

**TOWN OF CATHLAMET  
ORDINANCE 584-16**

**AN ORDINANCE OF THE TOWN OF CATHLAMET,  
WASHINGTON, ESTABLISHING PROCEDURES FOR  
AMENDMENTS TO THE TOWN'S COMPREHENSIVE  
PLAN AND ITS DEVELOPMENT REGULATIONS,  
ADOPTING A NEW CHAPTER 18.07 TO THE TOWN'S  
MUNICIPAL CODE.**

**WHEREAS**, the Town of Cathlamet currently has no procedures for the amendment of the Town's Comprehensive Plan and Development Regulations; and

**WHEREAS**, procedures need to be adopted for such amendments, as required by Chapter 35.63 RCW; and

**WHEREAS**, Town property owners and officials would benefit from having clear established procedures for the consideration of amendments to the Town's Comprehensive Plan and development regulations;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CATHLAMET AS FOLLOWS:**

A new Chapter 18.07 is hereby added to the Cathlamet Municipal Code, which shall read as follows:

**CHAPTER 18.07  
AMENDMENTS TO THE  
COMPREHENSIVE PLAN AND DEVELOPMENT  
REGULATIONS**

**Sections:**

- 18.07.010 Purpose and Types of Amendments.**
- 18.07.020 Administration of Legislative Amendments to Development Regulations.**
- 18.07.030 Procedure for Amendments to Development Regulations.**
- 18.07.040 Submission of Applications for Amendments to Development Regulations.**
- 18.07.050 Requirements for a Complete Application.**
- 18.07.060 SEPA Compliance.**
- 18.07.070 Public Notice.**
- 18.07.080 Planning Commission Public Hearing.**
- 18.07.090 Council Action.**
- 18.07.100 Final Decision.**
- 18.07.110 Administration of Comprehensive Plan Amendments.**

- 18.07.120 Submission of Applications.**
  - 18.07.130 SEPA on Comprehensive Plan Amendment Applications.**
  - 18.07.140 Planning Commission Public Hearing.**
  - 18.07.150 Evaluation Criteria for Proposed Amendments.**
  - 18.07.160 Council Action.**
  - 18.07.170 Final Decision.**
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### **18.07.010 Purpose and Types of Amendments.**

A. Purpose. The purpose of this chapter is to establish procedures for amendment of the Town's Comprehensive Plan map/text and the Development Regulations.

B. Comprehensive Land Use Plan. The Comprehensive Land Use Plan is defined as the generalized, coordinated land use policy statement of the Town, and the accompanying map, adopted under RCW 35.63.100.

C. Development Regulations. The Development Regulations are the controls placed on development or land use activities by the Town, as required by RCW 35.63.080, including, but not limited to, the Town's codes on zoning (CMC Title 18), variances, conditional use permits, critical areas, planned unit developments, subdivisions, binding site plans and the Shoreline Master Program. Pursuant to RCW 35.63.125, "development regulations" has the same meaning as set forth in RCW 36.70A.030.

D. Types of Amendments. The applications that will be processed under this Chapter as "legislative" are Comprehensive Plan Amendments to the Comprehensive Plan Map or Policies and Development Regulation Amendments.

E. Process. The Town is required to process such legislative amendments in this Chapter under the procedures in Chapter 35.63 RCW (not Chapter 36.70B RCW).

### **SECTION 1 – DEVELOPMENT REGULATIONS**

#### **18.07.020 Administration of Legislative Amendments to Development Regulations.**

The Town Public Works Director or designee is authorized to administer the provisions of this Chapter. The Planning Commission shall have the authority to hold the public hearing on any proposed legislative amendments to the development regulations, and to provide a recommendation to the Town Council. The Town Council shall consider the Planning Commission's recommendation during a public meeting or a public hearing and shall make a final decision. (RCW 35.63.120.)

**18.07.030 Procedure for Amendments to Development Regulations.** The following steps shall be followed in the processing of applications for Amendments to Development Regulations.

- [1: Director's Determination that the Application is Complete](#) (CMC 18.07.050);
- [2: SEPA](#) (CMC 18.07.060);
- [3: Notice of Public Hearing](#) (CMC 18.07.070);
- [4: Public Hearing before the Planning Commission](#) (CMC 18.07.080);
- [5: Town Council considers application](#) (CMC 18.07.090); and
- [6: Final Decision](#) (CMC 18.07.100).

**18.07.040 Submission of Applications for Amendments to Development Regulations (Who May Submit and When).**

A. Who May Submit Applications. Any interested person, including property owners, citizens, board of adjustment members, staff of other agencies, Planning Commission and Town Council members, may submit an application for an amendment of a development regulation. Site-specific amendments to development regulations are quasi-judicial applications, which are processed according to Chapter 18.60 of this Title 18.

B. When Applications May Be Submitted. The text of the Town's adopted development regulations may be amended at any time, provided that the amendment is consistent with the Town's Comprehensive Plan and Land Use Map. (RCW 35.63.125.) Applications that do not include the information required in Section 18.07.050 shall be returned to the applicant and shall not be processed until complete.

