ORDINANCE NO. 3454-15

AN ORDINANCE Adopting the 2015-2035 Comprehensive Plan Update, Amending Ordinance No. 2021-94, as Amended

WHEREAS, RCW 36.70A.130 (5) requires that cities in Snohomish County take action on or before June 30, 2015 to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act; and

WHEREAS, on June 24, 2015, City Council adopted Resolution No. 6872 concluding that the City had completed a great majority of the substantive steps necessary to complete the 2015 update and establishing a schedule for adoption of the Comprehensive Plan update and related regulations by October 28, 2015 provided that the schedule is subject to change as necessary to ensure public review and comment and thorough review by the City Council; and

WHEREAS, the update must include review and, if needed, revision to policies and regulations regarding critical areas and natural resource lands and the population allocated to the city from the most recent ten-year population forecast by the office of financial management; and

WHEREAS, the Comprehensive Plan Update, Williams map amendment and rezone, Draft Environmental Impact Statement and related regulations were submitted to the Washington Department of Commerce for 60-day review on July 17, 2015 in accordance with RCW 36.70A.106; and

WHEREAS, the Growth Management Act and RCW 47.80.023 requires that the Puget Sound Regional Council formally certify countywide planning policies and local comprehensive plan transportation provisions as being consistent with the regional transportation plan, with regionally established guidelines and policies, and with Growth Management Act requirements for transportation planning; and

WHEREAS, the Comprehensive Plan must be consistent with the VISION 2040 regional growth strategy and multi-county planning policies, and the Snohomish County Countywide Planning Policies required by RCW 36.70A.210; and

WHEREAS, following a public involvement process that included issuance of a Determination of Significance and scoping for an environmental impact statement on the update, on December 18, 2013 City Council approved Resolution No. 6685 adopting a Comprehensive Plan Audit and Public Involvement Plan for the update in accordance with RCW 36.70A.130(2); and

WHEREAS, Everett has followed its adopted Public Involvement Plan, including the outreach identified in Exhibit A to this Ordinance; and

WHEREAS, the proposed amendments include amendments to the Comprehensive Plan text and map, the Zoning Map, and regulations; and

WHEREAS, the proposed amendments to the Comprehensive Plan for Everett Station Area, the Williams amendment and rezone, and the regulations are implemented through separate ordinances, but are part of this Comprehensive Plan 10-Year Update; and

WHEREAS, the proposal amends all of the Comprehensive Plan elements, except the Shoreline Land Use Element, which will be updated with the next comprehensive update to the Shoreline Master Program by 2019, and the Parks and Recreation Element, a non-required element, which is being updated in a separate process that will conclude later than this update; and

WHEREAS, the proposal includes two new elements: the Marine Port Element, which is an optional element and was prepared at the request of the Port of Everett, and the Climate Change and Sustainability Element which is in response to the policies in Vision 2040 and new information since the last update to the Comprehensive Plan; and

WHEREAS, the update was guided by a variety of analyses documented in the following documents and background reports: Vision 2040 and associated PSRC documents, Countywide Planning Policies, 2012 Buildable Lands Report for Snohomish County, City of Everett Alternative Employment and Population Capacity Assumptions and Calculations Background Report September 2014, Climate Change and Sustainability Element Background Report, Housing Profile Everett 2015, June 2013 Potential Residential Infill Measures Report, Commerce Development Regulations Checklist and Comprehensive Plan Checklist, PSRC Reporting Tool for Comprehensive Plans and Reporting Tool for Center Plans; and

WHEREAS, RCW 36.70A.172 requires that jurisdictions include Best Available Science in developing policies and development regulations to protect the functions and values of critical areas and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the City completed a review of Best Available Science for the update to critical area policies and regulations including the information identified in Exhibit B to this Resolution and amended policies and regulations to address new information; and

WHEREAS, little new science was found that is contradictory to current Critical Area Regulations, with the primary need for amendments related to new WA Department of Ecology guidance for wetlands and frequently flooded areas, including use of the Corps of Engineers Wetland Delineation Manual and a new State wetland rating system, a new method of calculating debits and credits for wetland mitigation, new in-lieu fee mitigation programs, and implementation of a National Marine Fisheries Service Biological Opinion on the effect of the National Flood Insurance Program on species listed under the Endangered Species Act and their critical habitats in Puget Sound; and

WHEREAS, the City issued a Draft Environmental Impact Statement under State Environmental Policy Act requirements that evaluated the impacts of the proposals on July 20, 2015 and a Final Environmental Impact Statement responding to the comments received on September 4, 2015; and

WHEREAS, because the proposal includes adopting Snohomish County's adopted population and employment targets for the unincorporated portion of Everett's planning area, to meet the City's State Environmental Policy Act requirements the City issued a Notice of Adoption of the Environmental Impact Statement for the Snohomish County Comprehensive Plan 2015 Update on July 20, 2015; and

WHEREAS, the Planning Commission held 24 workshops and two public hearings on the proposed 10-Year Comprehensive Plan and regulations update; and

