

## ORDINANCE NO. 1919

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON ADDING NEW FIFE MUNICIPAL CODE DEFINITIONS SECTIONS 19.06.167, 19.06.168 AND 19.06.092, ADDING A NEW CHAPTER 19.90 AND AMENDING SECTION 19.92.035 RELATED TO COMPREHENSIVE PLAN AMENDMENTS AND REZONE PROCESSING

**WHEREAS**, from time to time, it is appropriate to review development regulations; and

**WHEREAS**, the Washington State Growth Management Act, requires jurisdictions to establish a process for “docketing” all potential comprehensive plan amendments as a group and RCW 36.70A(2)(a), provides that “Each county and 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 county or city no more frequently than once every year. . .”; and

**WHEREAS**, the City of Fife received a planning grant from the Washington State Department of Commerce to assist in implementing the required Growth Management Act (GMA) update pursuant to RCW 36.70A.130 and the City used these funds to hire a planning consultant to review the city’s permit processing and comprehensive plan amendment procedures and prepare recommended amendments that apply best practices, find efficiencies, clarify codes and provide processes more consistent with other local governments; and

**WHEREAS**, the staff of Fife’s Community Development Department reviewed the consultants proposed amendments and have recommended approval; and

**WHEREAS**, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14-day expedited review from State agencies and no comments from State agencies were received; and

**WHEREAS**, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued with no comments having been received and no appeal filed; and

**WHEREAS**, the Fife Planning Commission considered recommended amendments on January 5, 2015, February 2, 2015 and conducted a Public Hearing on proposed amendments n March 2, 2015 and thereafter recommended that the Fife City Council adopt the amendments; and

**WHEREAS**, the Fife City Council received a briefing on the consultant, staff and Planning Commission’s recommendations on May 19, 2015, in regular study session; and

**WHEREAS**, the Fife Planning Commission reconsidered the docketing and rezone amendments on July 6, 2015 and thereafter revised recommendations that the Fife City Council adopt the revised amendments; and

**WHEREAS**, the Fife City Council received a briefing on October 13, 2015 and held a public hearing on October 27, 2015, considered the record and recommendations of the Planning Commission; the report and recommendations of the Community Development Department; and

**WHEREAS**, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

**THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** A new section 19.06.167 of the Fife Municipal Code is hereby added to the Definitions chapter 19.06 to read as follows:

**19.06.167 Comprehensive Plan.** The plan adopted by the City Council to guide the physical growth and improvement of the city, including any future amendments and revisions.

**Section 2.** A new section 19.06.168 of the Fife Municipal Code is hereby added to the Definitions chapter 19.06 to read as follows:

**19.06.168 Comprehensive Plan Amendment.** A Comprehensive Plan Amendment (CPA) is a proposed change, addition or deletion to the City's Comprehensive Plan text or map proposed by the City, any private individual, organization, business, or other group.

**Section 3.** A new section 19.06.192 of the Fife Municipal Code is hereby added to the Definitions chapter 19.06 to read as follows:

**19.06.192 Docket (or Comprehensive Plan Docket)** The Docket is a list of proposed Comprehensive Plan Amendments (CPA) that will be considered on their merits by the community, Planning Commission and City Council. The CPAs to be included in the Docket are determined by City Council legislative action no later than the first quarter of each calendar year.

**Section 4.** A new section 19.90 is hereby added to the Fife Municipal Code to read as follows:

**Chapter 19.90**  
**COMPREHENSIVE PLAN AND MAP AMENDMENTS**

**Sections:**

- 19.90.010 Purpose.
- 19.90.030 Comprehensive Plan Docket
- 19.90.040 Initiation of docket amendments
- 19.90.050 Amendment procedure – Sequence for Annual Docketing

**19.90.010 Purpose.** The purpose and intent of this chapter is to provide procedures and criteria for amending the comprehensive plan and to encourage early and continuous opportunities for public participation in the annual amendment process

**19.90.030 Comprehensive Plan Docket** A Comprehensive Plan Amendment (CPA) is a proposed change, addition or deletion to the City's

Comprehensive Plan text or Map. The Docket consists of the package of proposed CPAs that will be considered on their merits by the community, Planning Commission and City Council. The CPAs to be included in the Docket are determined by City Council following legislative action as described in FMC 19.90.040 and 050.

