

Chapter 8: Amendments, Annexation & Concurrency

Section 1 – Zoning and Development Regulation Amendments (map and text)

8.1.01 Initiation of Amendment

Amendments of this ordinance may be initiated by:

1. The verified application of one (1) or more owners of property within the corporate boundaries of Rockford; or
2. The adoption of a motion of the Town Council to set the matter for hearing and recommendation.

8.1.02 Application Procedure

The applicant for any amendment to this ordinance shall present a completed application form and required information as provided in Chapter 6.1.05 to the Town Clerk. The Town Clerk or designee shall review the application, required information and SEPA Checklist and prepare a recommendation on the application and SEPA Checklist.

8.1.03 Town Council Review

The Town Council shall set a date, time and place for a public hearing on the amendment following statutory requirements for public notification. At the public hearing the Town Council shall review the proposed amendment, take public testimony, and make a decision on the amendment. The Town Council may decide to:

1. Deny the amendment
2. Refer the matter back to the applicant for any corrections or clarifications that may be requested and be returned to the Council within 60 days; or

3. Approve the amendment by making a motion to adopt the amendment

The Mayor shall also issue a threshold determination on the SEPA checklist.

8.1.04 Emergency Amendment

The Town Council will review a potential emergency situation, with advice from the Town Attorney, to determine if the situation does, in fact, necessitate an emergency Development Regulations amendment. Findings must demonstrate a need of neighborhood or community-wide significance and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

8.1.05 Project Review Docketing

If, during project review, the Town Council identifies deficiencies in the Development Regulations, the identified deficiencies shall be docketed for possible future amendments to the Development Regulations. A deficiency refers to an absence of required or potential desirable contents of the Development Regulations. Docketing requires that a list of suggested changes to the Development Regulations be compiled and maintained so suggested changes are accurately recorded and later reviewed pursuant to Chapter 8.

8.1.06 Amendment Procedures

A State Environmental Policy Act (SEPA) determination is required. Amendments shall be submitted to the Washington State Department of Commerce for its preliminary review. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendment. Such distribution(s) shall be the responsibility of the Town Clerk or contracted staff.

8.1.07 Public Hearing and Notice

Public hearing shall be held after the Washington State Department of Commerce has reviewed the application and made comments. The procedures for the public hearing and notification in Chapter 6.1 will be followed.

Section 2 – Comprehensive Plan Amendments (maps and text)

8.2.01 Consistency with Other Town Regulations

Amendments to the Comprehensive Plan shall be coordinated with amendments to the Town's development regulations as well as be consistent with the Transportation Improvement Program, the Capital Improvement Program, annexations of Urban Growth Area lands, etc. The Comprehensive Plan must be amended first in all cases.

8.2.02 Initiation of Amendment

Amendments of this ordinance may be initiated by:

1. The verified application of one (1) or more owners of property within the corporate boundaries of Rockford; or
2. The adoption of a motion of the Town Council to set the matter for hearing and recommendation.

8.2.03 Application Procedure

The applicant for any amendment to this ordinance shall present a completed application form and required information as provided in Chapter 6.1.05 to the Town Clerk. The Town Clerk or designee shall review the application, required information and SEPA Checklist and prepare a recommendation on the application and SEPA Checklist.

8.2.04 Town Council Review

The Town Council shall set a date, time and place for a public hearing on the amendment following statutory requirements for public notification. At the public hearing the Town Council shall review the proposed amendment, take public testimony, and make a decision on the amendment. The Town Council may decide to:

1. Deny the amendment
2. Refer the matter back to the applicant for any corrections or clarifications that may be requested and be returned to the Council within 60 days; or
3. Approve the amendment by making a motion to adopt the amendment

The Mayor shall also issue a threshold determination on the SEPA checklist.

8.2.05 Emergency Amendment

The Town Council will review a potential emergency situation, with advice from the Town Attorney, to determine if the situation does, in fact, necessitate an emergency Comprehensive Plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.

8.2.06 Project Review Docketing

If, during project review, the Town Council identifies deficiencies in the Comprehensive Plan, the identified deficiencies shall be docketed for possible future amendments to the Comprehensive Plan. A deficiency refers to an absence of required or potential desirable contents of the Comprehensive Plan. Docketing requires that a list of suggested changes to the Comprehensive Plan be compiled and

maintained so suggested changes are accurately recorded and later reviewed pursuant to Chapter 8.

8.2.07 Amendment Cycles

Amendment cycles shall be one (1) to five (5) years. Amendments may occur more often in the following situations:

Amendment of the Town's Transportation Improvement Program and/ or Capital Improvement Program provided such amendment occurs along with adoption of the Town's annual budget

1. An emergency of neighborhood or community-wide significance concurrent with Chapter 8.2.05
2. To provide a regional facility or service that is needed to protect health, safety, or welfare such as a sewer treatment plant

8.2.08 Amendment Procedures

A State Environmental Policy Act (SEPA) determination is required. Amendments shall be submitted to the Washington State Department of Commerce for its preliminary review. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendment. Such distribution(s) shall be the responsibility of the Town Clerk or contracted staff.

8.2.09 Public Hearing and Notice

Public hearing shall be held after the Washington State Department of Commerce has reviewed the application and made comments. The procedures for the public hearing and notification in Chapter 6.1 will be followed.

