

**CHAPTER 18.80**  
**AMENDMENTS TO THE**  
**COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS**

**Sections:**

- 18.80.010 Application
- 18.80.015 Documents to be Submitted with Application
- 18.80.020 Docket
- 18.80.030 Notice and Comment
- 18.80.040 Staff Report
- 18.80.050 Council Consideration
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**18.80.010 Application**

Any interested person (including applicants, citizens, Tukwila Planning Commission, City staff and officials, and staff of other agencies) may submit an application for an amendment to either the comprehensive plan or the development regulations to the Department of Community Development. Such applications except site specific rezones are for legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. In addition to the requirements of TMC 18.80.015, the application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current comprehensive plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable Countywide Planning Policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
8. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

*(Ord. 1770 §52, 1996; Ord. 1758 §1 (part), 1995)*

**18.80.015 Documents to be Submitted with Application**

A. Applications for amendments to the comprehensive plan or development regulations shall provide the following documents in such quantities as are specified by the Department:

1. An application form provided by the Department.
2. King County Assessor's map(s) which show the location of each property within 300 feet of the property which is the subject of the proposed amendment.
3. Two sets of mailing labels for all property owners and occupants (businesses and residents) , including tenants in multiple occupancy structures, within 300 feet of the subject property or pay fee to the city for generating mailing labels..
4. A vicinity map showing the location of the site.
5. A surrounding area map showing comprehensive plan designations, zoning designations, shoreline designations, if applicable, and existing land uses within a 1000 foot radius from the site's property lines.
6. A site plan, including such details as may be required by the Department.
7. A landscaping plan, including such details as may be required by the Department.
8. Building elevations of proposed structures, including such details as may be required by the Department.
9. Such photomaterial transfer or photostat of the maps, site plan and building elevation, including such details as may be required by the Department.
10. Such other information as the applicant determines may be helpful in evaluating the proposal, including color renderings, economic analyses, photos, or material sample boards.

B. The Department shall have the authority to waive any of the requirements of this section for proposed amendments which are not site specific or when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.

*(Ord. 1770 §53, 1996)*

#### **18.80.020 Docket**

A. The Department shall maintain a docket of all proposed changes to the Comprehensive Plan and development regulations that are submitted. If either the Department or the Council determines that a proposed change may be an emergency, the Department shall prepare the staff report described below and forward the proposed change to the Council for immediate consideration, subject to the procedural requirements for consideration of amendments. An emergency amendment is a proposed change or revision that necessitates expeditious action to address one or more of the following criteria:

1. Preserve the health, safety or welfare of the public.
2. Support the social, economic or environmental well-being of the City.
3. Address the absence of adequate and available public facilities or services.
4. Respond to decisions by the Central Puget Sound Growth Management Hearings Board, the state or federal courts, or actions of a state agency or the legislature.

B. Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis in March so that cumulative effects of the proposals can be determined. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review, unless the Council or the Department determines the proposed change may be an emergency.

*(Ord. 2071 §1, 2004; Ord. 1770 §54, 1996;  
Ord. 1758 §1 (part), 1995)*

#### **18.80.030 Notice and Comment**

The docket of proposed changes shall be posted in the offices of the Department and made available to any interested person. At least four weeks prior to the Council's annual consideration of the changes proposed on the docket, the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department of Community Development on the proposed changes, and identifying the date on which the Council will consider the proposed changes.

*(Ord. 1758 §1 (part), 1995)*

#### **18.80.040 Staff Report**

A. At least two weeks prior to Council consideration of any proposed amendment to either the comprehensive plan or development regulations, the Department shall prepare and submit to the Council a staff report which addresses the following:

1. the issues set forth in this chapter;
2. impact upon the Tukwila Comprehensive Plan and zoning code;
3. impact upon surrounding properties, if applicable;
4. alternatives to the proposed amendment; and
5. appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection or deferral of each proposed change.

*(Ord. 1758 §1 (part), 1995)*

### 18.80.050 Council Consideration

A. The City Council shall consider each request for an amendment to either the comprehensive plan or development regulations, except site specific rezones alone, at a public meeting, at which the applicant will be allowed to make a presentation. Any person submitting a written comment on the proposed change shall also be allowed an opportunity to make a responsive oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Council.

B. The Council will consider the following in deciding what action to take regarding any proposed amendment:

1. Is the issue already adequately addressed in the Comprehensive Plan?
2. If the issue is not addressed in the Comprehensive Plan, is there a public need for the proposed change?
3. Is the proposed change the best means for meeting the identified public need?
4. Will the proposed change result in a net benefit to the community?

C. Following Council consideration as provided by TMC 18.80.050A and 18.80.050B, the City Council shall take action as follows:

1. refer the proposed amendment to the Planning Commission for further review and a recommendation to the City Council;
2. defer further Council consideration for one or more years to allow the City further time to evaluate the application of the existing plan or regulations; or
3. reject the proposed amendment.

