

ORDINANCE NO. 235

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING TITLE 16 OF THE UNIVERSITY PLACE MUNICIPAL CODE ADOPTING THE COMPREHENSIVE PLAN BY REFERENCE RATHER THAN AS A SPECIFIC TITLE TO THE MUNICIPAL CODE, ESTABLISHING A PROCESS AND PROCEDURE FOR AMENDING THE COMPREHENSIVE PLAN INCLUDING IDENTIFYING WHO MAY INITIATE AMENDMENTS; PROVIDING FOR DEADLINES FOR SUBMITTAL OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR APPROVAL CRITERIA; AND PROVIDING FOR APPEALS TO THE ADOPTION OR AMENDMENT TO THE COMPREHENSIVE PLAN.

**WHEREAS**, the University Place City Council adopted a GMA Comprehensive Plan on July 6, 1998 which became effective July 13, 1998; and,

**WHEREAS**, RCW 36.70A.130 sets forth specific limitations on amendments to GMA comprehensive plans including the provision that proposed comprehensive plan revisions or amendments be considered no more frequently than once every year except in limited circumstances; and,

**WHEREAS**, the development of procedures to amend the Comprehensive Plan is in the public interest and provides greater certainty to the public over the Comprehensive Plan process; and,

**WHEREAS**, the proposed ordinance has been submitted for State agency 60 day review period pursuant to RCW 36.70A.106 that concluded December 29, 1998 with no comments having been received; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on November 18, 1998; and,

**WHEREAS**, the City Council conducted a duly noticed public hearing on May 3, 1999;  
NOW THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE DOES ORDAIN AS FOLLOWS:**

**Section 1. Comprehensive Plan Procedures Established.** Chapter 16 of the University Place Municipal Code is hereby amended as shown on Exhibit "A" attached hereto and incorporated herein by reference.

**Section 2. Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper. The ordinance shall be effective five (5) days after such publication.

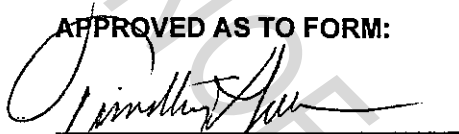
APPROVED BY THE CITY COUNCIL ON MAY 3, 1999.

  
Debbie Klosowski, Mayor

ATTEST:

  
Susan Matthew, City Clerk

APPROVED AS TO FORM:

  
Timothy X. Sullivan, City Attorney

Published: May 6, 1999

Effective Date: May 11, 1999

**ORDINANCE NO. 235  
EXHIBIT "A"**

**Chapter 16.05**

**COMPREHENSIVE PLAN - ADOPTION**

Sections:

16.05.010 Adoption of Comprehensive Plan

16.05.020 Adoption of Comprehensive Land Use Plan Map

16.05.030 Comprehensive Plan Filed and Maintained in the Office of the City Clerk

**16.05.010 Adoption of the Comprehensive Plan**

The University Place Comprehensive Plan, as adopted by Ordinance No. 197 on July 6, 1998, and as may be subsequently amended in accordance with the provisions of this Title, consisting of the following Introduction, Chapters, and Appendices is hereby adopted by reference as Title 16 of the University Place Municipal Code.

Introduction

Chapter 1 Land Use Element

Chapter 2 Housing Element;

Chapter 3 Environmental Management Element

Chapter 4 Transportation Element

Chapter 5 Capital Facilities Element

Chapter 6 Utilities Element

Chapter 7 Community Character Element

Chapter 8 Parks, Recreation, and Open Space Element

Appendix A - Glossary

Appendix B - Parks and Recreation Plan (1997) - Adopted by Reference

Appendix C -Transportation Plan (1997) - Adopted by Reference

**16.05.020 Adoption of the Comprehensive Land Use Plan Map**

The University Place Comprehensive Land Use Map, as adopted by Ordinance No. 197 on July 6, 1998, and as may be subsequently amended in accordance with the provisions of this Title, is hereby adopted by reference.

**16.05.030 Comprehensive Plan and Map Filed and Maintained in the Office of the City Clerk**

Copies of the City of University Place Comprehensive Plan and Comprehensive Land Use Map shall be maintained on file in the Office of the City Clerk for public inspection.

