

3.31 TYPE 5 DECISIONS: GMA LEGISLATIVE ACTIONS, PLANNING PROCEDURES & PUBLIC PARTICIPATION

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3.31.010 Purpose and Applicability.

A. The purpose of this Chapter is

1. To establish procedures for persons to propose amendments and revisions to the comprehensive plan, sub-area plans, and Land Use Code regulations adopted under the Growth Management Act (GMA); and
2. To establish procedures for review and decision making on the proposals.

B. This Chapter applies to proposed amendments to:

1. The goals, objectives, policies, and implementation measures of the Comprehensive Plan;
2. The Future Land Use Map;
3. Sub-area plans;
4. The Shoreline Management Master Program;
5. Any part of the Land Use Code adopted to meet the requirements of the GMA; and
6. The zoning map, if concurrent with a requested change to the future land use map of the Comprehensive Plan.

C. This Chapter is intended to supplement the procedural requirements of SCC Chapter 3.30.

Nothing in this Chapter shall be construed to limit the legislative authority of the county to consider and adopt amendments and revisions to the Comprehensive Plan and development regulations.

3.31.015 Docketing Process.

A. Proposed amendments to the Comprehensive Plan, including the Shoreline Master Program, or GMA development regulations shall be “docketed” for consideration together with other proposed amendments or updates.

B. At least every two years, and no more than once per year, the Board will consider docketed items in an update to the Comprehensive Plan. Time limits for submittal of applications for the docket will be established by the Director. The Board will establish a schedule for review and decision of docketed applications.

1. Proposed amendments to GMA development regulations may be considered at any

time, but in some cases will be included in the Comprehensive Plan docket process.

Docketing together will be strongly considered when an application is dependent on a change to the Comprehensive Plan and development regulations.

C. When a sub-area planning process is proposed, the Board will decide whether to proceed with the proposal as set forth in SCC 3.31.020 through 3.31.025.

D. Inclusion of a proposal in a Comprehensive Plan update or sub-area planning process does not indicate the proposal meets the criteria for approval or that the proposal will be approved.

3.31.020 Sub-area Planning.

A. The following information shall be submitted to the Department when a sub-area plan is proposed:

1. A description and map of the general area proposed to be included in the sub-area planning process, and why it is considered a discrete sub-area;
2. A summary of the main outcomes sought to be achieved through development of a sub-area plan;
3. A summary of problems or issues that arise or could arise under current Comprehensive Plan policies and development regulations;
4. A statement, to the degree known or anticipated by the applicant, about whether changes to Comprehensive Plan policies, the future land use map, and/or development regulations would be expected as part of the sub-area planning process; and
5. A summary of any community discussion or outreach that may have already occurred regarding the proposal for a sub-area planning process.

B. When a proposal for sub-area planning is received by the Department, the Director shall prepare a report and recommendation to the Planning Commission including the following items:

1. Whether any other proposals for changes to the Comprehensive Plan have been submitted for docket review in the same general area as the proposed sub-area plan;
2. Approximately how many citizens live in or own property in the proposed sub-area planning area;
3. Whether the proposal presents any clear conflicts with the Countywide Planning Policies, the Stevens County Comprehensive Plan or development regulations, RCW 36.70A, or other state, federal or local regulations;
4. A response, if required, to any description of problems or issues that arise or could arise under the current Comprehensive Plan and development regulations;
5. An overview of environmental and planning issues that would need to be analyzed as part of the sub-area planning process;
6. A summary of current department priorities and workload; and
7. An estimate and discussion of time and staff resources required to conduct the proposed sub-area planning process, how it could be accommodated within existing resources or whether new resources or a change in department priorities would be required to move forward with the proposed sub-area plan.

C. The Department's report and recommendation to the Planning Commission shall be prepared within 42 calendar days of receipt of the proposal and shall be presented to the Planning Commission at the next regular Planning Commission meeting following the 42-day period.

D. A public hearing on the proposal and the Department report and recommendation is not required, but the Planning Commission may take public comment as part of their regular public

meeting.

E. The Planning Commission shall forward a recommendation to the Board about whether to or how to proceed with the requested sub-area planning process.

3.31.025 Board Consideration of Request to Initiate Sub-area Planning.

A. Following presentation of the Department's report and recommendation to the Planning Commission, the BOCC shall schedule a public hearing to consider whether to initiate the requested sub-area planning process.

B. Following the public hearing, the BOCC shall consider the recommendation from the Planning Commission, the report and recommendation from the Department, the written and oral comments received from the public, and any other relevant information related to overall County priorities, funding, and the public interest.

C. The Board may approve or deny the request to initiate sub-area planning, may set the matter for reconsideration at a future date, or may approve the request, with implementation delayed to a future date.

D. If it decides to establish a sub-area planning process, the Board, with the assistance of the Department, will also establish goals and objectives for the sub-area plan.