*(Ord. 1856 §1, 1998; Ord. 1770 §55, 1996;  
Ord. 1758 §1 (part), 1995)*

### 18.80.060 Council Decision

Following receipt of the Planning Commission's recommendation on a proposed amendment referred to the Commission, the City Council shall hold a public hearing on the proposal, for which public notice has been provided as required under the Public Notice of Hearing chapter of this title. Following the public hearing, the City Council may:

1. adopt the amendment as proposed;
2. modify and adopt the proposed amendment; or
3. reject the proposed amendment.

*(Ord. 1856 §2, 1998; Ord. 1758 §1 (part), 1995)*

## CHAPTER 18.84

### REQUESTS FOR CHANGES IN ZONING

#### Sections:

- 18.84.010 Application Submittal
  - 18.84.020 Criteria
  - 18.84.030 Conditions on Rezone Approvals
  - 18.84.040 Ordinance Required
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#### 18.84.010 Application Submittal

Application for rezone of property along with the request for Comprehensive Plan map change shall be submitted to the Department of Community Development. Site specific rezone and the accompanying Comprehensive Plan map change The application shall be a Type 5 decision processed in accordance with the provisions of TMC 18.108.050.

#### 18.80.015 Documents to be Submitted with Application

A. Applications for rezones and accompanying Comp Plan map change shall provide the following documents in such quantities as are specified by the Department:

1. An application form provided by the Department.
2. King County Assessor's map(s) which show the location of each property within 300 feet of the property which is the subject of the proposed amendment.
3. Two sets of mailing labels for all property owners and occupants (businesses and residents) , including tenants in multiple occupancy structures, within 300 feet of the subject property or pay fee to the city for generating mailing labels..
4. A vicinity map showing the location of the site.
5. A surrounding area map showing comprehensive plan designations, zoning designations, shoreline designations, if applicable, and existing land uses within a 1000 foot radius from the site's property lines.
6. A site plan, including such details as may be required by the Department.
7. A landscaping plan, including such details as may be required by the Department.
8. Building elevations of proposed structures, including such details as may be required by the Department.
9. Such photomaterial transfer or photostat of the maps, site plan and building elevation, including such details as may be required by the Department.
10. Such other information as the applicant determines may be helpful in evaluating the proposal, including color renderings, economic analyses, photos, or material sample boards.

B. The Department shall have the authority to waive any of the requirements of this section for proposed amendments which are not site specific or when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.

*\_(Ord. 2116 §1 (part), 2006)*

#### 18.84.020 Criteria

Each determination granting a rezone and the accompanying Comprehensive Plan map change shall be supported by written findings and conclusions, showing specifically that all of the following conditions exist:

1. The proposed amendment to the Zoning Map is consistent with the goals, objectives, and policies of the Comprehensive Plan;
2. The proposed amendment to the Zoning Map is consistent with the scope and purpose of TMC Title 18, "Zoning Code," and the description and purpose of the zone classification applied for;
3. There are changed conditions since the previous zoning became effective to warrant the proposed amendment to the Zoning Map; and
4. The proposed amendment to the Zoning Map will be in the interest of furtherance of the public health, safety, comfort, convenience and general welfare, and will not adversely affect the surrounding neighborhood, nor be injurious to other properties in the vicinity in which the subject property is located.

*(Ord. 2116 §1 (part), 2006)*

#### 18.84.030 Conditions on Rezone Approvals

The City Council shall have the authority to impose conditions and safeguards as it deems necessary to protect or enhance the health, safety and welfare of the surrounding area, and to ensure that the rezone fully meets the findings set forth in TMC 18.84.020.

#### **18.84.040 Ordinance Required**

Action under TMC Chapter 18.84, which amends the official Zoning Map, shall require the adoption of an ordinance by the City Council pursuant to the Tukwila Municipal Code and State law.

*(Ord. 2116 §1 (part), 2006)*

#### **18.108.050 Type 5 Decision Process**

A. The Notice of Application for a Type 5 decision shall set a date for a public meeting, which shall be conducted at least 5 calendar days prior to the end of the public comment period and at least 14 calendar days prior to the City Council public hearing. The public meeting shall be staffed by a representative of the Department, who shall explain the decision criteria applicable to the proposal and the process by which decisions will be reached. The applicant or applicant's representative shall describe the proposal which is the subject of the application. Information and comments submitted at the public meeting shall be considered by the Department in the preparation of its recommendation to the City Council, but shall not constitute part of the public record to be considered by the City Council in its deliberations.

B. Type 5 decisions shall be made by the City Council following an open record public hearing.

C. Following a public hearing on a Type 5 decision, the City Council shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Notice of Decision pursuant to TMC 18.104.170.

D. The decision of the City Council regarding a Type 5 decision shall be final and shall be appealable only to Superior Court pursuant to RCW 36.70C.

*(Ord. 1768 §3 (part), 1996)*

#### **18.108.060 Legislative Decisions**

The procedures set forth in TMC Chapters 18.104 through 18.116 shall not be applicable to the adoption or amendment of any comprehensive plan or subarea plan, or to area wide rezoning processes, area wide shoreline redesignation processes, street vacations, or other legislative decisions.

*(Ord. 1768 §3 (part), 1996)*