

RDC Chapter 18.320: AMENDMENTS

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18.320.010 - Purpose.

The city recognizes that from time-to-time it shall be necessary to amend the RUACP in order to protect public health, safety and welfare. The RUACP and its various components shall be subject to continuing evaluation and review by the city. Any amendment to the RUACP or its components shall be consistent with the Growth Management Act, RCW 36.70A et seq., and any change to the RDC, CFP or city engineering standards shall be consistent with the RUACP. (RCW 36.70A.130.1.) (Ord. 676 § 1 (part), 1995).

18.320.020 - Amendment process.

A. The city shall consider amendments to the RUACP no more frequently than once every year. All proposals shall be considered by the city council concurrently so the cumulative effect of various proposals can be ascertained. (RCW 36.70A.130.2.)

B. The city shall coordinate the timing of its annual review process so as to be consistent with county plan amendment procedures.

C. To be considered during the annual amendment review process, an applicant must file a petition no later than July 1st for the petition to be considered during that calendar year.

1. The planning director shall find a petition to be technically complete pursuant to Section 18.320.050 before it shall be submitted to the city council.

a. The planning director shall decide whether the petition is technically complete within five working days from receipt of the application.

b. The planning director shall return a petition he or she finds to be technically not complete.

c. An applicant shall have five working days from the date of the planning director's decision as to technical completeness to amend and resubmit the petition.

d. The planning director shall decide whether the amended petition is technically complete no later than five working days from the date the applicant submits a petition.

2. The planning director shall submit technically complete petitions to the appropriate review authority for review during that calendar year.

a. The review authority shall consider such petitions at the immediately following regularly scheduled meeting of that review body.

b. The review authority shall conduct a minimum of one public hearing for all technically complete petitions.

3. The review authority shall issue a final decision on each petition for plan or code amendment within the same calendar year in which the petition was submitted.

D. Emergency amendments. The city may adopt map or text amendments or revisions to the RUACP that conform with the Growth Management Act when the city council finds that an emergency exists. (RCW 36.70A.130.2.) (Ord. 1082 § 2, 4-28-2011; Ord. 676 § 1 (part), 1995).

18.320.030 - Amendments considered.

Amendments to the RUACP may occur under the following situations:

A. Plan designation and zoning district map amendments.

1. Zoning district map amendments must be consistent with RUACP designations, except where the existing zoning is inconsistent with the RUACP plan designation.

2. Zoning district map amendments must be accompanied by a corresponding plan designation amendment.

B. Annexation. As the city annexes land, it may be necessary for the city to apply zoning districts and overlay districts to ensure compliance with the RUACP. In such cases, the city shall apply zoning at the time of annexation. (Ord. 676 § 1 (part), 1995).

18.320.040 - Application procedures.

The planning director, city council or planning commission, or petition of the property owner may initiate a petition to amend the RUACP.

A. The city may consider a proposed amendment with general application only as part of the city's annual review process.

B. The city shall use a Type III procedure when a proposed amendment affects a specific property, or small group of properties.

C. The planning director shall determine, under Type I review, whether a proposed amendment to a zoning district requires an amendment to the RUACP Map.

D. An applicant shall use the forms provided by the city, and the petition shall include a site plan drawn to scale showing the property involved and adjacent land. The written petition and site plan must address relevant approval criteria with sufficient detail for the hearing examiners planning commission or council to determine compliance.

E. Amendments initiated by private parties are subject to the fee schedule established in Chapter 18.060. (Ord. 802 § 8 (part), 2002; Ord. 676 § 1 (part), 1995).

18.320.050 - Approval criteria.

The burden of proof shall be on the applicant to fully satisfy the following criteria prior to approval of an amendment to RUACP or its components:

- A. Zoning district amendments shall be consistent with the RUACP map. Where the proposed amendment is not consistent with the RUACP Map, the petitioner shall also file a petition to amend the RUACP map. Amendments to zoning district maps or text must be consistent with the goals and policies of the RUACP.
- B. Amendments to this title or to the RUACP must be consistent with the concurrency requirements of the CFP and shall not result in level-of-service deficiency for any capital facility or service identified in the CFP.
- D. If the petition necessitates a RUACP text or a CFP project amendment, the applicant shall demonstrate that changed circumstances affecting the public health, safety, and general welfare justifies the amendment.
- E. The city shall not approve any amendment petition which is contrary to state or federal law. (Ord. 676 § 1 (part), 1995).

18.320.060 - Decision options and conditions.

