



Bellevue Planning Commission

DATE: October 23, 2019

TO: Chair Morisseau and Planning Commissioners

FROM: Nicholas Matz AICP, Senior Planner, Community Development 425-452-5371

SUBJ: Significantly Changed Conditions Reference material

At your September 25, 2019, Study Session on the Land Use Code amendments proposed by staff for the annual Comprehensive Plan Amendment you requested additional information on the significantly changed conditions decision criterion, specifically:

- Analysis of how other jurisdictions approach the issue (Chair Morisseau)
- How to make the “gray area and qualitative discussion” less gray (Commissioner Malakoutian)
- A review of how planning commission voted relative to the criterion in the past (Commissioner Moolgavkar)

This memo includes a table (1) of select plan amendments and the text of the significantly changed condition assessment over the past 5 years. This table—originally presented to the Commission in April 2018 and responding to the question: *To what extent is a condition changed enough to warrant being significant?*—has been updated to include the text that the Commission considered in its review and recommendation actions, the Commission vote, and whether that vote was at Threshold Review or at Final Review.

This memo also includes a table showing decision criterion applicability across select jurisdictions—who uses which criteria in plan amendment review, and a memo from MRSC regarding a summary of challenges to the use of significantly changed conditions as a criterion in plan amendment review.

Significantly Changed Conditions decision criterion: Demonstrating evidence of change not anticipated by the existing Comprehensive Plan is the purpose of the “significantly changed conditions” decision criterion, found in both Threshold and Final Review. The bar that the significantly changed conditions criterion sets is a qualitative one. Table 1 showing recent CPAs and their significantly changed conditions discussion—illustrates by example the application of the Glossary definition at LUC 20.50.046:

Significantly changed conditions

Demonstrating evidence of change such as:	CONTEXT OF ISSUE
<ul style="list-style-type: none">• unanticipated consequences of an adopted policy, or• changed conditions on the subject property or its surrounding area, or• changes related to the pertinent Plan map or text;	← CHOOSE ONE
where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.	AND APPLY IT TO ↓

Table 1

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Grand Connection 18-103888 AC PC Final Review vote: 5-1 to approve Adopt policies into the Urban Design and the Arts Element, and policies and maps into the Downtown and Wilburton/NE 8th Street Subarea Plans.</p>	<p>The proposed amendment addresses significantly changed conditions since the last time the pertinent CP map or text was amended due to changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comp Plan to function as an integrated whole. City Council’s vision to advance the Grand Connection as the city’s signature gathering space (Council Vision 2018-2020, Great Places Where You Want to Be) identifies a gap in policy cross-connections needing changes to the pertinent plan map and/or text so that the Grand Connection can serve as a unique and signature element Bellevue’s urban landscape;</p> <p>The purpose of the proposed amendments is to provide a plan framework for additional studies, refinements, and implementation strategies for larger-scale improvements, as well as identify and plan for smaller-scale changes along the route. The plan is intended to be a vision for implementation.</p> <p>The Grand Connection is a City Council priority initiative to establish a vision for a non-motorized corridor that connects Meydenbauer Bay, through Downtown, and on to the Wilburton Commercial Area and Eastside Rail Corridor. The Grand Connection will serve as a unique and signature element to Bellevue’s urban landscape and will create opportunities for a new land use and urban design vision for the Wilburton Commercial Area. The Grand Connection has grown out of various livability, land use and transportation mobility connectivity, and the growing presence of the arts and of desiring to connect neighborhood communities in a non-motorized way.</p> <p>The Plan did not anticipate such cross-connections when it laid out the framework for Downtown and Wilburton growth in their subarea plans. The Grand Connection project itself was the result of identifying gaps in the planning for this connectivity of these growing areas. Incorporating it into the Plan reconciles rectifies this.</p>
<p>East Main 18-103885 AC PC Final Review vote: 7-0 to approve Amending Comp Plan maps and text with new designations, definitions, and policies for development of TOD zones to reflect the vision of the East Main Station Area Plan process.</p>	<p>The significantly changed condition in the area is the extension of East Link light rail through the City of Bellevue. East Link light rail will serve Bellevue by 2023, with the East Main station as one of the stations along the rail line. The Sound Transit Long Range Plan prioritizes station area planning as important to the success of the future transit system. The plan for East Main Station area, as described in the Station Area Plan and this proposal, would support the Bellevue Comprehensive Plan and the Sound Transit Long Range Plan.</p>

