

ORDINANCE NO. 2982

AN ORDINANCE OF THE CITY OF ANACORTES, WASHINGTON, SETTING FORTH THE BASIS OF THE CITY'S COMPLIANCE WITH THE GROWTH MANAGEMENT ACT'S (GMA) REQUIRED REVIEW AND UPDATING OF THE CITY'S COMPREHENSIVE PLAN UNDER RCW 36.70A.130(5)(b), REPEALING THE COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 2757, AND ADOPTING A NEW COMPREHENSIVE PLAN PURSUANT TO THE CITY'S PERIODIC GMA COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS.

WHEREAS, on September 20, 1993, the Anacortes City Council enacted Ordinance 2294 which adopted the City's Comprehensive Plan pursuant to the requirements of the Growth Management Act; and

WHEREAS, on December 18, 2006, the Anacortes City Council enacted Ordinance 2757 which adopted a new Comprehensive Plan pursuant to RCW 36.70A.130 and it has been amended it cyclically thereafter; and

WHEREAS, pursuant to the schedule provided in RCW 36.70A.130, the City must periodically review and, if needed, revise its Comprehensive Plan to ensure that it complies with the Growth Management Act; and

WHEREAS, on March 13, 2013 the Planning Commission took public comment regarding the scope of the 2016 periodic review and update of the Comprehensive Plan; and

WHEREAS, after review of the public comments on the scope of the update, the City Council directed that the update include an extensive visioning and community input effort; and

WHEREAS, on April 7, 2014 the Anacortes City Council adopted Resolution 1885 establishing a public participation plan in accordance with RCW 36.70A.130(2) that identified procedures and anticipated schedules for reviewing and revising the Comprehensive Plan; and

WHEREAS, on April 7, 2014 the Anacortes City Council adopted Resolution 1888 establishing a Community Advisory Committee (CAC) to assist in updating the Comprehensive Plan. The CAC met over 28 times at public meetings from April, 2014 to December, 2015 and provided recommendations to the Planning Commission and City Council on a wide variety of topics to support the development of the 2016 Comprehensive Plan Update; and

WHEREAS, the public process for the Comprehensive Plan update has provided for early and continuous public participation opportunities including accepting written public comment by email from April, 2014 through June, 2016; at the City's Farmers' Market from August through September, 2014; at presentations to civic and community organizations from June, 2014 through July, 2015; and

WHEREAS, the City held public workshops on March 27, 2014, April 30, 2014, August 26, 2014, February 26, 2015 and a public open house on December 8, 2015; and

WHEREAS, the City published numerous legal notices regarding the development and public review of the Comprehensive Plan update in the Anacortes American, posted notices on the City's website, at the library, City Hall and the post office; and sent notices and regular updates to the City's Comprehensive Plan Update email distribution list; and

WHEREAS, the Community Advisory Committee, Planning Commission and City Council held joint public meetings on September 8, 2014, September 11, 2014, March 25, 2015 and April 8, 2015 to review and discuss the CAC's recommendations for updates to the Comprehensive Plan, including changes to the City's Future Land Use Map; and

WHEREAS, the Anacortes Planning Commission and City Council took public comment at meetings on May 13, 2015, May 27, 2015, June 8, 2015, June 10, 2015, June 22, 2015, July 6, 2015, and July 20, 2015 regarding the Comprehensive Plan update, including proposed changes to the Future Land Use Map; and

WHEREAS, after review of the input from the public, stakeholders, CAC, Planning Commission, and City Council, an initial Draft 2016 Comprehensive Plan, including updated growth targets, policy and text amendments and Future Land Use Map amendments was prepared and released for public review and comment in October, 2015; and

WHEREAS, notice of the Comprehensive Plan public hearing schedule before the Planning Commission was published in the Anacortes American on December 23, 2015 and December 30, 2015, mailed to residents, occupants and owners of property in the City of Anacortes and within the 98221 zip code, and distributed to interested parties, organizations, agencies and tribes; and