The city council, upon recommendation by the planning commission or hearing examiner, may approve, deny or approve with conditions a proposal to amend the RUACP or its components. The council shall be based upon a finding of compliance with the goals or policies of the RUACP.

- A. Denial. Where the city denies a petition for an amendment, the petition shall not be eligible for re-submittal until the following annual amendment review process. A petition denied may not be resubmitted for action as an emergency under Section 18.320.020(D).
- B. Approval with conditions. The council may attach conditions of approval through either a resolution of intent to rezone or a concomitant rezone process. The council shall impose conditions whenever necessary so as to ensure the proposed amendment complies fully with the RUACP. (Ord. 802 § 8 (part), 2002; Ord. 676 § 1 (part), 1995).

18.320.070 - Resolution of intent to rezone.

- A. Purpose. The purpose of this subsection is to allow prospective approval of a rezone application, subject to fulfillment of conditions necessary to implement RUACP. If the council determines that it can justify an amendment to a zoning district subject to fulfillment of specific conditions, then the council may initiate and apply the resolution of intent to rezone process through a Type IV process.
- B. Applicability. The city may use this agreement process for combination RUACP plan map and zoning district amendments, or district amendments associated with annexation to the city. The city may use this type tool for plan amendment and rezones where the RCFP identifies major public facilities or services. The city may use this tool where an agreement between the city and a property owner or developer might mitigate potentially significant adverse impacts from a proposed rezone.
- C. Procedures and standards. Considering the facts presented, the findings, report, and recommendations of the planning commission or hearing examiner required by this chapter, the council shall determine the precise conditions necessary to implement specific provisions of the RUACP.

1. Such conditions shall be specifically related to policies, standards or projects identified in the RUACP or its components.
2. The council shall indicate its approval, in principal, of the proposed rezoning by the adoption of a resolution of intent to rezone the area involved. This resolution shall include the specific conditions, stipulations or limitations that the council determines are necessary to require compliance with the RUACP as a prerequisite to final action.
3. The fulfillment of all conditions, stipulations, and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the council.
4. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or to impose setback, area or coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance.
5. Upon completion of compliance action by the applicant, the council shall, by ordinance, affect such rezoning.
6. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone non-binding, unless an extension is granted by the council upon recommendation of the planning commission or hearing examiner. Any plan amendment or amendment to plan map designation which were approved in reliance upon the good faith performance of the conditions of the intent to rezone shall immediately cease to be effective.
7. Generally, the time limitation on an intent to rezone shall be one year. However, the council may grant up to one one-year extension, after which the resolution and any amendments made in reliance upon the resolution shall be null and void. (Ord. 802 § 8 (part), 2002; Ord. 676 § 1 (part), 1995).

18.320.080 - Concomitant rezone agreements.

- A. Purpose. The purpose of this subsection is to expressly provide for the use of agreements concomitant to rezone approvals. Such agreements may require performance by the applicant that is reasonably related to satisfying those public needs that may be expected to result from the proposed use of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing the burden directly on the party whose use of the property gives rise to such public needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of an agreement shall be in addition to all other pertinent Ridgefield development code requirements.
- B. Applicability. The city may use this agreement process for those purposes discussed in Section 18.320.070(B).
- C. Mitigating measures. The agreement may include mitigating measures such as:
 1. Access control;
 2. Landscaping, screening, buffering;

3. Improvements to public services including drainage, sewer, water and roads;
4. Lot coverage, dimension; and
5. Phasing of development.

D. Concept plan. The applicant shall provide a concept plan. The scale of the concept plan shall be one inch to one thousand feet. The concept plan shall include:

1. General location of structures;
2. Location and number of access points;
3. Approximate gross floor area of structures;
4. Name of the proposal;
5. Identification of areas requiring special treatment due to their sensitive nature;
6. North directional arrow;
7. Names and location of all public streets or roads bordering the site.

E. Procedure. The applicant may propose an agreement concomitant to rezone approval at any time prior to the conclusion of the public hearing process. The proposed agreement shall include any proposed mitigating measures and concept plans.

F. Modifications to concomitant rezone agreements. Upon petition by the property owner, the city may fully or partially release a concomitant rezone covenant through a Type III procedure, where:

1. Development of the site would be consistent with the RUACP; or
2. The requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments.

G. Enforcement. The agreement, to be approved by the city attorney, shall provide for appropriate enforcement mechanisms and performance guarantees. (Ord. 802 § 8 (part), 2002; Ord. 676 § 1 (part), 1995).

18.320.090 - Record of amendments.

The city clerk shall maintain the signed original of any amendment to the RUACP, this title or any maps. (Ord. 676 § 1 (part), 1995).