

ORDINANCE NO. 6853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 14.22.060 OF THE AUBURN CITY CODE TO CREATE AN EXCEPTION TO THE COMPREHENSIVE PLAN AMENDMENT PROCESS FOR ANNEXATIONS.

WHEREAS, Chapter 35.13 RCW establishes the procedures and requirements that govern annexation of unincorporated areas into incorporated areas; and

WHEREAS, Chapter 35.10 RCW establishes the procedures and requirements that govern annexation or transfer of areas from one city to another city; and

WHEREAS, Chapter 35A.14 RCW establishes the procedures and requirements that govern annexation of unincorporated areas into incorporated code cities; and

WHEREAS, Chapter 14.22 of the Auburn City Code ("ACC") establishes the local procedures and requirements for amending the comprehensive plan; and

WHEREAS, Section 14.22.060.C ACC lists the exceptions to the procedures for amending the comprehensive plan and does not identify annexation as an exception; and

WHEREAS, amendments to Section 14.22.060.C ACC are necessary in order to establish annexation as an exception to the comprehensive plan amendment process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 14.22.060 of the Auburn City Code is amended to read as attached in Exhibit A.

Section 2. Constitutionality and Invalidity. If any section, subsection sentence, clause, phrase, or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Implementation. The Mayor is authorized to implement such

administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, Mayor

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published:

14.22.060 Amendments and exceptions.

A. The comprehensive plan may only be amended pursuant to this chapter, no more frequently than once each calendar year as part of the annual cycle established herein, except as provided in subsection C of this section.

B. All amendments shall be considered concurrently so as to assess their cumulative impact.

C. *Exceptions.* Pursuant to Chapter 35A.70 RCW, under the following circumstances, amendments may be processed separately and in addition to the annual amendment cycle:

1. If an emergency exists, which is defined as an issue of community-wide significance that addresses the public health, safety, and general welfare;
2. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or with the court;
3. To adopt or amend a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
4. The initial adoption of a subarea plan or new element to the comprehensive plan;
5. The amendment of the capital facilities plan may occur concurrently with the adoption or amendment of the city budget.

6. Amendments of the comprehensive plan that are conducted in conjunction with an annexation as set forth in Titles 35 and 35A RCW.