

APPENDIX F

**City of Anacortes
Comprehensive Plan & Development Regulations
Amendment Process**

APPENDIX F
CITY OF ANACORTES
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS
AMENDMENT PROCEDURES

Annual Review and Plan Amendment Procedures

The Annual Comprehensive Plan and Development Regulations Amendment Process (hereafter called Amendment Process) provides an opportunity to refine and update the Comprehensive Plan, and development regulations, and to monitor and evaluate the progress of the implementation strategies and polices incorporated therein.

RCW 36.70A.130 (as amended by ESHB 1724) addresses comprehensive plan amendments. The Growth Management Act (GMA) requires comprehensive plans be amended no more than once a year, except for certain exemptions and "emergencies." Under ESHB 1724, the following amendments may be considered more frequently than once a year:

- Initial adoption of a sub-area or neighborhood plan(s) that does not modify the comprehensive plan policies and designations applicable to the subarea; (Note: this revised language was adopted by the Legislature in 2002)
- Adoption or amendment to a shoreline management program;
- An emergency exists (as defined by the City of Anacortes);
- Resolution of an appeal of a comprehensive plan filed with a Growth Management Hearings Board or with a County, State or Federal court;
- Amending the Capital Facilities element of the Comprehensive Plan concurrently with the adoption or amendment of the city budget.

The amendment procedures provide for the following:

- Establish a means by which cities and counties will "Docket" (i.e., compile and maintain a list) suggested Plan amendments and consider them during the annual amendment process.
- Include a procedure for any interested person to suggest Plan amendments.
- Provide for public participation.

This process is the vehicle by which the City and other public agencies, private owners, developers, community groups or individual citizens request changes to the land use designation of property and/or propose changes to the elements, goals and policies of the Comprehensive Plan and development regulations. The amendment process may include the review of proposed expansions to the Urban Growth Area, allowing the City to evaluate the necessity for further urban expansion and growth. The amendment process affords the opportunity to refine the Comprehensive Plan and development regulations based on changing conditions and community needs.

In reviewing proposed changes, the Planning Commission and City Council shall consider current development trends to determine the City's progress in achieving economic, land use, and housing goals established in the Comprehensive Plan. Information which could be considered includes vacant land absorption, residential versus economic development, amounts and values of non-residential construction, number and types of housing units authorized by building permit, affect of changes to adopted functional plans in the community, as well as activity levels in such processes as subdivision approvals, annexations, and building permits. Other information, which should be considered, includes the current capacity status of major infrastructure systems for which levels of police, fire, school, and park and recreational services are being provided. Review also includes monitoring of overall population growth and relative comparison with the forecast growth projections contained in the Comprehensive Plan and the inclusion of updated projections where appropriate.

The amendment process includes public participation by advertising requests for citizen-initiated amendments and a formal public hearing before the Planning Commission and if needed, before the City Council. The amendment process is adopted as a part of the City's development regulations, including selection and review criteria for the Planning Commission.

The amendment process also establishes a two-phased process and criteria for changing the comprehensive plan text and/or the comprehensive plan land use map. Amendments may, for example, propose new or amend existing sections, elements, appendices, goals and/or policies of the plan, be site specific, correct errors, edit language, or change the map.

Except in the event of an emergency or other exemption allowed by State law, as determined by the City Council, by resolution, amendments will be considered on an annual basis so that the cumulative effects of all proposed amendments can be analyzed for consistency and the overall effect on the remainder of the Comprehensive Plan and development regulations.

All amendments will follow the requirements for public participation in accordance with RCW 36.70A.140.

Amendment Schedule

The amendment process is designed to be flexible to accommodate unique conditions such as the nature, complexity, or number of plan amendment requests received in a review period. The annual "window" of plan amendment submittals from the public will be open throughout the year (i.e., the public can submit requests for amendments at any time); however, they will only be "processed" in accordance with these procedures once a year. Review of proposed amendments shall conform to the following generalized schedule:

- January & February: City issues press releases, advertisements or other "effective" means of public notice soliciting public requests for comprehensive plan and development regulation amendment applications
- Last working day in March: The annual deadline for public submittals of proposed amendments closes. Public-initiated amendment requests submitted after the last working day in March of each year will be processed during the following year's review and amendment cycle
- April/May: City staff forwards all amendment requests to the Planning Commission. The Commission will hold a public hearing on the proposed items before making recommendations to the City Council on which amendment applications should be considered, along with a preliminary review schedule
- June: The City Council decides which amendments will be considered and establishes a review schedule
- July/August: City staff begins to review, analyze, and evaluate proposed plan amendments, including the environmental (SEPA) review
- September – October: Staff begins reviewing the various amendment applications with the Planning Commission, with possible joint meetings with the City Council. SEPA Determinations are issued
- October/November: Public notice soliciting public comment and input on the proposed plan amendments is issued. The Planning Commission holds a Public Hearing(s) and forwards their recommendation to the City Council. Staff also forwards recommended plan amendments to Department of Commerce at least 60 days prior to final adoption by the City Council
- January/February: City Council reviews and takes final action on the forwarded amendment applications. This may include additional public hearing(s). Staff transmits the approved amendments to Commerce within 10 days of Council adoption