**19.90.040 Initiation of Docket amendments.** Amendments of the comprehensive plan and comprehensive plan maps may be initiated by the City, or a private individual, organization, business, agency or other group and shall be submitted to the Department on forms provided by the City. Proposals may be submitted at any time; however, to be considered in the annual calendar year, they must be submitted by January 31 or other deadline set by the City Council, as otherwise specifically authorized by the City Council. All proposals shall be considered collectively once each year except in the case of an emergency as determined by the City Council.

No fee shall be charged at this proposal stage. The Department shall maintain a log or docket of all such proposals including a summary of the proposal, the principal proponent's name and address, the date on which the proposal was submitted, and its review status.

**19.90.050 Amendment Procedure - Sequence for Annual Docketing**

A. Notice. Before the end of each November of each calendar year, the City shall announce and publish public notice that January 31 of the following year is the deadline for submitting CPA applications for docketing in that calendar year. The Department shall also notify each proponent by mail of all public hearings and of the Council's final decision.

B. Preliminary Department Docket Review. City staff shall receive and review each application submitted by the deadline to determine completeness and consistency with the preliminary review criteria for including proposed CPAs on the Docket. The Department shall compile a list, known as the Docket, giving the status of all proposed amendments, including rezones, and forward the list to the Planning Commission.

The Preliminary Review Criteria for including proposed CPAs on the Docket.

1. Amending the Comprehensive Plan is the most appropriate mechanism available, as the desired outcome cannot be addressed as a regulatory, budgetary or programmatic measure;
2. The proposed CPA is best addressed as an individually docketed item, instead of evaluating as part of a periodic update to Fife's Comprehensive Plan, or other planning processes such as those led by neighboring jurisdictions, regional, or state agencies;
3. The proposed amendment is consistent with the county-wide planning policies and the Growth Management Act.
4. The proposed CPA is consistent with existing local, state, and

federal laws;

5. The proposed CPA is timely with respect to other City and community initiatives, and planned public and private development activity;

6. City Council, Planning Commission and staff will have sufficient information necessary to analyze the proposal, develop a recommendation, and make an informed decision within the docket year;

7. Would the proposed amendment cause little or no adverse environmental impacts and, is the time required to analyze impacts available within the time frame of the standard annual review process?

8. Can the proposed amendment be acted on without significant other amendments or revisions not anticipated by the proponents and is the time required for processing those amendments or revisions available within the time frame of this annual review process?

9. The proposed CPA or similar amendment has not been considered or rejected within the last two years or has the applicant identified reasons to review the proposed amendment again?

10. If the Department determines that the answer to any of the above questions is no, it may recommend to the Planning Commission that the proposed amendment or revision not be further processed in the current amendment review cycle.

C. Preliminary Planning Commission Docket Recommendation.

1. The Planning Commission conducts a study session to review all the complete CPAs submitted by the deadline.

2. The Planning Commission conducts public hearing to seek comments on the scope of proposed amendments.

3. The Planning Commission shall recommend which amendments are appropriate of further review and consideration on the annual docket and provide a recommendation to the City Council based upon the Preliminary Review and Evaluation Criteria (FMC 19.90.050(B)(1-10). The Department shall forward the Planning Commission recommendations to the City Council. This report does not address the merits of the CPAs, but rather whether the CPAs should be included on the Docket for future consideration of the merits.

D. City Council Confirmation of Docket. The City Council shall review the scope of proposed CPAs and Planning Commission recommendation.

1. City Council takes legislative action confirming the scope of the annual CPA docket.

2. Once the Final Docket is confirmed, the list approved by the City Council shall be known as the final docket. A Comprehensive Plan Amendment Final Docket calendar shall be approved by the City Council.