**18.07.050 Requirements for a Complete Application.** The following materials shall be submitted to the Town for a complete application for a Development Regulation Amendment:

- A. An application form provided by the Town;
- B. Name, address, phone number and e-mail of the applicant and if the applicant is not the property owner, proof of the property owner's consent to the submission of the application;
- C. Name, address, phone number and e-mail of the owner of the property identified in the application (if applicable);
- D. A legal description of the property, if applicable;
- E. A description of the proposed Amendment and any associated development proposals, if applicable. Formal site-specific or project-related amendments shall include plans, information and/or studies that accurately depict existing and proposed uses(s) and improvements. Proposed site-specific or project related Amendments that do not specify propose use(s) and potential impacts will be assumed to have maximum impact to the environment, public facilities and services;
- F. Proposed amendatory language, preferably shown in "bill" format (*i.e.*, new language underlined; language proposed for deletion in strikeouts);
- G. An explanation of the rationale for the proposed Amendment;
- H. An explanation of how the proposed Amendment and associated development proposal(s) if any, conform to, conflict with, or relate to the criteria set forth in Section 18.07.220;

- I. A completed SEPA checklist including the supplement sheet for nonproject actions (if applicable);
- J. Application fee as set forth in the Town's resolution adopted for this purpose; and
- K. Any additional information reasonably deemed necessary by the Public Works Director or designee to evaluate the proposed amendment.

**18.07.060 SEPA Compliance.** The public works director shall issue a threshold decision under SEPA on the application, as set forth in Chapter 14.05 (Town's SEPA ordinance).

**18.07.070 Public Notice.**

A. Notice of any public hearing on an application for an Amendment to a Development Regulation process set forth in Sections 18.07.110 through .230 of this chapter, shall be given by one publication in the official newspaper of the Town at least 10 days prior to the date of the hearing and by posting a copy of the notice of public hearing in Town Hall and on the Town's website. Additional notice may be required by state or local law (*e.g.*, statutory notice requirements for amendments to the Shoreline Master Program), or additional notice may be provided as deemed appropriate by the Town Public Works Director or designee.

B. The public notice shall include the following:

1. The purpose(s) of the Amendment;
2. The deadline for submitting comments on the Amendment;
3. The date set for the public hearing, a tentative hearing schedule; continued hearings may be held by the Planning Commission but no additional notices need be published.

**18.07.080 Planning Commission Public Hearing.** The Planning Commission shall hold a public hearing on an application for an Amendment to a Development Regulation and shall make a recommendation to the Town Council, using the criteria set forth in Section 18.07.210, as applicable. There is no limit on the number of public hearings or continuation of public hearings that the Commission (or Town Council) may hold on a proposed Amendment.

**18.07.090 Council Action.** The Town Council shall consider the proposed Amendment to the Development Regulations and the Planning Commission's recommendation at a regularly scheduled meeting. The Town Council shall also apply the criteria set forth in Section 18.07.210, as applicable, in order to make a final decision. The Town Council may affirm, modify or disaffirm any recommendation of the Commission. (RCW 35.63.120.)

**18.07.100 Final Decision.** If the Town Council decides not to adopt the proposed Amendment to the Development Regulations, it shall pass a resolution with the associated findings and conclusions to support its decision. If the Town Council decides to adopt the proposed Amendment to the Development Regulations, it shall adopt an ordinance with the associated findings and conclusions to support its decision.

## SECTION 2 – COMPREHENSIVE PLAN AMENDMENTS

**18.07.110 Administration of Comprehensive Plan Amendments.**

A. Legislative Amendments to the Comprehensive Plan. The Town Public Works Director or designee is authorized to administer the provisions of this Chapter. The Planning Commission shall have the authority to hold the public hearing on any proposed Comprehensive Plan amendment(s), and to provide a recommendation to the Town Council. The Town Council shall consider the Planning Commission's recommendation during a public meeting or a public hearing and make a final decision.

B. Development Agreement. A Legislative Amendment to the Comprehensive Plan that is site-specific may be approved subject to the execution, delivery and recording of a Development Agreement between the Town Council and the property owner of the subject property (or the legal owner of a beneficial interest in the subject property). The Development Agreement may impose conditions to address the criteria set forth in Section 18.07.210, and approval of the Comprehensive Plan Amendment shall be conditioned upon performance or compliance with the terms and conditions of the Development Agreement. The Town may revoke (or take other action allowed by law) a Comprehensive Plan Amendment executed with a Development Agreement for failure to comply with the Development Agreement. An applicant proposing a Comprehensive Plan Amendment with a Development Agreement shall submit the proposed Development Agreement with the application materials described in Section 18.07.050. The Town will evaluate the proposed Development Agreement together with the proposed Comprehensive Plan Amendment to determine whether the Amendment should be approved.

**18.07.120 Submission of Applications (Who May Submit and When).**

A. Who May Submit Applications for Amendments Related to a Site-Specific Development Proposals. Proponents of land development projects and/or property owner(s) or their authorized representative(s), may file an application for an Amendment to the Comprehensive Plan relating to a site-specific proposal. The complete application shall consist of the materials described in Section 18.07.050. The application filing fee as set forth in the Town's fee resolution shall accompany the application, which shall also require the applicant to pay for the applicant's portion of the SEPA review attributable to the application.