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Red Town 18-103926 AC PC Final Review vote: 5-0 to approve Amend the map designation on 1.56 acres from Single Family-Medium (SF-M) to Single Family-Urban Residential (SF-UR)</p>	<p>The proposal has demonstrated changed conditions on the subject property or its surrounding area where such change has implications that need to be addressed for the Plan to function as an integrated whole.</p> <p>Lakemont-area neighborhoods have been built out at densities that have effectively supported the parks, streets and transit infrastructure intended for these levels of urban development. Policy focuses on this relationship between density and infrastructure. When it is implemented on surrounding sites, it is a significantly changed condition for the Red Town site. The site is essentially overlooked, with land at a potential density that cannot take advantage of this relationship. What is the appropriate density? A combination of the site's boundary configuration and development decisions made on surrounding property suggest next steps in Final Review would address the question of what is an appropriate density under the Subarea's adopted policy framework.</p>
<p>Vision Zero for Gun Safety 19-103789 AC PC Threshold Review vote: 2-4 to not advance Propose a set of policy amendments to the Human Services Element; establish a public health framework that would:</p> <ul style="list-style-type: none"> • Strive to achieve zero deaths and serious injuries from gun violence in Bellevue by 2035; • Conduct a comprehensive review and assessment of risks to especially vulnerable residents and workers; • Work with our jurisdictional neighbors to develop and implement regional best practices on prediction, risk avoidance, counseling, and use of data-driven enforcement; and <p>Seek subsequent means to implement gun safety strategies supporting a safe city and promoting healthy living with sense of safety contributing to successful businesses/neighborhoods.</p>	<p>The proposal addresses significantly changed conditions where (3) changes related to the pertinent Plan map or text have implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p> <p>The 2015 citywide Plan Update did not address the issue of increasing gun violence in the United States and its consequences for communities seeking places safe from all forms of violence. Bellevue Comprehensive Plan policy acknowledges public health policy only by noting that research has identified how planning and development can have a major impact on public health (Land Use Element p. 46). It has not examined the application of public health policy to gun violence.</p> <p>While Bellevue does much in regard to safe communities, it lacks an overarching framework for gun violence safety that policies modeled on Vision Zero for Traffic Safety could provide.</p>

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Bellevue Technology Center - Crossroads 19-104146 AC PC Threshold Review vote: 0-6 to not advance Amend the map designation on 4.7 acres (of 47-acre BTC site) from Office (O) to Multifamily-Medium (MF-M); seven new site-specific directed policies to the Crossroads Subarea Plan and applicable to the BTC site; and three non-site-specific policy amendments which would direct city actions to encourage innovative transportation demand management.</p>	<p><i>No change in growth strategy</i> The application does not demonstrate significantly changed conditions on the site or its surrounding area. The citywide Comprehensive Plan update was adopted by the City Council in 2015. It lays out the city's overall growth strategy (and continues, in the case of Crossroads) specifically in the Land Use, Economic Development, and Neighborhood Elements. Acknowledging planning for growth impacts from urban centers expansion in Redmond, placing more growth on this site is not part of that overarching strategy, of managing growth and development while working to protect and enhance neighborhoods. While the specific text of the Crossroads Subarea Plan was not included in the updates to the general elements of the Plan, there has been no significant change since the 2015 Plan adoption with regard to the City's overall growth strategy.</p> <p><i>Passage of time</i> In this circumstance, the passage of time is also not a significantly changed condition. The Crossroads Subarea Plan remains effective, in part because its policies apply to a site that was sensitive to its owner and surrounding community in 1972, and its continued impact on the community is sensitive today. The sensitivity of this site for the adjacent neighborhood and PUD conditions on the office use continue to be appropriate, despite the passage of time. As an example, the PUD has consistently preserved Conservation of the Park-like Character in the meadow and tree stand areas for going on 50 years. It is hard to see how that is not a permanent solution.</p> <p><i>Plan anticipation</i> All of the issues raised by the application regarding significantly changed conditions: Compliance with GMA; missing middle housing commitment; Housing Emergence of IT and Business Services Cluster; establishment of [the] B line; light rail connections to Downtown Redmond; Bellevue's evolving TOD Policies; and proximity to urban centers all emphasize that this application lacks the key essentials necessary to demonstrate this criterion—i.e. that the Plan did not anticipate them:</p> <ul style="list-style-type: none"> • A comprehensive plan is presumed compliant under GMA after Department of Commerce and PSRC validation actions • The city's Affordable Housing Strategy affirms Bellevue's commitment to appropriately-located housing opportunities • The provision of high capacity transit continues to anticipate transit center development. Bellevue's transit-oriented development focus is accomplished through specific work programs with extensive community engagement • Proximity to an urban center is not just adjacency