WHEREAS, the Planning Commission considered three alternative growth scenarios as possible choices for Everett's future and has reviewed the environmental impacts and policy tradeoffs of the alternatives pursuant to the State Environmental Policy Act (SEPA), including issuance of a Draft and Final Environmental Impact Statement; and

WHEREAS, on June 10, 2015, Snohomish County Council adopted Countywide Growth Targets, including population and employment targets for Everett's existing city limits consistent with Alternative 1: Regional Growth Strategy, including a population of 165,000 and employment of 140,000 within the existing City limits; and

WHEREAS, for the area in the existing city limits the preferred alternative includes a Conditional population target of 165,000 and a Default population target of 143,000, which would be the target if the conditions needed to create extraordinary demand for growth in Everett do not occur, including, but not limited to:

1. Sound Transit 3 must be approved and light rail service to downtown Everett completed by about 2030.
2. Sound Transit must build the light rail system and stations in locations that maximize support for jobs and housing in Everett.
3. The regional economy is robust enough to make high rise residential and non-residential construction in Everett financially viable.
4. The land use plans of other jurisdictions and tribal governments must be consistent with adopted regional growth plans and must not create excess capacity that shifts development away from Everett.
5. Regional and WSDOT investment in transportation capacity must support workforce commute travel from areas located north and east of Everett to employment centers in Everett.

WHEREAS, the area within the existing City limits has a capacity under the Preferred Alternative for a population of approximately 180,000 by 2035, more than sufficient to meet the Conditional target of 165,000; and

WHEREAS, under the conservative Snohomish County 2012 Buildable Lands Report, the area within the existing City limits has capacity for approximately 147,000 employees, more than sufficient to meet the Preferred Alternative target of 140,000 employees; and

WHEREAS, the preferred alternative includes the same growth targets for the unincorporated Urban Growth Area as adopted by the Snohomish County Council – a population target of 47,156 and an employment target of 8,324; and

WHEREAS, Planning Commission held a public hearing on the proposed amendments on September 15, 2015 and recommended that City Council approve the proposed amendments; and

WHEREAS, the City Council held a public hearing on the proposed amendments on October 21, 2015 to consider the recommendation of the Planning Commission; and

WHEREAS, the City will continue to monitor the growth occurring in Everett and will periodically review and update the Comprehensive Plan as provided by the Growth Management Act to make adjustments as needed to respond to changing circumstances and to ensure that growth in the community is of a desirable character and occurs in an orderly manner; and

WHEREAS, the City will conduct more detailed subarea planning processes for several areas of the City after it completes the 2015 Ten-Year Update to the comprehensive plan, which will provide additional opportunities to implement the growth strategies of the plan and accommodate the City's growth targets; and

WHEREAS, the City Council of the City of Everett finds that the proposed amendments to the policies of the Comprehensive Plan are:

1. Based upon changed circumstances, including new and updated information, project and program implementation, revised state guidelines, PSRC's Vision 2040, updated Countywide Planning Policies, citizen input, and adoption of new growth targets by Snohomish County; and
2. That the changed circumstances and new information justify the changes to policies;
3. That the proposed policies promote a more desirable growth pattern for the community as a whole by directing growth to centers and arterial corridors, protecting single family neighborhoods, emphasizing transit-oriented design and improvements to make areas of high density mixed-uses attractive and livable, emphasizing alternatives to travel by single occupant vehicles, and planning for light rail to Everett;
4. The proposed update is generally consistent with the existing plan policies and known conflicts have been resolved in the update.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

SECTION 1: The City Council hereby adopts in accordance with the State of Washington Growth Management Act, the amendments to the Comprehensive Plan text attached hereto as Exhibit C, amending Section 1 of Ordinance No. 2021-94, as amended.

SECTION 2: Authority. In addition to the authority provided by Chapter 36.70A RCW, the City adopts the comprehensive plan amendments under its general land use authority, Washington State Constitution, Article XI, Section 11 and Chapter 35.63 RCW.

SECTION 3: Pending actions. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

SECTION 4: Severability. Should any section, paragraph, clause or phrase of this Ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 5: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

SECTION 6: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto. City staff is authorized to do such things as reformatting and adding graphics as the Planning Director determines appropriate.

SECTION 7: General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provisions or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

Ray Stephanson

Ray Stephanson, Mayor

ATTEST:

Sharon Sulla

CITY CLERK

Passed: 10/21/2015

Valid: 10/26/2015

Published: 10/30/2015

Effective Date: 11/10/2015

Exhibit A
Public Involvement for 10-Year Comprehensive Plan and Regulations Update

City Council Public Hearing

- 12/18/2013 – Audit and Public Involvement Plan
- 06/24/2015 – Schedule for update

City Council Briefings

- 10/02/2013 – Audit, public process, schedule, targets, issues, vision, etc.
- 06/25/2014 – Status, overview, issues, growth capacity, growth concept