## Chapter 16.10

### COMPREHENSIVE PLAN AMENDMENT PROCEDURES

#### Sections:

- 16.10.010 Intent
- 16.10.020 Definitions
- 16.10.030 Conformance and consistency
- 16.10.040 Public hearing required by Planning Commission
- 16.10.050 Public notice required
- 16.10.060 Adoption required by City Council
- 16.10.070 When amendments may be adopted
- 16.10.080 Proposals for amendments
- 16.10.090 Approval criteria for plan amendment proposals
- 16.10.100 Amendments considered under emergency situation
- 16.10.110 Provisions for amendment transmittal and reporting to the state
- 16.10.120 Appeals to the adoption or amendment of the Comprehensive Plan

#### **16.10.010 Intent.**

The City of University Place Comprehensive Plan sets forth the goals, objectives and policies guiding future development of the city in compliance with Chapter 36.70A RCW of the Washington State Growth Management Act.

The intent of this chapter is to provide procedures and criteria for amending the City's Comprehensive Plan and to encourage early and continuous opportunities for public participation in the annual amendment process and other City-initiated planning programs that may be carried out under the overall framework of the plan.

#### **16.10.020 Definitions.**

The following words, terms and phrases shall have the ascribed meaning for the purposes of this Title, unless the context clearly requires otherwise.

1. "Amendment" means a change in the wording, context or substance of the City's Comprehensive Plan or a change in the Comprehensive Plan map.
2. "Area-Wide Map Amendment" means a map amendment involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by the proposed map amendment.
3. "City Initiated Planning Program" means a planning program begun by resolution or ordinance of the City Council or Planning Commission addressing a geographic sub-area of the city's urban growth area (such as neighborhood or subarea plans). These programs involve continuous opportunities for public participation and their products may be considered for initial adoption as part of the Comprehensive Plan at any time during the year.
4. "Comprehensive Plan" or "plan" or "comprehensive land use plan" means a generalized coordinated land use policy statement of the City of University Place adopted pursuant to RCW 36.70A.
5. "Planning Commission" means an appointed group serving in an advisory capacity to the City Council pertaining to the preparation of the Comprehensive Plan or any element thereof.

#### **16.10.030 Conformance and consistency.**

The zoning code and other development regulations contained within the University Place Municipal Code shall be consistent with and implement the intent of the City's

Comprehensive Plan. Capital budget decisions shall be consistent with and implement the intent of the Comprehensive Plan.

**16.10.040 Public hearing required by planning commission.**

A. Public Hearing Required. When adoption of the Comprehensive Plan, adoption of successive parts thereof, or an amendment to the Comprehensive Plan is under consideration, the Planning Commission shall hold at least one public hearing thereon, and notice of such public hearing shall be given pursuant to Section 16.10.050 prior to the Planning Commission making a recommendation to the City Council.

**16.10.050 Public notice required.**

A. When a public hearing is required pursuant to Section 16.10.040 public notice shall be required. The notice shall state the date, time, place and purpose of the public hearing, and the general nature of the proposed Comprehensive Plan adoption or amendments. Notice given in the following manner shall be deemed adequate under this title.

1. Site-Specific Plan Amendments. For all privately initiated comprehensive plan amendment requests and for those city initiated amendment requests not meeting the definition of an "Area-Wide Plan Amendment" per Section 16.10.050 A. 2., the following public notice requirements shall apply:

a. Notice shall be published once in the official newspaper of the city not less than ten (10) calendar days prior to the date of the public hearing;

b. Notice shall be sent by first class mail to all property owners of record within a radius of 300 feet, but not less than two (2) parcels deep, to a map amendment request, and not less than ten (10) calendar days prior to the public hearing. Failure to receive such notice shall not invalidate the action on the amendment. In addition, the Planning and Community Development Director may send separate notice to property owners and/or addresses beyond the minimum noticing distance; and,

c. Notice shall be posted in a conspicuous location on the property to which the proposed map amendment to the Comprehensive Plan applies not less than ten (10) calendar days prior to the date of the public hearing. Notice signs shall be in accordance with city requirements. Posting of notices on the subject property along each street frontage shall be considered as meeting the requirements of this subsection.

2. Area-Wide Map Amendments. Map amendments involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by the proposed map amendment are considered area-wide plan amendments and shall be subject to the following public notice requirements:

a. Notice shall be published once in the official newspaper of the city not less than ten (10) calendar days prior to the date of the public hearing;

b. A one time notice shall be sent by mail either in the City newsletter or other similar form. Failure to receive such notice shall not invalidate the action on the amendment; and,

c. Notice shall be posted in at least two (2) conspicuous locations in the area subject to the proposed area-wide map amendment not less than ten (10) calendar days prior to the date of the public hearing.