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Bellevue Nursery 18-103877 AC PC Final Review vote: 3-2 to approve Amend the map designation on 0.53 acres from Single Family-High (SF-H) to Neighborhood Business (NB).</p>	<p>The proposed amendment demonstrates evidence of significant change due to the unanticipated consequences of an adopted policy—the historical establishment of a residential land use designation directing redevelopment—setting up a conflict with the reality of the site and its’ extremely long-tenured use for commercial purposes. Thus, the nonconforming designation prevents the site from sustaining its community role.</p> <p>The city’s land use strategies are to ensure redevelopment fits into neighborhoods with a goal of maintaining and enhancing shared qualities of stability, maintenance, and healthy levels of reinvestment.</p> <p>The circumstance the nursery business finds itself in is very similar to that of other aging neighborhood commercial centers that not only provide goods and services to residents but serve as important focal points and gathering spaces for surrounding communities. “They are places where people run into their neighbors, where groups gather for meetings, and where celebrations happen. Bellevue recognizes the importance of maintaining the health of these neighborhood centers.” (Neighborhood Commercial Centers, Land Use Element p. 43)</p> <p>The Bellevue Nursery site is too small to take advantage of commercial center redevelopment. Redevelopment, rather than seen as something to take advantage of a newly-acquired commercial zoning, is instead a way to meaningfully sustain the site’s role in the community.</p>
<p>City Dacha 17-131046 AC PC Final Review vote: 5-0 to approve Amend the map designation on 0.43 acres from Public/Single Family-Low (P/SF-L) to Multifamily-Medium (MF-M).</p>	<p>The proposed amendment demonstrates evidence of significant change due to the unanticipated consequences of the adopted designation of the site as Public. This designation considered the site to be a future part of the Wilburton Hill Community Park. Since the site will not be acquired for park purposes, the designation is an unintended consequence in that it prevents consideration of the appropriate density on this site. Development of area surrounding the site under Wilburton Subarea policy frames this question, and not the zoning or rate of growth.</p> <p>A change of ownership or use is not a changed condition on the subject property needing attention through the amendment process.</p>