All amendment proposals shall be considered as a group by both the Planning Commission and City Council so that their cumulative impacts can be ascertained. Provisions for the joint City/County consideration of plan amendments of mutual concern within the UGA shall be included in the appropriate interlocal planning agreement (as needed).

When a land use designation amendment is proposed to the Comprehensive Plan and a subsequent rezone or amendment to development regulations is required, the Planning Commission should consider the amendments concurrently and make a recommendation on both proposals to the City Council.

Emergency Plan Amendment Consideration

The Comprehensive Plan and development regulations may be amended outside the normal schedule if findings are adopted by the City Council (in resolution form) showing the amendment is necessary, due to an emergency situation of a neighborhood or citywide significance. The nature of the emergency shall be explained to the Council, after which the City Council shall decide whether or not to allow the proposal to proceed ahead of the normal amendment schedule.

Amendments related to annexation may be considered during the normal annexation process and need not necessarily be coordinated with the annual amendment schedule.

Phase I – Selection of Amendments to be considered

I. Who may propose an amendment:

- A. Land Use Designation Changes and/or Land Use Map Amendments – the property owner, City Council, Planning Commission, or City staff.
- B. Background text, goals and policies - anyone.

II. When to propose an amendment:

Proposed amendments may be submitted at any time during the year. However, amendments proposed by the public after the last working day in March will not be considered until the following amendment cycle. The amendment cycle shall be no more frequent than once a year, except when the amendment is one of the following:

- A. Initial adoption of a sub-area plan that does not modify the comprehensive plan policies and designations applicable to the subarea.
- B. Adoption or amendment of a shoreline master program under procedures of chapter 90.58 RCW.
- C. Resolution of an appeal filed with the Growth Management Hearings Board or with a judicial court.
- D. An emergency exists as defined above.

III. How to propose an amendment.

A proposed amendment must be submitted in writing to the City of Anacortes Department of Planning, Community & Economic Development (PCED), on the appropriate city form. The proposed amendment application shall consist of at least the following information, and be consistent with the Master Permit Application and Submittal Checklist:

- A. A description of the proposal, including any relevant background material;
 - 1. If a request to amend the Comprehensive Plan Land Use Map is approved for consideration during the review cycle, staff may require additional information to be submitted including, but not limited to, an environmental review, traffic study, and utilities analysis.
 - B. Reference to the element(s) of the comprehensive plan that is proposed for amendment and a written statement outlining how the proposed amendment meets the goals and policies of the comprehensive plan;
 - C. Proposed amendment language and a written statement of why the existing Comprehensive Plan or Development Regulation language should be added to, modified, or deleted, when applicable;
 - D. An explanation of why the amendment is being proposed;
 - E. A description and/or map, of the property affected by the proposal including a county assessors map, if applicable.
 - F. The appropriate fee, as listed in the Fees Resolution in place at the time of application submittal; and
 - G. Two sets of mailing labels for land use map amendments for those properties within 300 feet of the subject property.
- IV. Selection of amendments to be considered.
- A. Planning Commission Selection Process. The City of Anacortes PCED will submit all proposed amendments received to the Planning Commission. After holding a public hearing, the Planning Commission shall recommend to the City Council those proposed amendments that should be considered for further review. Notification of all public hearings shall be in the same manner as for development applications as outlined in AMC Chapter 17.14 (Amendments and Rezones). The Planning Commission may recommend modifying a proposed amendment during the selection process.
 - B. Selection Criteria. The Planning Commission will recommend to the City Council the proposed amendments that should be considered for further review based on the following criteria:
 - 1. Consideration of the previous record if the amendment was reviewed and denied during a previous amendment review cycle;

