

## CHAPTER 2

# PLAN IMPLEMENTATION, PUBLIC PARTICIPATION AND REVIEW

### **Introduction**

The Town of La Conner actively encouraged public participation in the 2018 Comprehensive Plan update process. The Planning Commission held numerous public meetings to discuss the various sections of the plan. Notice of those meetings and the agendas were published in the local newspaper. A series of open houses to discuss the various elements were held. A variety of sources were used to advertise each meeting, and residents were encouraged to attend the open houses and/or offer written comments. The Town also invited representatives from organizations such as the Chamber of Commerce, Port of Skagit County and La Conner School District to participate as well.

A total of 28 Planning Commission meetings were held during 2017 and 2018 to discuss various aspects of the Comprehensive Plan. The agenda for each meeting was published in advance and time was set aside at each meeting to allow for public comment. Very few members of the public attended the Planning Commission Meetings.

The week prior to each meeting, workshop agendas were published in the La Conner Weekly News, the Town's local newspaper. In addition, meeting notices were posted on the town's website, at Town Hall, Maple Hall, and on the local community bulletin board. Informational articles outlining the Comprehensive Plan public process were written by a reporter from the La Conner Weekly News, at the beginning of the process.

The attendance at the public open houses was light. While the turnout was modest, the discussions were very fruitful and informative. This provided important comment and feedback to the Planning Commissioners and Planning Department.

Additionally, the Town encouraged public participation through a public outreach announcement mailed to all town residents and business owners with their November 2018 utility bills. The invitation explained the Comprehensive Plan process, outlined the schedule for review, and welcomed community participation.

The community will have an additional opportunity to comment on the Comprehensive Plan update through the public hearing process to be held during the adoption process.

### **Components of the Comprehensive Plan**

The Comprehensive Plan is the unifying document that outlines how a community will direct development and retain certain qualities of the Vision Statement. With the Growth Management Act (GMA) the Comprehensive Plan gained significant weight in decision-making and code development.

A plan written to comply with GMA must address in general terms the twenty year period following plan adoption, with a detailed financial analysis for the first six years after adoption. The plan contains the seven mandatory elements required by the GMA at RCW 36.70A.070:

- 1) **Land Use Element** designating the proposed general distribution and general location and extent of the uses of land for housing, commerce, industry, recreation, open space, public facilities, utilities and other land uses.
- 2) **Housing Element** containing an inventory and analysis of existing and projected housing needs and making adequate provisions for all economic segments of the community.
- 3) **Capital Facilities Element** consisting of an inventory of existing capital facilities owned by public entities, the proposed locations and capacities of forecasted improvements and a six-year plan demonstrating how these improvements can be financed.
- 4) **Utilities Element** showing the general locations, proposed locations, and capacity of all existing and proposed utilities, including telephone and electrical lines, pipelines, etc.
- 5) **Transportation Element** including an inventory of transportation facilities and services, an analysis of future transportation needs, a six-year financing plan for needed improvements. (Not included in this update to be completed by 2019)
- 6) **Economic Development Element** provides a summary of the local economy, current population and employment, a summary of the strengths and weaknesses of the local economy, and goals and policies to support economic development projects. Reflects the work of the Economic Development Task Force and provides direction to the Economic Development Commission.
- 7) **Parks and Recreation** provides a summary of existing parks and recreational opportunities within the Town as well as projected future parks and recreational needs.

The Plan also contains background information, the community's vision statements, goals and policies, and other supporting information.

The Plan is written for several audiences: local decision makers, Town residents, developers, and state and county officials. The Plan maps out the Town's future so that development follows the Town's preferred scenarios and so that the Town Council can anticipate and plan for the public expenditures that development will require.

Specifically, the plan is a legally recognized framework that serves these purposes:

1. The comprehensive plan is a guide for plans and regulations that govern the location and intensity of land uses, and it provides the basis for evaluating proposed changes in zoning, subdivision, and shoreline regulations. It also provides Town officials with direction in developing detailed plans and reviewing private development proposals, and it indicates to the public how likely the Town would be to approve zoning or other changes that apply to a specific parcel.
2. The plan provides the framework for decisions about the type and location of public facilities to accommodate projected growth.
3. The plan is a guide for Town and County coordination, for preparation of interlocal agreements, and for consideration of any proposed annexation.

### **Constitutional Considerations**

The Town is using the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of regulatory and administrative actions. The Town has used the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the Town Attorney who has reviewed the Advisory Memorandum; has discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers; and conducts an evaluation of all constitutional provisions potentially at issue and advises of the genuine legal risks, if any, associated with proposed regulatory or administrative actions to assure that the actions do not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

### **Policies**

The policies under each of the goals specify actions that are either represented in code or through interpretation of the code during land use permitting. These policies are essential to attain consistency throughout the Comprehensive Plan and Uniform Development Code.

### **The Decision-Making Process**

The Town Council, Administration, Planning Commission or individual citizens may propose amendments to the Comprehensive Plan. The Town Council has the final authority to adopt all amendments to the Comprehensive Plan after recommendations from the Planning Commission.

In addition to the public hearing process before the Planning Commission and Town Council, the public has the opportunity to participate and provide comments during the numerous public meetings that are advertised at the regular meetings of the Planning Commission.

### **Amending the Comprehensive Plan**

This Comprehensive Plan is based upon the best available information. As years go by, better information or changing circumstances may require the change or amendment of this plan. Such information could be a revised sewer or water plan, for instance. In any event, it is likely that this plan, designed to guide the Town of La Conner to the year 2036, may need to be amended before that time. Therefore, the following procedure shall be used to amend this Comprehensive Plan.

The Comprehensive Plan may be amended once per year, unless there is an emergency. All citizen requests for amendments must be filed with the Planning Department at Town Hall by the last business day in January to be considered in that calendar year. Applicants will be expected to show cause as to why their proposed change should be made. If amendments are proposed they shall be brought to Town Council for docketing by the Planning Department staff.

Every seven years or as often as specified by the legislature, the Comprehensive Plan must be amended to include updated demographics, economic data, analysis, legislative mandates and Growth Management Hearings Board Decisions.

Amendments to the Comprehensive Plan shall be adopted in accordance with RCW 35A.63.070 to 35A.63.073 as outlined below:

The amendment process begins with the planning department. The application is made along with a State Environmental Policy Act (SEPA) checklist to address potential environmental concerns. In addition to the Town's procedures outlined below the draft plan is also subject to a 60-day review by the Washington State Department of Commerce.

The Planning Commission will conduct a public hearing on the proposed amendments and review based on:

(a) The proposal demonstrates that the requested amendment is timely and meets at least one of the criteria in LCMC 15.125.090(3);

(b) The proposed amendment is consistent with the goals and policies of the comprehensive plan;

(c) The proposed amendment will not adversely impact the general health, safety, and welfare of the community;

(d) Recommendations of staff and public input.

The Planning Commission will then make findings and recommendations that:

(a) Identifies any provisions of this code, comprehensive plan, or other law relating to the proposed change and describes how the proposal relates to them;

(b) States factual and policy considerations pertaining to the recommendation;

(c) Includes written comments, if any, received from the public.

The Town Council will conduct a public hearing to review the record and adopt, amend or reject the proposed amendments to the Comprehensive Plan.

### **Comprehensive Plan Amendment Appeals**

Comprehensive Plan amendments adopted by the Town Council may be appealed to the Growth Management Hearings Board.