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Downtown Transportation Plan – Downtown Subarea Plan 17-120230 AC PC Final Review vote: 3-1 to approve Amend the Downtown Subarea Plan with transportation and facility-related amendments resulting from the 2013 update of the Downtown Transportation Plan, a functional plan which supports and implements the Comprehensive Plan.</p>	<p>The proposed amendment addresses significantly changed conditions in updating the Downtown Subarea Plan to be consistent with the Downtown Transportation Plan, with the latter’s integrated focus on enhanced multimodal mobility and support for neighborhood livability in the Downtown. This needs to be addressed for the Downtown to sustain its role as a regional Urban Center. The Subarea Plan’s last (2004) Update lacked this.</p> <p>The Transportation Commission identified what remains valid or needs to go alongside a gap analysis of current Downtown Subarea Plan transportation policies. Commissioners also identified significantly changed conditions—East Link and the Grand Connection, and 2015 system-wide updates to the Transportation Element—to demonstrate evidence of changes related to the pertinent Plan text, where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p>
<p>Bellevue Technology Center – Crossroads 14-123945 AC PC Threshold Review vote: 2-2 to not advance Replace existing Policy S-CR-66 in the Crossroads Subarea Plan with a new policy to “encourage potential uses and/ or development standards for the property east of 156th Avenue NE between Northup Way and NE 24th Street (commonly known as the Bellevue Technology Center, formerly the Unigard campus) ...”</p>	<p>The proposal does not address significantly changed conditions on the subject property or its surrounding area where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p> <p>The application does not demonstrate significantly changed conditions on the site or its surrounding area. The City-wide Comprehensive Plan update was adopted by the City Council in 2015. It lays out the City’s overall growth strategy, specifically in the Land Use, Economic Development, and Neighborhood Elements. Placing more growth on this site is not part of that overarching strategy, of managing growth and development while working to protect and enhance neighborhoods.</p> <p>While the specific text of the Crossroads Subarea Plan was not included in the updates to the general elements of the Plan, there has been no significant change since the 2015 Plan adoption with regard to the City’s overall growth strategy. The passage of time is also not a significantly changed condition. The Crossroads Subarea Plan remains effective, in part because policies apply to a site that was sensitive to its owner and surrounding community in 1972, and its continued impact on the community is sensitive today. The sensitivity of this site for the adjacent neighborhood and special conditions on the office use continue to be appropriate, despite the passage of time.</p>
<p>Eastgate Office Park 16-123765 AC PC Final Review vote: 7-0 to approve Amend the map designation on 21 acres from Office (O) to Office Limited Business (OLB)</p>	<p>The proposed amendment addresses significantly changed conditions where changes related to the pertinent Plan map or text have implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole because Eastgate Land Use and Transportation Project changes to the pertinent Eastgate Subarea map and text were not considered for the site, overlooking the historical, geographical and developmental characteristics it holds in common with nearby OLB-designated areas</p>

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Eastgate Office Park (cont'd)</p>	<p>(Eastgate Land Use Plan p. 131);</p> <p>The Eastgate Subarea Land Use Plan map shows the Office-designated area as part of Planning District 2 where office and commercial uses have historically been concentrated. The sites were originally subdivided as a contained part of the I-90 Business Park, located predominantly east of 156th Ave SE. The Eastgate Office Park sites on the west of 156th Ave SE share common elements of access to freeways and to supporting retail as well as deference to adjacent residential.</p>
<p>Park Lands Policy 16-122081 AC PC Threshold Review vote: 7-0 to advance Amend policy and/or text with new policies restricting or regulating review in changes in use of acquired park lands and park property by citizens, the Parks Board and in the city's formal rezone process. Require Park Lands Policy (cont'd)</p> <p>city owned park lands be designated in the Plan, zoned with a new "Park" designation and limiting uses solely to active and passive recreation and open space.</p>	<p>The proposal does not address significantly changed conditions on the subject property or its surrounding area where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p> <p>Policy implementation here did not create an unanticipated consequence suggesting that additional policy is necessary. Policy PA-37 mandates a "public review process for the conversion to non-recreational use of park lands and facilities." This policy implementation was in place governing the Balatico property conveyance as well as the provisions in the East Link MOU. The City Attorney's Office...has already detailed the public review process for these actions. This policy anchors the city's—and specifically the City Council's—ability to protect taxpayer investments through prescribed statute. PA-37's predecessor was adopted in 1985 (the Parks Element was first adopted in 1974). It thus has over 30 years of successful operation. The applicant did not bring forward the opportunity to consider such citywide consequences in the recent 2015 Comprehensive Plan Update.</p>
<p>St. Luke's 15-103696 AC PC Final Review vote: 6-0 to approve Amend the map designation on 4.3 acres from Single Family-Medium (SF-M) to Multifamily-Medium (MF-M).</p>	<p>The proposal addresses significantly changed conditions where changes related to the pertinent Plan map or text have implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p> <p>Residential zoning and the conditional use permit process that permits religious institutions in residentially-zoned neighborhoods has in the past considered them primarily a religious service. As these institutions have now begun to further their community-based missions around their facilities their appropriate role in neighborhoods and the city was something not anticipated by the Comprehensive Plan. Also, as city policy addresses the growing need for affordable housing and the roles that non-traditional providers have played (such as St. Margaret's) and can play (such as St. Luke's) the Comprehensive Plan did not anticipate using such sites for affordable housing.</p>
<p>Mountvue Place 14-123964 AC PC Final Review vote: 6-0 to approve Amend the map designation on 4.67 acres from BelRed-Commercial/</p>	<p>The proposal addresses significantly changed conditions resulting from changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole.</p>