3.31.030 Initiation of Sub-area Planning.

A. When the Board decides to initiate a sub-area planning project, the Department shall solicit volunteers to staff a Citizens Advisory Committee (CAC) using the following methods:

1. The Department shall place an advertisement in a newspaper of general circulation serving the area of the proposed sub-area plan, and shall provide notice on its website.
2. A mailed notice of the opportunity to volunteer for the CAC shall be sent to each taxpayer of record and known address within the area defined for potential inclusion in the sub-area plan.
3. The mailed notice shall include a means for members of the public to be placed on a list for future mail or email notice of CAC meetings.

B. The Department shall report back to the Board with a list of potential CAC members within 30 days of sending out the mailed notice.

C. The Board will select members of the CAC to include broad representation from relevant groups that may include landowners, agricultural, forestry, mining and business interests, environmental groups, private community groups, tribal governments, special districts, and other governmental agencies. Generally, from 7 to 15 CAC members will be appointed, but the BOCC may appoint a greater number of CAC members if a broader representation of interests or viewpoints on the committee is desired.

D. The Department shall facilitate meetings of the CAC.

1. The CAC shall establish operating procedures and ground rules for conduct of its meetings and for decision making.
2. With support from the Department, the CAC shall establish a set of goals and priorities and a timeline for accomplishing needed tasks.
3. The Department shall produce meeting summaries and shall maintain an index of materials prepared by or reviewed by the CAC.
4. To the degree possible within limits as may be imposed by other department priorities and fiscal restraints, the Department shall provide information, studies, and assist with drafting of written proposals for the CAC.

5. The CAC may establish subcommittees to address specific issues and meet separately from the CAC; the Department need not facilitate or provide staffing support for CAC subcommittees.
- E. Notice of CAC meetings shall be mailed or emailed to all persons who requested to be notified. (See 3.31.030.A.3). Meetings of the CAC shall be posted on the Department website and shall be open to the public.
 - F. At least once before preparing a final recommendation on the proposed sub-area plan, the CAC shall hold an informational open house to explain the proposal and shall take verbal and written comments from the public.
 - G. Notice of the CAC open house and the opportunity to submit verbal and written comments shall be provided as set forth in SCC 3.31.030.A.1 and 2.
 - H. When the CAC has concluded work on the proposed sub-area plan, it shall draft a transmittal letter and forward the proposed plan and supporting materials to the Planning Commission.
 - I. The Planning Commission shall consider a proposed sub-area plan as part of a consolidated docket process; provided that a sub-area plan that does modify Comprehensive Plan policies and designations applicable to the sub-area may be considered at any time; and further provided that if a docket process is not scheduled for the current year, the sub-area plan review may proceed as the “once per year” Comprehensive Plan amendment.
 - J. Upon formal adoption or other action by the Board, the CAC’s work shall be considered complete and it shall be dissolved.

3.31.040 GMA Public Participation Processes.

- A. The Department shall promote public participation in the review and decision-making processes for Type 5 proposals.
- B For each Type 5 proposal or combination of proposals except for sub-area plans, the Department shall consider scheduling at least one public meeting in each Commissioner district to take verbal and written comments. The public meetings shall provide a forum for informal information gathering by the public as well as for submitting comments on the proposals.
- C. See SCC 3.31.030 for requirements for sub-area planning public participation.
- D. Notice of public meetings shall be provided as set forth in SCC Chapter 3.30.
- E. The Department shall post all Type 5 proposals on the Department website and shall provide a means of accepting emailed comments on the proposals.
- F. The Department shall provide the Planning Commission with a written summary of the types of comments received at the public meetings. In doing so, the Department shall highlight areas or issues of special concern raised at the public meetings, places where changes in the proposal have been made based on public comments, and areas or issues where controversy or uncertainty remains.
- G. Notwithstanding the foregoing, in adopting legislation in response to a Growth Management Hearings Board decision declaring part or all of a Comprehensive Plan or development regulation invalid or out of compliance with RCW 36.70A, the County will provide for such public participation as is appropriate and effective under the circumstances presented by the hearing board's order.

3.31.050 Planning Commission Consideration of Type 5 Proposals.

- A. For all Type 5 proposals, whether docketed items affecting the Comprehensive Plan, sub-area plan proposals, or changes to adopted development regulations, the Department shall conduct

environmental review and shall prepare a report and recommendation to the Planning Commission. The Department report shall include consideration of whether:

1. The proposed amendment and any related proposals maintain consistency with other plan elements or development regulations;
2. All applicable elements of the Comprehensive Plan support the proposed amendment;
3. The proposed amendment more closely meets the goals, objectives and policies of the Comprehensive Plan than any relevant existing plan or code provision;
4. The proposed amendment is consistent with the Countywide Planning Policies;
5. The proposed amendment complies with the Growth Management Act; and
6. New information is available that was not considered at the time the Comprehensive Plan was adopted that changes underlying assumptions and supports the proposed amendment.

