commission following a public hearing of the planning commission. Amendments may be initiated in the following manner:

- a. By motion of the city council or planning commission;
- b. By filing a petition by the owner or legal agent of property within the City or Urban Growth Area, which petition shall be on standard form prescribed by the planning and available from the city clerk;
- c. A fee of nine hundred and seventy-five dollars (\$975.00) payable to the City at the time of filing the petition shall be charged for processing, 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.
- d. Motions and/or applications for amending, supplementing or modifying the text and maps of this comprehensive plan will be received by the planning commission up until twenty-eight (28) days prior to the planning commission's public hearing on such proposed amendments to the plan. 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.

PUBLIC HEARING

The Planning Commission shall hold a public hearing on any such amendments, supplements or modification of this title whether initiated by petition or motion. This public hearing shall be held and recommendation made by the Planning Commission prior to the initial state sixty (60) day comment period on the proposed amendments.

Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least ten (10) 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; PROVIDED, however, that in the case of a boundary change or a future land use designation change affecting three or more parcels that 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 also a map which indicates the area of the proposed change and the effects of the change. The date of last publication of notice shall be at least ten (10) days before the date set for said hearing.

Upon receiving the findings and recommendations from the planning commission from this public hearing, the city council will schedule a public hearing to consider the recommended amendments. No decisions shall be made on the recommendations for amendment until after the initial sixty day state review and comment period has expired.

PLANNING COMMISSION RECOMMENDATION

In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the Planning Commission 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 planning commission is of the opinion that the amendment is in harmony with the purposes set forth in the plan.

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

INITIAL REVIEW OF PROPOSED AMENDMENTS

At least sixty (60) days prior to the adoption of an amendment to the comprehensive plan, an electronic copy of the proposed change/draft version shall be submitted to the Washington State Department of Commerce, Growth Management Division, for review and comment. One plan review checklist and any other supplementary documentation (relevant State Environmental Policy Act (SEPA) information, outline of public participation process, etc. . .) shall accompany the proposed amendment. Should the City of Zillah not receive state comments on the proposed amendment within sixty (60) days after receipt of the proposed amendment by the state, the City of Zillah 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, a copy of the adopted amendment shall be submitted to the Washington State Department of Commerce, Growth Management Division for filing. A "Notice of Adopted Comprehensive Plan Submittal" form and any new or additional information shall accompany the adopted amendment. 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 sixty (60) day review and comment period will commence from the date of publication. Appeals of the adopted

amendment to the Growth Hearings Board- Eastern Washington would be filed during this final sixty (60) day review period.

APPEALS

INITIATION

The action of the City Council shall be final unless appealed to the courts. For information on appealing a City Council decision, see the Appeals to Others section below.

TIME AND PLACE OF HEARING

Upon filing of the notice of appeal, the city council shall fix the time of hearing and advise the appellant thereof. 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 planning commission.

APPEAL TO OTHERS

GROWTH MANAGEMENT HEARINGS BOARD- EASTERN WASHINGTON

After exhausting any local appeals process, parties still aggrieved by the decision may appeal to the Growth Hearings Board- Eastern Washington if such decision is subject to review by the Growth Hearings Board and if the party has standing. Appeals to the Growth Hearings Board 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 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 Growth Management Act, as amended or with environmental review as it relates to plans and regulations; or b) that the twenty (20) year growth management planning projections adopted by the Office of Financial Management (OFM) should be adjusted.

For a person¹ 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 Hearings Board decisions may be filed in Superior Court.

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.

SUPERIOR COURT

Appeals outside of the scope of the Growth Hearings Board may be appeals pursuant to RCW 34.05.

CRITERIA APPROVING A CHANGE IN THE FUTURE LAND USE DESIGNATION MAP

STANDARDS

A change in the future land use designation map shall only be granted after the planning commission 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 designation map shall only be granted if such written findings are made:

- ❖ The proposal is consistent with the provisions of the Growth Management Act (GMA) and other applicable state planning requirements.
- ❖ The proposal is consistent with and will help implement the goals, objectives and policies of this plan;
- ❖ 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;
- ❖ 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.
- ❖ The proposal is an extension of similar adjacent use or is of sufficient size to make the proposal logical.
- ❖ 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.
- ❖ Adequate public facilities and services exist or can be concurrently developed to serve the proposal.
- ❖ The other characteristics of the proposal are compatible with those of other uses in the vicinity.
- ❖ The other uses in the vicinity of the proposal are such as to permit the proposal to function properly.
- ❖ If the proposal has impacts beyond the City limits, the proposal has been jointly reviewed by Yakima County.

❖ Any other similar considerations that may be appropriate to the particular case.