Information about the amendment process and the schedule shall be published and distributed with final application forms.

3. The Department shall notify proponents of the items on the docket that will be moved to the Planning Commission for review. Proponents shall be required to submit an application and shall pay such fee as may be established by the City. Proponents of the proposals not moved to the Planning Commission shall also be notified of the Council's decision. Department and City initiated proposals are exempt from application fees.

4. Upon direction from City Council, Department staff will inform those who's proposed amendments or revisions will not be considered because (a) impact analysis beyond the scope of the amendment process is needed; (b) the request does not meet preliminary criteria; or (c) likelihood of inclusion of the proposal in a department's work program. Proponents may resubmit proposals to the department at any time, subject to the timelines contained in this chapter.

E. Final Docket Review.

1. Application. Proponents of amendments on the City Council approved docket and rezones may submit requested information or analysis identified during the preliminary docket review. The applicant shall also pay an application deposit fee in an amount estimated by staff to cover the actual staff cost and any third party consultant review expenses that may be incurred by the City.

2. Final Docket Review Process. The Department shall schedule Planning Commission review and City Council action on the CPAs on the final docket pursuant to the Council adopted calendar. The Department shall forward Comprehensive Plan amendments and concurrent rezones (i.e., zoning map amendment) requests to the Planning Commission for review and recommendation and to the City Council for consideration for review and action.

3. Final Docket Review Criteria. The following additional criteria will be used to evaluate each rezone and Comprehensive plan amendment request:

a. Consistency with the Growth Management Act (GMA), the State of Washington Department of Commerce Procedural Criteria, and the Pierce County Countywide Planning Policies (PCCPPs);

b. Consistency with the adopted Comprehensive Plan;

c. The capability of the land, including the prevalence of critical areas;

d. The capacity of public facilities and whether public facilities and services to be provided cost-effectively at the intensity allowed by the requested amendment;

e. If a concurrent rezone, the rezone will maintain the public health, safety, or welfare.

f. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.

g. For issues that have been considered within the last four annual updates or Comprehensive Land Use Plan amendments, whether there has been a change in circumstances that makes the proposed plan designation or policy change appropriate or whether the amendment is needed to remedy a mistake.

F. Planning Commission Final Docket Recommendations. Following one or more public hearings the Planning Commission shall forward its written recommendation regarding each amendment, including rezones, to the Council.

G. City Council Decision. The Council shall review the recommendations of the Planning Commission, may hold a public hearing, and shall decide whether to adopt, modify and adopt, reject or defer to a later date, each proposed amendment, including rezones.

**Section 5.** Fife Municipal Code section 19.92.035 is hereby amended to read as follows:

**19.92.035 Amendment procedure – Site-specific rezones.**

All applications for site-specific zoning map amendments shall be reviewed by the community development director prior to the scheduling of a public hearing. After review of the application, the director shall determine which of the following two processes should occur to properly hear the rezone:

A. Hearing Examiner. If the rezone is consistent with the comprehensive plan, then the hearing examiner shall conduct a public hearing on the rezone and make a recommendation to the city council pursuant to FMC 2.92.145.

b. Planning Commission. If the rezone is in conflict with the comprehensive plan, or there are no policies that relate to the rezone, or the policies are not complete, then the Council shall review the Planning Commission's recommendation on rezone together with the comprehensive plan amendment, zoning map and /or test amendment pursuant to FMC 19.98.

**Section 6.** Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

**Section 7.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the <sup>13</sup>10 day of Nov, 2015.

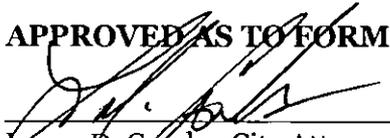
Passed by the City Council on the 24<sup>th</sup> day of Nov., 2015.

  
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Subir Mukerjee, City Manager

**ATTEST:**

  
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Carol Etgen, City Clerk

**APPROVED AS TO FORM:**

  
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Loren D. Combs, City Attorney

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Effective Date: December 2, 2015