WHEREAS, the Planning Commission held public hearings on January 6, 2016, January 13, 2016, January 20, 2016 and January 27, 2016 to receive formal comments from the public on the proposed 2016 Comprehensive Plan; and

WHEREAS, at a special meeting on March 2, 2016 the Planning Commission considered the public comments received and other information presented at various public meetings and public hearings and voted to recommend adoption of the 2016 Comprehensive Plan to the City Council; and

WHEREAS, a State Environmental Policy Act (SEPA) expanded checklist was prepared and a Determination of Nonsignificance (DNS) was issued and notice posted in the Anacortes American on March 16, 2016 and distributed to interested parties, organizations, agencies and tribes; and

WHEREAS, the City Council considered the 2016 Comprehensive Plan recommended by the Planning Commission at study sessions on March 21, 2016, March 28, 2016, April 4, 2016, April 11, 2016 and April 18, 2016 and at a special meeting on May 24, 2016 and directed various changes to the draft; and

WHEREAS, the City Council held a public hearing on June 20, 2016 and June 27, 2016 to allow for additional public testimony and to receive comments regarding the 2016 Comprehensive Plan; and

WHEREAS, as a result of the City's efforts, the public has had continuous and extensive opportunity to participate in the development and public review of the 2016 Comprehensive Plan and all

persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, a notice of intent to adopt in accordance with the procedures for 60 day review was transmitted to the Washington State Department of Commerce, Growth Management Division, and other state agencies on March 17, 2016, and receipt acknowledged by Commerce on March 21, 2016;

WHEREAS, the City will continue to review and, if needed, update its development regulations protecting critical areas within 12 months of the schedule identified RCW 36.70A.130;

WHEREAS, the City Council has considered the goals of the GMA as set forth in RCW 36.70A.020 and determined that the 2016 Comprehensive Plan attached hereto reflect the City's balancing of the public interests under the planning goals of the GMA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANACORTES, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following findings.

- A. The Comprehensive Plan set forth herein bears a substantial relation to the public health, safety and welfare.
- B. The Comprehensive Plan set forth herein is in the best interest of City of Anacortes residents.
- C. The Comprehensive Plan set forth herein has been processed, reviewed, considered, and adopted in material compliance with all applicable state and local procedural requirements, standards and criteria, including but not limited to the requirements of Chapter 36.70A RCW.
- D. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.

Section 2. 2007 Anacortes Comprehensive Plan Repealed. The 2007 Anacortes Comprehensive Plan adopted by Ordinance 2757 and amended by Ordinances 2812, 2880, and 2901 is hereby repealed in its entirety.

Section 3. City of Anacortes 2007 Transportation Plan Repealed. The City of Anacortes 2007 Transportation Plan, dated March, 2008, adopted by Ordinance 2796 is hereby repealed in its entirety.

Section 4. 2016 Anacortes Comprehensive Plan Adopted. The 2016 Anacortes Comprehensive Plan dated July, 2016 which is comprised in its entirety of Volumes 1 and 2 attached hereto, is hereby adopted as if fully set forth herein.

Section 5. Production and Publication of 2016 Comprehensive Plan. Staff is hereby directed to perform any minor, non-substantive text edits, syntax error corrections, and minor modifications to the

format of the 2016 Comprehensive Plan as necessary to provide for accurate and correct publication of said document both in printed and electronic format for accessibility of the general public and to provide for the publication of the Future Land Use Map as a separate reference document for ease of use and reference to the general public.

Section 6. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or work of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 18th day of July, 2016.

CITY OF ANACORTES, WASHINGTON

By: 
Laurie Gere, Mayor

ATTEST:

By: 
Steve Hoglund, City Clerk/Treasurer

APPROVED AS TO FORM:

By: 
Darcy Swetnam, City Attorney

Date of Publication: July 27, 2016

Effective Date: _____
(5 days after publication)