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## *Maintenance of the Plan*

### Section 1 - Introduction

#### Purpose

Embodied in the Growth Management Act's new framework for land use planning and regulation are the concepts of consistency and concurrency. The Growth Management Act (GMA) requires local land use plans to be consistent with each other, and with those of adjacent jurisdictions. Development regulations must also be consistent with land use plans. Under the GMA's requirements for concurrency, supporting facilities and services must be available when development occurs, and local jurisdictions must ensure the "timely financing of needed infrastructure" (WAC 365-195-010).

To achieve these mandates, Moses Lake's land use and public facilities plans must be developed in an integrated planning effort. The Comprehensive Water System Plan, Sewer System Master Plan, Transportation Improvement Plan, Capital Facilities Plan, Shoreline Master Program, and Parks and Recreation Plan will need to be closely matched to the Comprehensive Plan and its implementation regulations.

However, these plans cannot anticipate all of the changes in development, local needs and community values that will occur over the 20-year planning period. Growth in the region and adjacent jurisdictions will also have unanticipated,

cumulative effects. In response, local land use and public facilities plans will evolve.

Moses Lake's public facilities plans are periodically updated as required by state statute. To ensure consistency and concurrency the Comprehensive Plan must be reviewed, monitored and updated as well. The Comprehensive Plan is not intended to be an inflexible document. It is intended to be responsive to changing conditions and community attitudes. In order to permit such flexibility and at the same time maintain integrity of the Comprehensive Plan, it is necessary to establish the means by which the Plan may be amended. It is the purpose of this section to provide a process whereby the Comprehensive Plan may be amended without frustrating its basic purposes.

#### Issues

The policies and implementation strategies in this section respond to the requirements of the GMA. The GMA requires that the Comprehensive Plan provide for an "ongoing process of evaluation to ensure internal and interjurisdictional consistency of comprehensive plans and continuous consistency of development regulations with such plans" (WAC 365-195-630 (1)).

The GMA recognizes that periodically, development regulations need to be updated. As regulations must be consistent with the Comprehensive Plan, some changes in the Plan

## **MOSES LAKE PLANNING COMMISSION RECOMMENDED COMPREHENSIVE PLAN**

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### **Maintenance of the Plan**

will be needed. The GMA also states that amendments to the plan shall not be considered more frequently than once every year, except in cases of emergency or to amend the shoreline master program (RCW 36.70A.130). Otherwise,

the specific content and form of the annual review, including provisions for public involvement, should be established in the development regulations.

## Section 2 - Goals and Policies

The following goal and policies were developed to guide the consecutive amendments to the Comprehensive Plan:

### Amendments to the Comprehensive Plan

**Goal 10.1: MAINTAIN A COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS THAT ARE REVIEWED AND UPDATED AS APPROPRIATE, IN ORDER TO RESPOND TO CHANGES IN COMMUNITY NEEDS AND TO ENSURE PROGRESS TOWARD ACCOMPLISHING THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.**

#### **POLICIES**

- 11.1 Create a detailed procedure for annually processing comprehensive plan amendments that shall consider amendments collectively in order to evaluate the cumulative impact of the amendments. The procedure shall provide for the following.
- ▶ An application process where any proponent may formally request a Comprehensive Plan or development regulation change from the City;
  - ▶ A docketing system to track and list requested changes;
  - ▶ Public notice of requested changes, with opportunity for the submission of written comments;
- 11.2 The City shall initiate a major update of

the comprehensive plan every five years. The update shall minimally include an analysis of the policies to determine if they are being implemented and a review of the basic assumptions, data, and findings to identify changing circumstances. If change is occurring as anticipated in the Comprehensive Plan and policy implementation is meeting community needs then the need for a major update is minimized. Any citizen or group may request the Council or Commission to initiate a major update, however only Council or Commission can give this direction. Changes that may necessitate a major update at a more frequent interval include:

- ▶ New background information or statistical data that invalidates existing findings;
- ▶ Employment and/or population growth considerably above or below that projected.
- ▶ Changes to existing or adoption of new state or federal legislation affecting the community; or
- ▶ Inability to implement the Comprehensive Plan policies.

#### **Implementation Strategies**

- Periodic reevaluation of Comprehensive Plan designations and policies as required by RCW 36.70A.
- Periodic reevaluation of implementing development regulations relative to City's long range plans.