2. Whether the proposed amendment advances goals and policies of the comprehensive plan;
 3. Whether the proposed amendment is consistent with the goals and policies of the Growth Management Act;
 4. Whether the amendment is consistent with other Comprehensive Plan elements or Development Regulations. If not, are amendments to other Comprehensive Plan elements or regulations necessary to maintain consistency?;
 5. In the event that a proposed zoning change is not consistent with the Comprehensive Plan, the zoning shall not be changed unless the Comprehensive Plan has also been reviewed and changed. Is the applicant recommending changing the Comprehensive Plan?
 6. Do all elements of the Comprehensive Plan, including the Capital Facilities and Transportation elements, support the amendment?;
 7. Is the proposed change consistent with other City regulations? If not, what other changes are needed to maintain consistency?; and
 8. The cumulative effect(s) of the proposed plan amendment(s).
- C. Schedule. After selection of the proposed amendments for consideration, the Planning Commission will recommend a schedule and procedures for public participation in accordance with RCW 36.70A.140.
- D. City Council Determination. Based on recommendations from the Planning Commission, the Council will identify those proposed amendments it will consider for adoption in that year's amendment process and establish the amendment schedule. The Council may modify a proposed amendment during the selection process.

Phase II – Review and Action for Selected Amendments

- A. Review of Selected Amendments.
1. Written Analysis. For each proposed amendment that the Council approves for consideration, PCED will prepare a written analysis. The analysis will be accompanied by a recommendation that the proposed amendment be approved, denied, or approved with modifications.
 2. Environmental Review. All applicants shall be responsible for the costs of the environmental (SEPA) review for the proposed amendment, including the preparation of an environmental impact statement, if necessary. SEPA review shall be completed before the PCED submits its analysis to the Planning Commission.
 3. Planning Commission Review. Subsequent to completion of the analysis prepared by the PCED and the SEPA review, the Planning

Commission shall conduct one or more public hearings. The Planning Commission shall also solicit comments regarding the proposed amendment from the public and government agencies in any other manner it determines necessary and appropriate to the nature of the proposed amendment and consistent with RCW 36.70A.140. The notice and public hearing for proposed comprehensive plan amendments may be combined with any notice or public hearing for proposed amendments to the land use code, official zoning map, or for other actions of the Planning Commission. Written comments and/or verbal testimony at a public hearing may be given by anyone to the Planning Commission regarding proposed plan amendments.

4. Review Criteria.

- a Each amendment:
 - i. Shall not adversely affect public health, safety, or welfare in any significant way.
 - ii. Shall be consistent with the overall goals and intent of the comprehensive plan.
 - iii. Shall be in compliance with the Growth Management Act and other State and Federal laws.
 - iv. Must be considered in light of cumulative effects of other amendments being considered.
- b In addition to the above mandatory requirements, any proposed amendment must meet the following criteria unless compelling reasons justify its adoption without meeting them:
 - i. Addresses needs or changing circumstances of the City as a whole or resolves inconsistencies between the Anacortes Comprehensive Plan and other city plans or ordinances.
 - ii. Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.
 - iii. Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.
 - iv. Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.
 - v. Is consistent with other plan elements and the overall intent of the comprehensive plan.

Any compelling reasons relied upon to justify adopting an amendment without meeting the above criteria must be specified in the ordinance adopting the amendment. When an amendment to the Comprehensive Plan also requires a subsequent rezone or amendment to the development regulations, the Planning Commission may consider both concurrently and make a single recommendation to the City Council for consideration with final approval of the Plan.

B. Council Public Hearing and Notice.

The City Council will review the recommendation of the Planning Commission and may hold a public hearing for the purpose of receiving public comment regarding the merits of proposed amendment(s) that have been recommended by the Planning Commission. Notice of the hearing will be given in the same manner as notice of other City Council hearings pursuant to AMC Chapter 17.14 (Amendments and Rezones). Written comments and/or verbal testimony at a public hearing may be given by anyone to the City Council regarding proposed plan amendments prior to the end of the public hearing(s).

C. Council Action.

After review of the proposed amendment(s) and recommendation from the Planning Commission, the City Council shall adopt, adopt as modified, deny, or remand the to the Planning Commission for further consideration.

D. Map Revisions.

If the City Council approves a change to the Comprehensive Plan Land Use Map and/or Official Zoning Map, the City Council shall adopt an ordinance that amends the official comprehensive plan and/or zoning map, if approved, and authorize the Mayor to sign the revised map(s).

E. Revocation.

The comprehensive plan amendment may be reversed by the City Council outside of the regular amendment period, upon finding of any of the following:

1. The approval was obtained by fraud or other intentional or misleading representation;
2. The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the comprehensive plan and City ordinances; or
3. The amendment is being implemented in a manner that is detrimental to the public health or safety.

F. Appeals.

State law governs the appeal process of a City Council decision on a comprehensive plan or development regulation amendment(s).

G. Transmittal to State.

The City PCED will transmit a copy of each proposed amendment of the Plan to the State of Washington Department of Commerce at least sixty (60) days prior to the expected date of final Council action on proposed amendments. The City PCED will then transmit a copy of all adopted amendments to Commerce within ten (10) days after the adoption by the Council.