Comprehensive Plan Amendment	Significantly Changed Conditions staff report text
<p>Mountvue Place (cont'd)</p> <p>Residential (BR-CR) and BelRed-General Commercial (BR-GC) to all BelRed-Commercial/ Residential.</p>	<p>The split designation of this site was not identified during the BelRed planning process and it was not foreseen that the split site would prevent implementation of the BelRed Retail-Commercial district. The BelRed process did not specifically focus on the historical path whereby the site acquired its split zoning.</p> <p>Historical amendments to the BelRed Subarea plan never treated the property consistently. The first adoption of the Bel-Red/Northrup Subarea Plan in 1981 (Resolution 3646) showed the site as <u>all</u> General Commercial (GC). 1988 amendments (Resolution 5059/5060) appear to have split the boundary to create a Retail-Commercial (R-C) area in the eastern, narrowing part of the Subarea nearer to Fred Meyer. The 2009 BelRed Subarea Plan maintained the previously established designation boundary that splits parcel.</p>
<p>Bellevue Apartments 12-132257 AC PC Final Review vote: 6-0 to approve</p> <p>Amend the map designation on 1.84 acres from O (Office) to Multifamily-High (MF-H).</p>	<p>The proposal addresses significantly changed conditions resulting from the unanticipated consequences of adopted policy in the area surrounding and near the subject property:</p> <ul style="list-style-type: none"> • Higher density multifamily development has emerged as a major residential land use pattern in the area, even on this site which was zoned for Office (and also allowed residential as a conditional use); • A number of neighborhood service and convenience uses have been developed within close proximity; e.g. the Walgreen's pharmacy built across NE 8th Street from the site, following a 2001 Comprehensive Plan amendment; • The new King County "Rapid Ride B Line" has been established on the NE 8th Street arterial abutting this site, providing a greatly enhanced form of transit (bus rapid transit) serving this location; • The City's adoption of GMA-era design standards and administrative design review process, now applicable to this site. <p>Comprehensive plan amendment review scrutinizes site-by-site land use changes within the larger community context of the plan. Specifically to Bellevue Apartments, this site is unique in this area. The multifamily use is inconsistent with the office zoning on the site. It was developed under the limitations of this office zoning. While the neighborhood around it has continued to develop with a mix of uses, some of which are very supportive of multifamily, there was never an opportunity for this site to consider a residential density higher than the 20 units per acre office designation allowance. A residential use in an exclusively office zone is a significant condition unique amongst the multifamily residential neighborhoods in this area.</p>

Comprehensive Plan – Decision Criteria Applicability

Attachment C

February 21, 2018	Bellevue	Seattle	Jefferson County	Covington	Kirkland	Redmond	Snohomish County
Review criteria (<i>generalized</i>)	20.30.140	Not codified	18.45.080	14.25.060	Ch. 140	21.76.070	30.74
Appropriate to address through the CP	●	●		●		●	●
Is not more appropriate to address another way (ongoing work program, regulatory or budget amendment, program change)	●	●		●		●	
City has available resources/time/information for review	●	●			●	●	●
Significantly changed conditions/circumstances	●		●	●			●
Geographic scope is appropriate, minimum necessary	●		●				
Consistent with CP, regional policy, state and federal law, court case	●	●	●	●	●	●	●
Recently rejected or considered	●	●		●		●	
Likely to make a material difference in future city regulatory or funding decision		●					
Addressed in neighborhood plan has been initiated, recently completed, will be initiated in near future (2 years)		●			●		
Would correct an inconsistency or make clarification to CP					●		●
Adversely affects level of service standards			●				●
Public interest best served by consideration now rather than deferring to later plan or plan amendment process					●		
Reflects current widely held values of residents			●				
Timely with respect to other city and community initiatives, and planned public/private development activity						●	

Matz, Nicholas

From: Oskar Rey <orey@mrsc.org>
Sent: Friday, January 26, 2018 11:44
To: Matz, Nicholas
Subject: MRSC Inquiry--Comp Plan Amendments

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Nicholas:

This email is in response to your MRSC inquiry, which is set forth at the bottom of this email.