**Maintenance of the Plan**

**Section 3 - Amendment Procedure**

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The amendment procedure shall allow the opportunity for any person, group, organization, or jurisdiction to make application for an amendment of the comprehensive plan in accordance with Section 36.70A.120 RCW and the following procedures. The plan may not be amended more than once a year, and therefore, requests for amendment can be deferred to the time of the annual public hearing for the City of Moses Lake Comprehensive Plan. However, state law allows out of cycle amendments to the plan more than once a year in case of an emergency and other conditions. It is the intent that a consistent administrative procedure and a consistent method will be used in evaluating the proposed amendment. The Planning Commission shall initiate a review of the comprehensive plan at least every 5 years, and at their discretion, may do so annually. Applications for amendments will be considered by the Commission annually and a recommendation made to the Council.

The amendment process and copy of the amendment application can be found in the appendix.

**Out of Cycle Amendments**

The 1990 Growth Management Act (GMA) precludes considering amendments to the Comprehensive Plan more than once a year except under certain conditions. The Council may consider emergency amendments and other revisions as necessary under the following circumstances:

- Emergency in which a delay in action would result in significant public harm;
- The initial adoption of a subarea plan.
- The adoption or amendment of a shoreline master program; and
- To resolve an appeal of a comprehensive plan filed with a growth management hearings board or from a court of competent jurisdiction.

Other situations which may be considered as they occur are technical errors in mapping or obvious errors in applying the plan map or zoning map designations. These mistakes can be corrected by making an application at any time up to two years following adoption of the Comprehensive Plan or Zoning Map. The applicant must demonstrate that an obvious error occurred. The application can be initiated by the city, property owner or interested person(s). After two years these applications shall be:

- a. Considered once a year; and
- b. Limited to correcting an error.

## **Section 4 - Administrative Procedures for Comprehensive Plan Amendments or Revisions and Application**

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The Growth Management Act requires the city to establish procedures for reviewing comprehensive plan amendments or revisions. The City Council is to consider such proposals concurrently and no more frequently than once a year in order that the cumulative effects of the various proposals can be ascertained. However, at the discretion of the City Council, the comprehensive plan may be amended or revised whenever an emergency exists. Any modifications to, or adoption of, the comprehensive plan and development regulations implementing same are to comply with the Growth Management Act.

### **SCOPE**

Contained herein and outlined below are administrative procedures that are to be used in amending or revising the comprehensive plan. It establishes who may initiate and when a comprehensive plan amendment or revision may be considered. A comprehensive plan map amendment must be accompanied by a rezone application and fee.

### **PURPOSE**

The comprehensive plan for the City of Moses Lake shall be used by all departments and the City Council as a policy guideline for development including, but not limited to, all building permits, rezone applications, variances, conditional use permits, street planning, transportation considerations, annexations, plats and subdivisions, park development, location of public facilities, and other land use considerations

without limitation. The comprehensive plan for the City of Moses Lake shall be considered as a source of substantive environmental policy in all environmental considerations by the city under the terms of the State Environmental Policy Act and Chapter 14.06 of the Moses Lake Municipal Code.

### **WHO MAY INITIATE**

- A. A property owner may apply for, or give consent to, an amendment or revision of the comprehensive plan associated with a development proposal for a specific parcel of land upon payment of required fees. Such application shall be deemed “quasi-judicial” in nature and will usually involve requests to change the comprehensive plan map associated with a rezone petition.
- B. Any citizen may apply for an amendment or revision to the comprehensive plan which is general in nature or with an area-wide significance. Such applications shall be deemed “legislative” in nature. Nothing herein should be interpreted to limit the right of any citizen to request any Council person or Planning Commission member to initiate an amendment.
- C. The City Council or the Planning Commission may, by motion, initiate consideration of an amendment or revision of the comprehensive plan. An affirmative vote of not less than a majority of the total members of the Council or Commission is required to initiate consideration of an amendment or revision.

### **TIME TO INITIATE**

- A. At the discretion of the City Council, the comprehensive plan may be amended or revised whenever an emergency exists.