B. When the Department's report and recommendation has been prepared, and when the broad public participation requirements of SCC 3.31.040 or the relevant sub-area planning requirements of SCC 3.31.030 have been completed, the Department shall schedule the proposal for a public hearing before the Planning Commission.

C. Environmental review may be completed prior to or after the Planning Commission holds a public hearing and forwards a recommendation to the BOCC.

D. Notice of the Planning Commission hearing shall be provided according to Chapter 3.30. Significant or fundamental policy issues and choices presented by the Type 5 proposal(s) shall be described.

E. At the public hearing, the Department shall present the summary of comments received during the public participation outreach conducted pursuant to SCC 3.31.040.

F. Following the public hearing, and after any further workshops or meetings for discussion and deliberation as may be needed, the Planning Commission shall transmit its recommendation to the BOCC.

G. The Planning Commission may recommend the BOCC adopt or adopt with modifications a proposal, or may recommend denial of the proposal. A vote to recommend adoption of the proposal or adoption with modification must be by a majority vote of the total members of Planning Commission.

H. If the Planning Commission recommends a modification that results in a proposal not reasonably foreseeable from the notice provided pursuant to Chapter 3.30, the Planning Commission shall conduct a new public hearing on the proposal as modified prior to forwarding the recommendation to the BOCC.

I. Notice of the modified proposal and the new public hearing shall be provided according to the provisions of SCC 3.30. New public participation meetings pursuant to 3.31.040 are not required.

3.31.060 BOCC Consideration of Type 5 Proposals.

A. When the Planning Commission forwards a Type 5 proposal to the Board, the Department shall schedule a study session before the Board of Commissioners to review the proposal and the Planning Commission recommendation.

B. The Board may then schedule a public meeting where it may render a decision on the proposal;
or

C. The Board may elect to hold a hold schedule a public hearing to receive public comment on the proposal, may request additional information from the Department, may postpone the matter

to a date certain, or may table the matter indefinitely.

D. If the Board decides to schedule a public hearing, notice shall be provided as set forth in SCC 3.30. The Board may, in its discretion, direct that additional methods for providing notice and obtaining public participation be used.

E. At the public hearing, the Board may concurrently consider additional proposals relating to the same subject matter, whether or not considered by the Planning Commission, in accordance with RCW 36.70A.035(2).

F. At the conclusion of the public hearing, the Board may take one of the following actions, or take no action:

1. Adopt;
2. Amend and adopt;
3. Decline to adopt;
4. Adopt a portion of the proposal;
5. Remand in whole or in part to the Planning Commission for further consideration;
6. Adopt such other proposals or modifications of such proposals as were considered by the BOCC at its own hearing; or
7. Take any other action permitted by law.

G. If after holding a public meeting as described in 3.31.060B, the Board changes the recommendation of the Planning Commission, the BOCC will be required to hold a public hearing as described 3.31.060 C-F.

3.31.070 Adoption of Type 5 Proposal as an Emergency Action.

A. The Board may adopt a Type 5 proposal as an emergency action under RCW 36.70A.130(2)(b) or 36.70A.390. All other provisions of this Chapter shall not apply to the adoption of a Type 5 proposal as an emergency action.

B. Except as provided in SCC 3.31.070(C), the Board may adopt a Type 5 proposal by emergency action only after holding at least one public hearing following public notice as described in SCC 3.31.070(D).

C. The Board may adopt a Type 5 proposal that is a moratorium, interim zoning map, interim zoning ordinance, or interim official control by emergency action without holding a public hearing prior to taking such action if the Board holds a public hearing following public notice as described in SCC 3.31.070(D) within 60 days of adoption and otherwise complies with RCW 36.70A.390.

D. Public notice of the time, date, place, and general purpose of the public hearing on a Type 5 emergency action under this section shall be provided as follows:

1. Notice shall be given by one publication, at least 10 days before the hearing in the official county newspaper;
2. Notice shall be posted on the Department website; and
3. The Board may, at its discretion, utilize additional methods for providing notice.

E. An ordinance adopted under this section shall include a statement of the need for emergency action.

F. This section shall not be construed to limit Board authority to enact an emergency ordinance pursuant to other authority for non-Type 5 matters.

3.31.080 Appeals.

A Type 5 action of the Board is a final decision, but may be reviewable by filing a petition for

review with the Growth Management Hearings Board in accordance with RCW 36.70A.290, except as otherwise provided by law.

3.31.090 Cost of Environmental Studies.

Any person with a proposal on the docket shall pay the cost of environmental review and studies under SEPA for proposed amendments with probable significant adverse environmental impacts that have not been previously analyzed. The person may contribute to the cost of other studies required by existing plan policies or development regulations in order to facilitate the preparation of these studies in a timely manner. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

3.31.100 Violation Not Grounds for Invalidation.

Violation of this Chapter shall not constitute grounds for invalidation of any Comprehensive Plan amendment, implementing development regulation, or other legislation.