Section 3 – Annexations

8.3.01 Annexation Location within the Urban Growth Area

All territory hereafter annexed to the Town of Rockford shall be contained within that portion of unincorporated Spokane County officially designated as being within the Town's Urban Growth Area by the Spokane County Board of County Commissioners pursuant to requirements in RCW 37.70A (Growth Management Act).

8.3.02 Annexation Zoning Consistent with the Comprehensive Plan

All territory, hereafter annexed to the Town of Rockford shall be subject to a pre-zoning plan, which shall conform to the official land use designation of the Future Land Use Plan map contained in the Rockford Comprehensive Plan.

8.3.03 Urban Growth Area Boundary Review

Pursuant to Spokane County's adopted County-Wide Planning Policies and in accordance with regionally coordinated planning matters, at least every five (5) years, the Town shall review the residential densities and nonresidential intensities permitted within its external, unincorporated, Urban Growth Area, and the extent to which growth of an urban nature is occurring within the current city limits and in the unincorporated Urban Growth Area. Based upon such review, and coordination with Spokane County, the Town shall adjust its residential density allowances and nonresidential intensity expectations, and/or its Urban Growth Area boundary, as necessary, to accommodate its share of the urban growth expected to occur in the County for the next 20 years, according to allocations determined by the Steering Committee of Elected Officials in accordance with the adopted County-Wide Planning Policies, and the current population projections of the State Office of Financial Management.

Should the Town find a need for more frequent adjustment of the unincorporated Urban Growth Area boundary, it may request the Steering Committee of Elected Officials to initiate review of Urban Growth Area boundaries before the five-year period ends.

Section 4 – Concurrency Management

8.4.01 Purpose

The purpose of this section is to set standards for the Town of Rockford to fulfill concurrency requirements of the State of Washington Growth Management Act and to provide consistency between the Town and Countywide planning policies. It is required that in each jurisdiction the Town's street system, domestic water system and the sanitary sewer system be adequate to handle growth and development. When concurrency management for a segment of the transportation system is regional in nature as determined by the Spokane County Steering Committee of Elected Officials, the Spokane Regional Transportation Council (SRTC) shall be responsible for a concurrency determination in accordance with Level of Service standards for the regional transportation system.

8.4.02 Concurrency Determination

1. A concurrency determination shall be performed by the Town prior to the issuance of a preliminary development permit. If the concurrency determination results in a finding that concurrency facilities and services are enough to serve the development, the Town shall reserve the capacity required for the final development permit. Such capacity shall not be returned to the uncommitted amount of reserve capacity unless and until the application is, for whatever reason, denied, rejected, expires, or otherwise invalidated
2. The Town has the ability to address project mitigation under SEPA
3. If the concurrency determination results in a finding that one or more of the concurrency facilities do not have enough reserve capacity to serve the development, the application shall be returned with explanations as to the deficiencies. Development cannot be approved if it causes the level of service of a facility to fall below what has been specified in the Comprehensive Plan. The applicant may:
 - a. Mitigate capacity impacts by arranging with the Town for provision of additional capacity of the affected concurrency facility of facilities

required either concurrent with the development, or within six (6) years of when the impact is incurred

- b. Revise the proposed development by reducing impacts to maintain a satisfactory Level of Service (LOS).
- c. Phase the proposed development to coincide with later availability of increased currency facility capacity; or
- d. Accept denial of the application

8.4.03 Exemptions

While the following are exempt from the concurrency requirements of this section, the Town may still require a SEPA review for the following:

- 1. Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units
- 2. Interior or exterior renovations or modifications of structures with no change or increase in use or increase in the number of dwelling units
- 3. Replacement structures with no change or increase in use or increase in the number of dwelling units
- 4. Temporary structures
- 5. Resurfacing of existing driveways, streets, or parking lots
- 6. Landscaping, lighting, or fencing
- 7. Signs
- 8. Demolitions
- 9. Sanitary sewer permit for an existing single-family residence
- 10. Domestic water service permit for an existing single-family dwelling
- 11. Street vacations
- 12. Lot line adjustments
- 13. Permits for construction of single family or two-family residences on platted lots of record existing before the effective date of this ordinance, provided such lot or combination of lots forming a development panel conform to the standards of the Residential Zone it will be placed
- 14. Final plats provided that the requirement of Chapter 8.4.02 were satisfied at the time of preliminary plat approval

15. Variances which do not allow for an increase in use or the number of dwelling units above the intensity of use or number of dwelling units allowed by the existing zoning of the property; or
16. The subsequent building permit for an approved development provided that the requirements of Chapter 8.4.02 of this section were satisfied at the time of preliminary development approval and there is no change in use, densities, and intensities

8.4.04 Concurrency Monitoring

The Town shall monitor final development permits for their impact on concurrency facilities and shall determine whether monitoring should occur on an annual or periodic basis.

8.4.05 Intergovernmental Coordination

The Town may enter into an inter-local agreement with Spokane County or other entities to coordinate Level of Service standards and concurrency mitigation strategies.

8.4.06 Fees

Fees in an amount specified by resolution of the Town Council shall be paid upon the filing of any development permit application to defray the expenses of conducting concurrency determinations, providing written information, and for providing other concurrency management services in support of this section.

Chapter 9: Definitions

Section I – Introductory Note

9.1.01 Definition Sources

Any word or phrase not listed in this title, which is in question when administering these regulations, shall be defined from one of the following sources, which are incorporated herein by reference. Said sources shall be utilized by finding the desired definition from