



Anacortes City Council
Municipal Building Council Chambers
904 Sixth Street

October 3, 2016
6:00 p.m.

***REVISED* PRELIMINARY AGENDA**

1. **Call to Order**
2. **Pledge of Allegiance**
- 2a. **Executive Session (30 Minutes) regarding Litigation per RCW 42.30.110 (i)**
3. **Announcements and Committee Reports**
 - a. Finance Committee
 - b. Public Works Committee
4. **Public Comment**
5. **Consent Agenda (Action)**
 - a. Minutes of September 26, 2016
 - b. Approval of Claims in the amount of: \$108,100.80
 - c. Resolution 1971: Lodging Tax Funds for the Anacortes Vintage Market
 - d. Interlocal Agreement with Skagit County for Probation Services
6. **Public Hearings**
 - a. * Continued Public Hearing: Ordinance 2988: Amendments to AMC Title 2, Title 9, Title 18, and Creating a New Title 20 to Provide for a Fair and Efficient System of Civil Code Enforcement (Discussion/Possible Action)
7. **Other Business**
 - a. * Scope of Work for Zoning & Development Regulations Updates (Discussion)
 - b. * Interlocal Agreement: Propane Fuel Service (Discussion/Possible Action)
8. **Adjournment**

Per Resolution 1949, citizens wishing to comment on items not on the agenda may do so under the Public Comment portion of the agenda. Citizens wishing to comment on agenda items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting. Citizens wishing to speak will please sign in at the back of the Council Chambers prior to the start of the meeting. The Mayor may limit comments to those who have signed in, and may limit the time allotted to each speaker to facilitate the orderly progress of the meeting.*

The City of Anacortes encourages people with disabilities to participate in public meetings.
For assistance with special needs, please contact Cherri Kahns at 360-299-1950 at least 48 hours prior to this meeting.



Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning October 10, 2016

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes, vouchers and consent agenda items is not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

October 10, 2016

- Contract Award: March Point Road Shoulder Widening
- Public Hearing on 2017/2018 Budgeted Revenue Sources, including Proposed Property Tax Increase
- Code Amendments Establishing New Standards for Stormwater Management (Discussion)

October 17, 2016

- Council Review of 2017/2018 Budget: Public Works (Discussion)
- Ordinance ____: Adopting New Standards for Stormwater Management (Discussion/Possible Action)
- Ordinance 2990: Amending 2016 Budget (Discussion/Possible Action)

October 24, 2016

- Public Hearing: Ordinance ____ Adopting New Standards for Stormwater Management
- Council Review of 2017/2018 Budget: Departments Other than Public Works (Discussion)

November 7, 2016

- Public Hearing: Ordinance ____: 2017/2018 Budget
- Resolution ____: Authorizing 1% Property Tax Increase (Action)
- Ordinance ____: Adopting the 2017/2018 Budget (Discussion/Possible Action)
- Ordinance ____: New Standards for Stormwater Management

November 14, 2016

- UW Health Impact Assessment (HIA) presentation of Anacortes South Commercial Avenue Corridor Plan by UW Graduate Students

November 21, 2016

Special Meeting: Site visit at 4:00 PM re: SDP-2016-1003. Meet at eastern terminus of Skyline Way.

- Closed-record Public Hearing: Mousel 2-story Building; 1st Floor Restroom serving the Marina; 2nd Floor Apartment; SSDP, & Land Use CUP (SDP-2016-1003)

November 28, 2016

December 5, 2016

- Resolution ____: Establishing Fees for the Water Utility

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Public Works, Monday, Oct 3, 2016, 5:00 PM, Public Works Director's Office
- Housing Affordability & Community Services, Thursday, Oct 6, 2016, 1:30 PM, City Hall
- Planning, Monday, Oct 10, 2016, 5:00 PM, Planning Director's Office
- Finance, Wednesday, Oct 12, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, Oct 17, 2016, 5:00 PM, Public Works Director's Office
- Tourism Promotion & Strategic Planning, Thursday, Oct 20, 2016, 4:30 PM, City Hall
- Planning, Monday, Oct 24, 2016, 5:00 PM, Planning Director's Office
- Finance, Wednesday, Oct 26, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue

**ANACORTES PLANNING COMMISSION
SPECIAL MEETING NOTICE**



Municipal Building Council Chambers

904 6th Street, Anacortes

**NOTICE IS HEREBY GIVEN that members of the
Anacortes Planning Commission will attend the regularly
scheduled City Council meeting on MONDAY, OCTOBER
3, 2016 @ 6 P.M. IN THE MUNICIPAL BUILDING
COUNCIL CHAMBERS**

**The scope of work for the updates to the Anacortes
Municipal Code relating to zoning, development and design
standards will be discussed**

**NO ACTION WILL BE TAKEN BY THE PLANNING
COMMISSION AT THIS MEETING**

**If reasonable accommodation of a disability is needed please contact Cherri Kahns at 299-1950
at least 48 hours prior to this meeting.**

In the days following the tragic shootings at the Cascade Mall, local law enforcement agencies have experienced a dramatic rise in the number of concealed weapons permit applications and gun purchase background checks processed by our agencies.

It has become a normal practice for the amount of concealed weapon permit applications to go up after a mass shooting incident. We are all a little shaken, and a little on edge. We are all considering how we can keep ourselves and our family safe in a community that has experienced horrific gun violence.