B. Who May Suggest Amendments. Any interested person, including property owners, citizens, board of adjustment, staff of other agencies, Planning Commission and Town Council members, may suggest an Amendment to the Comprehensive Plan. Generally, suggested Amendments should be limited to proposals that broadly apply to the goals, policies and implementation strategies of the Comprehensive Plan rather than amendments designed to address site-specific issues of limited applicability.

C. Amendments Processed at the Town's Discretion. The Town shall have the discretion to determine the timing of Town's processing of Amendments to the Town's Comprehensive Plan.

D. Complete application. Applications that do not include the information required under subsection 18.07.050 for a complete application, or which are not received by the deadline set forth in this subsection, shall not be processed.

**18.07.130 SEPA on Comprehensive Plan Amendment Applications.** The applications for Comprehensive Plan Amendments shall first be reviewed and assessed by the Town Public Works Director or designee, who shall prepare a staff report and recommendation on each proposed amendment. The Town Public Works Director or designee shall also be responsible for conducting SEPA review of all such applications, as required by Chapter 14.05 of the Municipal Code. As appropriate, the Town Public Works Director or designee shall solicit comments regarding the proposed amendments from the public and/or government agencies. The Town Public Works Director or designee shall also be responsible for providing notice and opportunity for public comment as deemed appropriate, consistent with SEPA (Chapter 43.21C RCW and Chapter 197-11 WAC). Issuance of the SEPA threshold decision on the proposed Comprehensive Plan Amendments shall be coordinated such that if an appeal of the SEPA threshold decision is filed, the appeal can be considered the Town Council pursuant to CMC 14.05.260.M.1 in a public hearing, which may be combined with the Planning Commission hearing set forth in section 18.07.140 below. The Town Council will render the final decision following a SEPA public hearing on an appeal held before the Council when the Council acts on the Planning Commission recommendation set forth in section 18.07.140.

**18.07.140 Planning Commission Public Hearing.**

A. All proposed amendments shall be reviewed and assessed by the Planning Commission, which shall make a recommendation to the Town Council after holding at least one public hearing.

B. After the public hearing(s), the Planning Commission shall develop findings and conclusions to support its recommendation to the Town Council that the proposed amendment(s) be denied, approved, or approved with conditions or modifications.

**18.07.150 Evaluation Criteria for Proposed Amendments.** The Planning Commission shall review the proposed Amendments to the Comprehensive Plan and Development Regulations under the following criteria to develop findings and conclusions to support a recommendation:

A. All Amendments. All of the Amendments shall be reviewed under the following criteria:

1. Whether the proposed amendment(s) are consistent with the Town's Comprehensive Plan (RCW 35.63.125);

2. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the Town's Comprehensive Plan;

3. Whether the assumptions upon which the Town's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the Town's Comprehensive Plan; and

4. Whether the proposed amendment(s) reflects current, widely held values of the residents of the Town.

B. Amendments for Site-Specific Proposals. In addition to the above, any proposal for a site-specific development or amendment shall be reviewed under the following criteria:

1. Any proposed site-specific amendment(s) shall not result in probable significant adverse impacts to the Town's transportation network, capital facilities, utilities, parks and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;

2. In the case of a site-specific amendment(s) to the Comprehensive Plan's Land Use Map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, the following: (i) access; (ii) provision of utilities; and (iii) compatibility with existing and planned surrounding land uses;

3. The proposed site-specific amendment(s) will not create pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the Town as a whole; and

4. The proposed site specific amendment(s) does not materially affect the land use and population growth projections that are the bases of the Comprehensive Plan.

**18.07.160 Town Council Action.** The Town Council shall consider the proposed Comprehensive Plan Amendments and the Planning Commission's recommendation at a regularly scheduled meeting. If there is an appeal of the SEPA determination, the Town Council shall hold a public hearing on the SEPA appeal and Comprehensive Plan Amendment. The Town Council shall also apply the criteria set forth in Section 18.07.150 to the Comprehensive Plan Amendment application, as applicable, in order to make a final decision.

**18.07.170 Final Decision.** If the Council decides to adopt the proposed Comprehensive Plan Amendment, it shall adopt an ordinance with the associated findings and conclusions to support its decision. The Town Clerk shall certify a copy of the comprehensive plan amendment and file it with the county auditor, as required by RCW 35.63.100 and 35.63.105.

This ordinance shall take effect and be in full force five (5) days after passage and publication.

Passed first reading: \_\_\_\_\_

Passed second, third and final reading: \_\_\_\_\_

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Kerrie McNally, Clerk-Treasurer

\_\_\_\_\_  
Dale Jacobson, Mayor

Approved As To Form:

\_\_\_\_\_  
Ryan Smith, Council Position No.1

\_\_\_\_\_  
Heidi L. Heywood  
Town Attorney

\_\_\_\_\_  
Richard Swart, Council Position No. 2

\_\_\_\_\_  
Bernadette Goodroe, Council Position No. 3

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Sue Cameron, Council Position No. 4

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Andrew Lea, Council Position No. 5