## **MOSES LAKE PLANNING COMMISSION RECOMMENDED COMPREHENSIVE PLAN**

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### **Maintenance of the Plan**

B. Quasi-judicial or legislative applications for amendment or revision to the comprehensive plan must be made between January 1 and March 31 of any year. Applications made during this time will be processed according

to applicable state and city codes. They are to be considered concurrently and during the same calendar year.

## **A P P L I C A T I O N R E Q U I R E M E N T S**

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### **COMPREHENSIVE PLAN LANGUAGE AMENDMENTS**

A. The merits of proposed comprehensive plan amendments shall be measured against the application submittal requirements listed below to ensure consistency in the review and decision making process:

1. A detailed statement of what is proposed to be changed and why.
2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.
3. A demonstration of why an existing comprehensive plan goal, policy, or recommendation should not continue to be in effect or why an existing goal, policy, or recommendation is no longer valid.
4. A statement of how the amendment complies with the comprehensive plan's goals, objectives, and policy directives.
5. A statement of how facility plans and capital improvement plans support the change.
6. A statement of how the change affects land use regulations (i.e., zoning, subdivision, etc.) And the necessary changes to bring the land use regulations into compliance with the plan.
7. A demonstration of public review of the recommended change.

### **COMPREHENSIVE PLAN MAP AMENDMENTS**

B. Recommended land use designations may be subject to minor refinements, but only after full public participation notice, environmental review, and an official assessment. Amendments must comply with the same application submittal requirements as policy amendments (see A1 - 7 above, which are incorporated herein as B1 - 7) and the additional following item:

8. A detailed statement describing how the map amendment complies with the comprehensive plan land use element.

## **G E N E R A L R E Q U I R E M E N T S**

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The applicant shall be responsible for all costs incurred by the city in processing, evaluating, and completing a comprehensive plan amendment which is quasi-judicial in nature. The application fee for quasi-judicial amendments shall be established in the city's land use fee schedule. There shall be no fee for applications which are legislative in nature.

### **APPLICATION FEE**

- A. Fee: A fee of five hundred dollars (\$500) shall be submitted with each application for amendment which is quasi-judicial in nature. Additional costs incurred by the city above and beyond the original fee shall be the responsibility of the applicant and promptly deposited with the city.
- B. Application: The applicant must submit to the Community Development Department a written application, on forms provided by the

## **MOSES LAKE PLANNING COMMISSION RECOMMENDED COMPREHENSIVE PLAN**

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### **Maintenance of the Plan**

Department, containing appropriate amendatory language and, if applicable, a map showing the proposed change. The application shall also address policy or map evaluation criteria as described above. To avoid incomplete applications,

it is recommended that the applicant request a pre-application meeting with the Community Development Department staff. Incomplete applications will not be processed.

*CITY OF MOSES LAKE  
COMPREHENSIVE PLAN AMENDMENT  
PETITION*

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Community Development Department

(509)766-9235

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Type of Amendment ( Please ✓ )

- Policy
- Map
- Regulation
- Plan
- Other

Rezone Application  
Required  Yes  No

SEPA Application  
Required  Yes  No

Proponent Information ( *Please Print* )  
Name:

Address:

Daytime Phone Number :  
(    ) -

Fax Number: (    ) -

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**Amendment Information: The merits of a proposed amendment shall be measured against the petition submittal requirements listed below to ensure consistency in the review and decision making. Please provide the following information (attach additional pages if necessary):**

1. A detailed statement of what is proposed to be changed and why.
  
  
  
  
  
  
  
  
  
  
2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

## **MOSES LAKE PLANNING COMMISSION RECOMMENDED COMPREHENSIVE PLAN**

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### **Maintenance of the Plan**

3. A demonstration of why an existing comprehensive plan goal, policy, or recommendation should not continue to be in effect or why an existing goal, policy, or recommendation no longer applies.
  
4. A statement of how the amendment complies with the comprehensive plan's community vision statements, goals, objectives, and policy directives.
  
5. A statement of how facility plans and capital improvement plans support the change.
  
6. A statement of how the change affects land use regulations (i.e., zoning, subdivision, etc.) And the necessary text changes to bring the land use regulations into compliance with the plan.
  
7. A demonstration of public review of the recommended change.
  
8. A detailed statement describing how the map amendment complies with the comprehensive plan land use element (for map amendment only).