As we discussed, I am not aware of any cases challenging a "significantly changed conditions" (SCC) criteria in the comprehensive plan amendment context. Analysis of SCC arises more often in the context of rezones, where SCC is a required element. Part of the problem is that site-specific rezones and development proposals are more commonly challenged in the courts than comprehensive plan amendments.

What follows is an excerpt from a 2016 MRSC research memo on SCCs in the context of rezones:

Regarding rezones in general, in *Woods v. Kittitas County*, 162 Wn.2d 597, 617 (2007), our state supreme court set out general rules related to rezone applications, as follows:

Three basic rules apply to rezone applications: (1) they are not presumed valid; (2) the proponent of a rezone must demonstrate that there has been a change of circumstances since the original zoning; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Citizens for Mount Vernon*, 133 Wn.2d at 875.

In qualifying these rules, however, our courts have also held that the proponent of a rezone needn't show a substantial change in circumstances since the last zoning or amendment if the proposed rezone implements policies of the comprehensive plan. In *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (2004), review denied, 154 Wn.2d 1028 (2005), the court explains:

Generally the proponent of a rezone must show a substantial change in circumstances since the last zoning or amendment unless the proposed rezone implements policies of the comprehensive plan. *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846, 899 P.2d 1290 (1995). A variety of factors may indicate a substantial change in circumstances, including changes in public opinion, in local land use patterns, and on the property itself. *Id.* at 846-47.

There is one case that addressed SCC in connection with both a comprehensive plan amendment and a rezone--*Save Our Rural Environment v. Snohomish County (SORE)*, 99 Wn.2d 363, 370, 662 P.2d 816, 820 (1983). That case involved a decision to locate a business park in an area that had previously been designated residential. The County Council approved a comprehensive plan amendment on the following basis:

The Snohomish/Lake Stevens Area Comprehensive Plan anticipated that conditions would change and that the Plan would be amended. Overlooked or not considered in the original plan was the need for land to provide a more diversified industrial base through business park development and assuring a balancing of industrial development and adjacent land uses through the use of business park and master plan procedures. Under the facts presented adoption of the proposed amendment is appropriate. Disturbance of the integrity of a

comprehensive plan is not taken lightly by the council, but under the circumstances here the amendment is appropriate.

The county hearing examiner upheld the rezone request based on the comprehensive plan amendment, explaining as follows:

The suggestion that the instant rezone may not be approved without substantial findings of changed circumstances does not seem applicable to the instant case. The action requested herein is a rezone which would implement an adopted comprehensive plan of Snohomish County. If such implementation were not allowed to occur until physical or developmental circumstances in the area had changed, the new comprehensive plan might never be fulfilled: if an area is presently undeveloped and a newly amended comprehensive plan calls for industrial development, no industrial development may occur until at least one industrial rezone has been granted. If that rezone cannot itself occur because land development patterns have not changed in the area, then the industrial development will most likely never have an opportunity to occur. The Examiner does not believe that such a set of circumstances was desired or envisioned by the supreme court...

SORE, 99 Wn.2d at 370–71. The court approved both these statements in the course of upholding the comprehensive plan amendment and rezone.

As we discussed, it is not unusual for jurisdictions to have SCC criteria in their comprehensive plan amendment requirements. I do not think that SCC criteria are problematic under the GMA and there do not appear to be any cases in which a SCC requirement was challenged directly.

I hope this is helpful. Please call or email if you have any follow-up questions.

Oskar Rey

Legal Consultant

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Inquiry: Have there been any court cases (local up to the WA state level) or legal actions regarding the use or legitimacy of various decision criteria contained in local jurisdictions' comprehensive plan amendment procedures? I am looking for in particular whether any local jurisdictions' use of "significantly changed conditions" (or similar phrasing) as a CP amendment decision criterion has been challenged. Thanks.