Planning Commission Workshops

- 01/15/2013 – Approaches to accommodating population and employment growth
- 02/05/2013 – Residential infill measures, results of Developer's Forum
- 05/07/2013 – Growth targets and alternatives
- 06/04/2013 – Potential Residential Infill Measures Report
- 10/15/2013 – Audit
- 02/18/2014 – Survey results
- 03/18/2014 – Plan vision and where growth should occur
- 04/15/2014 – Follow up to the 03/18 workshop
- 06/17/2014 – Preferred alternative
- 07/15/2014 – Local climate action plans
- 09/02/2014 – Alternatives and assumptions to accommodate growth
- 10/21/2014 – Climate change and sustainability
- 11/18/2014 – Housing Profile
- 01/20/2015 – Introduction and Land Use Element
- 02/03/2015 – Climate change, Urban Design and Historic Preservation Element and Economic Development Elements
- 02/17/2015 – Housing, Capital Facilities and Utilities Elements
- 03/03/2015 – Marine Port Element, Critical Areas policies and regulations
- 04/21/2015 – Definition of family and other code amendments
- 05/05/2015 – Transportation Element
- 06/02/2015 – Definition of family, findings for approval of subdivisions
- 06/16/2015 – Overall update
- 07/21/2015 – Transportation Element
- 08/04/2015 – DEIS, airport influence area, definition of family
- 08/18/2015 – DEIS, Williams amendment, Everett Station Area residential use, written findings for subdivisions

Planning Commission Public Hearings

- 11/12/2013 – Audit and Public Participation Plan
- 09/15/2015 – Comprehensive Plan Update, Docket Items, and Regulations

Council of Neighborhoods Presentations / Updates / Discussion

- 06/2013 – Targets, locations for growth
- 09/23/2013 – Neighborhood involvement
- 10/28/2013 – Update
- 11/25/2013 – Update, survey
- 01/27/2014 – Survey results
- 04/28/2014 – Workshop results / new South Everett residents workshop
- 06/02/2014 – Update, infill measures report
- 09/22/2014 – Alternatives
- 07/27/2015 – Update status

Neighborhood Group Presentations (Overall update unless otherwise noted)

- 09/10/2013 – South Forest Park Neighborhood
- 11/06/2013 – View Ridge-Madison Neighborhood
- 11/21/2013 – Northwest Neighborhood
- 02/10/2014 – Port Gardner Neighborhood
- 10/16/2014 – Northwest Neighborhood

Meetings with Other Groups

- 11/26/3013 – Historical Commission, Urban Design and Historic Preservation Element
- 09/23/2014 – Historical Commission, Alternative assumptions and Urban Design and Historic Preservation Element

Developer's Forum

- 03/05/2013 – What the City should do to accommodate growth

Public Workshops – Vision and where growth should occur

- 03/18/2014 – All residents
- 04/29/2014 – South Everett residents

News Articles / Opinion Articles

- 10/27/2013 – Herald Opinion article on overall update, need for public involvement
- 12/02/2013 – Herald Article on survey
- 03/17/2014 – My Everett News – Planning Commission Vision meeting

Notice of Planning Commission Meetings, Surveys, Workshops

- Interested parties mailing / email lists
- City web site
- Notices in neighborhood group newsletters
- Notices in Downtown Everett Action Committee (DEAC) emails

Public Comment Periods

- 10/25/2013-11/15/2013 – EIS scoping, Audit
- 11/2013-01/15/2014 – Survey, on-line and paper copies
- 07/20/2015 - 08/19/2015 – DEIS
- Comments taken at all public and Planning Commission workshops, hearings

Exhibit B
Best Available Science Update
Information Reviewed for Critical Area Policies and Regulations Update

- Guidance from the Washington State Department of Ecology on Wetlands and Frequently Flooded Areas
    - Email from Donna Bunten. Ecology Guidance on Wetlands and Frequently Flooded Areas for CAO Updates. January 21, 2015.
        - Guidance to Local Governments on Frequently Flooded Area Updates in CAO's, January 20, 2015.
    - Email from Donna Bunten regarding modifying Everett's CAO related to the new wetland rating system. January 28, 2015.
        - Clarifying email from Donna Bunten on March 17, 2015.
    - Hruby, T. (2014). Washington State Wetland Rating System for Western Washington: 2014 Update. (Publication #14-06-029). Olympia, WA: Washington Department of Ecology.
    - Personal communication (phone call) with David Radabaugh regarding floodplain maps. March 2, 2015.
- Snohomish County's 2015 Best Available Science Review for Critical Area Regulation Update, which included an extensive literature review by Snohomish County engineers and scientists and professional consultation with State agencies, professionals, and other local jurisdictions. The science was gathered following the BAS rules contained in WAC 365-195-900 through 925.
- Growth Hearings Board and court decisions since Everett's 2006 update.
- FEMA Region X. Integrating the Local Natural Hazard Mitigation Plan into a Community's Comprehensive Plan, A Guidebook for Local Governments.
- Knight, K. 2009. Land Use Planning for Salmon, Steelhead and Trout. Washington Department of Fish and Wildlife. Olympia, Washington.
- New inventory information from land use permit applications, the development of Everett's Surface Water Comprehensive Plan, and Washington Department of Fish and Wildlife Priority Habitat and Species data.