

Ordinance No. 3004

An Ordinance Adopting a Public Participation Plan for Updates to the Comprehensive Plan's Six-Year Financing Plan for Capital Facilities

Whereas the Washington State Growth Management Act, at RCW 36.70A.070, requires the City to have a capital facilities plan element in its Comprehensive Plan;

Whereas the capital facilities plan element must contain "(a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent:"

Whereas, by ordinance 2982, the City has adopted a Comprehensive Plan that includes a capital facilities plan element;

Whereas, by ordinance 2994, the City has adopted a six-year financing plan for the capital facilities plan element;

Whereas WAC 365-196-415(2)(c)(ii) provides that the City should update its six-year financing plan at least once every two years;

Whereas RCW 36.70A.130 provides that the City may amend its Comprehensive Plan only once per year, with an exception for amendment of the capital facilities plan element when it occurs concurrently with adoption or amendment of the City's budget;

Whereas RCW 36.70A.130(2)(a) provides that the City must adopt a public participation plan for amendment of the Comprehensive Plan, which it has codified in AMC Chapter 19.16;

Whereas AMC 19.16.020 exempts "[a]doption of technical appendices to the comprehensive plan that do not contain comprehensive plan goals or policies, such as the six-year capital facilities financing plan" from the lengthy process for comprehensive plan policies or development regulations;

Whereas the City Council desires to provide for an alternative public participation process for amendments to the six-year capital facilities financing plan;

Whereas, per AMC 19.16.020.C.2, amendment of AMC Chapter 19.16 is not subject to the public participation process described in AMC Chapter 19.16;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. The City Council makes the following findings:

- a. The capital facilities financing plan (the "financing plan") is a technical appendix to the Comprehensive Plan.
- b. The financing plan includes no changes to the Comprehensive Plan's goals and policies.
- c. The financing plan should be updated regularly to ensure the City is adequately planning for the substantial expense of capital facilities construction and maintenance.
- d. The financing plan is appropriately reviewed directly and exclusively by the City Council, as the body charged with stewardship of the City's finances and infrastructure.

Section 2. The Anacortes Municipal Code is amended as shown in Attachment A.

Section 3. This ordinance takes effect five days after publication.

PASSED and APPROVED this 22nd day of may, 2017.

CITY OF ANACORTES:



Laurie Gere, Mayor

Attest:



Steve Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

Attachment A

Chapter 19.16 Legislative Actions

19.16.010 Purpose.

This Chapter establishes a program and process for early and continuous public participation for land use legislation consistent with RCW Chapter 36.70A, the Growth Management Act.

19.16.020 Applicability.

- A. This Chapter applies to adoption and amendment of any of the following legislative matters:
 - 1. the Comprehensive Plan;
 - 2. the Comprehensive Plan land use map;
 - 3. implementing development regulations.
- B. This Chapter does not apply to any of the following quasi-judicial matters:
 - 1. development permit applications;
 - 2. rezones permitted by an existing Comprehensive Plan designation that do not require a simultaneous amendment to the Comprehensive Plan.
- C. This Chapter does not apply to any of the following legislative matters:
 - 1. adoption and amendment of international and uniform codes such as the International Building Code, International Fire Code, or other codes required by the State of Washington;
 - 2. adoption of regulations governing impact fees, development agreements, and amendment of this Chapter.

19.16.030 General requirements.

- A. For amendments to the Comprehensive Plan policies (other than the capital facilities planning element, or the capital facilities financing plan) or land use map, the City must:
 - 1. accept petitions per AMC 19.16.040;
 - 2. docket amendments per AMC 19.16.050;
 - 3. perform environmental review of the docket per AMC 19.16.060;
 - 4. provide all public notices per AMC 19.16.070;
 - 5. perform review by the Planning Commission per AMC 19.16.080; and
 - 6. offer additional opportunities for public comment if required per AMC 19.16.090;
 - 7. adopt all amendments by ordinance simultaneously each year except for amendments that qualify for one of the exceptions in RCW 36.70A.130(2)(a).
- B. For amendments to the development regulations, the City must:

1. accept petitions per AMC 19.16.040 and docket amendments per AMC 19.16.050, or the City may itself initiate the process of adopting or amending development regulations at any time;
 2. provide all public notices per AMC 19.16.070;
 3. perform review by the Planning Commission per AMC 19.16.080;
 4. offer additional opportunities for public comment if required per AMC 19.16.090; and
 5. adopt all amendments by ordinance.
- C. For amendments to the capital facilities planning element, or the capital facilities financing plan, the City must:
1. update the capital facilities financing plan at least once every two years'
 2. ensure the financing plan is consistent with the Comprehensive Plan, as required by RCW 36.70A.070, and includes at least the next six years of capital facilities expenditures;
 3. ensure the financing plan is consistent with the City budget;
 4. hold a public hearing and offer a written comment period of at least two weeks;
 5. provide public notice consistent per AMC 19.16.070;
 6. offer additional opportunities for public comment if required per AMC 19.16.090;
 7. adopt the amendments to the capital facilities planning element, or the capital facilities financing plan, by ordinance into the City's Comprehensive Plan; and
 8. consistent with the provisions for timing of amendments to the Comprehensive Plan identified in RCW 36.70A.130, adopt the amendments either:
 - a. simultaneous with the docket of annual amendments to the Comprehensive Plan; or
 - b. simultaneous with adoption or amendment of the City budget.

19.16.040-19.16.100 No change.