B. For all privately initiated amendment requests, it shall be the applicant's responsibility to provide an accurate mailing list and bear the cost of providing notice for Section 16.10.050 A.1.b. and c.

**16.10.060 Adoption required by city council.**

The Comprehensive Plan or amendments to the Comprehensive Plan require adoption by the City Council by ordinance. The City Council shall not adopt a Comprehensive Plan amendment without first conducting a public hearing and considering a report by the Planning Commission. Notice of the City Council public hearing shall be done in accordance with the notice requirements identified in Section 16.10.050 A. 1 and 2, except that notification pursuant to Section 16.10.050 A.2.b is not required.

**16.10.070 When amendments may be adopted.**

A. Annual Amendment. All amendments to the Comprehensive Plan shall be considered concurrently and no more frequently than once each calendar year except as provided for in RCW 36.70A.130.

**16.10.080 Proposals for amendments.**

A. Privately-Initiated Comprehensive Plan Amendments. A proposed amendment to the Comprehensive Plan may be submitted by any individual, organization, corporation, or partnership, general or special purpose government other than the City, or entity of any kind; provided that if a proposal involves specific real property then evidence must be provided that the property owner has provided written consent. An applicant shall complete the necessary application form(s) as provided by the Planning and Community Development Department Director. An environmental checklist shall also be required pursuant to UPMC Chapter 17.50 unless the proposal is categorically exempt.

B. City-Initiated Comprehensive Plan Amendments. City staff, the Planning Commission and/or the City Council may initiate amendments to the Comprehensive Plan.

C. Deadline for Submittal. The Planning and Community Development Director shall broadly disseminate to the public a notice giving the procedures and timeline for proposing amendments or revisions to the Comprehensive Plan. At a minimum, notice shall be given through the placement of a display ad in the Official Newspaper of the City. The Director shall allow a reasonable time period for requests to be submitted. Except as provided for in Section 16.10.080 D. and E., amendment requests received after the deadline will not be considered during that year's amendment process unless the request satisfies one of the criteria identified in RCW 36.70A.130.

D. Capital Facilities Element Amendments. Proposed amendments to the capital facilities element may be incorporated anytime prior to the adoption of the Comprehensive Plan amendments because of the relationship of the capital facilities element to decisions made in the city's budget process.

E. Text Amendments. Text amendment requests may be initiated anytime during the annual amendment cycle process; however, text amendment requests received after the Planning Commission has forwarded its recommendation to the City Council may be deferred for consideration until the subsequent amendment cycle if the City Council so chooses.

F. Planning Commission Recommendation. The Planning Commission shall consider a recommendation on all proposed amendment requests from the Planning and Community Development Director and shall make and forward a recommendation on each to the City Council.

G. Concurrent Zone Change. To maintain consistency with the Comprehensive Plan, any rezoning that would be required by approval of the proposed amendments to the Comprehensive Plan shall be processed and considered concurrently with the proposed Comprehensive Plan change.

**16.10.090 Approval criteria for plan amendment proposals.**

A. Approval Criteria. The City's Comprehensive Plan was developed and adopted after significant study and public participation. The principles, goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, whether privately initiated or city initiated, who must demonstrate how the request is consistent with and/or relates to the following approval criteria:

1. The proposed change will further and be consistent with the goals and policies of the University Place Comprehensive Plan;
2. Whether the capacity to provide adequate services is diminished or decreased;
3. Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
4. Assumptions upon which the Comprehensive Plan is based are found to be invalid;
5. A determination of sufficient change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the Comprehensive Plan that dictates the need for a proposed amendment;
6. If applicable, a determination that a question of consistency exists between the Comprehensive Plan and Chapter 36.70A RCW, the County-Wide Planning Policies for Pierce County, and Vision 2020: Growth and Transportation Strategy for the Puget Sound region; and,
7. The proposed amendment advances the public interest.

**16.10.100 Amendments considered under emergency situation.**

The Planning Commission and City Council may consider amendments to the Comprehensive Plan at any time during the calendar year in the event of circumstances pursuant to RCW Chapter 36.70A.130.

**16.10.110 Provisions for amendment transmittal and reporting to the State.**

The Planning and Community Development Director shall notify and transmit copies of all proposed plan amendments to the Washington State Department of Community, Trade and Economic Development consistent with Chapter 36.70A RCW.

**16.10.120 Appeals to the adoption or amendment of the comprehensive plan.**

All appeals to the adoption of the Comprehensive Plan or an amendment thereto shall be filed with and processed by the Central Puget Sound Growth Hearings Board in accordance with the provisions of Chapter 36.70A RCW.