Before buying a firearm and applying for a concealed weapons permit, I would urge people to consider the responsibility of gun ownership. In no way am I questioning anyone's right to own a firearm. I am a supporter of the Second Amendment. I only ask that you consider the responsibility and risks that accompany your right to have a firearm.

First ask yourself, am I willing to commit the time and money needed to learn basic firearms safety, the fundamentals of shooting, and actually practice shooting at a gun range? One of the more frequent gun calls responded to by police is accidental firearms discharge and, in the worst cases, accidental shootings in which loved ones have been killed because someone not familiar with a firearm handled it improperly. Cleaning, loading, unloading, and shooting firearms requires manual dexterity, strength and hand-eye coordination. Above all it takes practice. If you are not willing to put in the effort to be proficient, you will likely do more harm than good with a firearm.

Ask yourself, will I be able to keep the gun secure at all times when it is not on my person? So far this year 61 firearms have been stolen in Skagit County and not recovered. Guns left on nightstands, in drawers, in closets, in cars, or in public places are easy marks for thieves. Gun safes and gun locks are a must for all gun owners. New firearms are equipped with trigger locks. Many police departments including the Anacortes Police Department, give away free gun locks. Not all gun violence is committed by stolen guns. Legally owned firearms are sometimes used for criminal purposes. Think about who is in your household. Is there a small child or a person with the potential to misuse a firearm who has access to your home? As a gun owner you are responsible for the security of your weapons.

Ask yourself if you are willing to take another human life? It should not be an easy answer. There are no do-overs in a shooting situation. If you make the wrong choice and kill or injure an innocent person, the moral, criminal, and civil repercussions could be devastating to you and your family.

There are instances where private citizens and off-duty law enforcement officers have been able to stop or minimize the loss of human lives because they were armed. I am grateful for those who chose to responsibly own and carry firearms. However, not everyone is able to manage the responsibility of gun ownership. Please give the issue careful consideration before deciding to purchase and carry a firearm. We are grateful for your trust and support.

Chief Bonnie Bowers

Anacortes Police Department

City Council Minutes – September 26, 2016

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of September 26, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, John Archibald and Matt Miller were present. Councilmembers Brad Adams and Liz Lovelett were absent. The assembly joined in the Pledge of Allegiance. Ms. Lovelett joined the meeting at approximately 6:02 p.m.

Announcements and Committee Reports

Mayor Gere asked the audience to observe a moment of silence in sympathy for the shootings in Burlington on September 23. The mayor read aloud the letter of support sent from Anacortes to Mayor Sexton and the City of Burlington.

Public Comment

No one present wished to address Council on any topic not already on the agenda.

Consent Agenda

Mr. Miller removed Item 5e, Contract Award: Design Ship Harbor & SR20 Intersection (Edwards Way), from the Consent Agenda. Mr. Johnson moved, seconded by Mr. Archibald, to approve the following Consent Agenda items. The motion passed unanimously by voice vote.

- a. Minutes of September 19, 2016
- b. Approval of Claims in the amount of: \$369,104.68
- c. Contract Award: Integrated Library System
- d. Contract Award: Treatment Plant Chemicals

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 82086 through 82205, total \$315,091.09
EFT numbers: 207888 through 208258, total \$24,953.33

- e. Contract Award: Design Ship Harbor & SR20 Intersection (Edwards Way)

Mr. Miller asked Public Works Director Fred Buckenmeyer for more information about the subject project. Mr. Buckenmeyer reminded that these intersection improvements had been in the Capital Facilities Plan for years and had been included in the transportation element of the recently adopted 2016 Comprehensive Plan. He advised that in March 2016 Anacortes had been awarded a Federal Highway Administration grant in the amount of \$127,000 for design of this intersection. Because the design contract cost was greater than the grant amount, the difference would be covered Street Impact fees. Mr. Buckenmeyer responded to councilmember questions about WSDOT and private developer participation in the project, noting that WSDOT would have to approve the design and eventual construction of the intersection on the State Route 20 spur. Mr. Miller moved, seconded by Mr. Johnson, to approve award of a contract to Reichardt & Ebe Engineering in the amount of \$200,111.64 to design Ship Harbor & SR20 Spur Intersection Improvements. The motion passed unanimously by voice vote.

Returning to the Committee Reports section of the agenda, Mr. Walters reported that the Planning Committee had not met that evening as scheduled.

Mr. Walters announced that he would be hosting a Ward 1 community meeting regarding land use on Thursday, September 29, 2016 at 6:30 p.m. at the Anacortes Senior Center.

PUBLIC HEARINGS

Ordinance 2988: Amendments to AMC Title 2, Title 9, Title 18, and Creating a New Title 20 to Provide for a Fair and Efficient System of Civil Code Enforcement

City Attorney Darcy Swetnam introduced the first of the six code update packages under development following adoption of the 2016 Comprehensive Plan. Ms. Swetnam's slide presentation was added to the

packet materials for the meeting. Ms. Swetnam explained the need for improved code enforcement procedures as a first order of business and summarized the deadlines for revisions to subsequent code provisions that were driving the timing of this first update package. She reviewed the proposed new AMC Title 20 to consolidate code enforcement procedures and remedies and outlined the related changes to Titles 2, 9, 16 and 18. Ms. Swetnam advised that fees for code enforcement would be set by resolution as part of the unified fee schedule and alerted Council that code enforcement actions were likely to increase once the new enforcement title was adopted. She described the Office of Hearing Examiner added to Title 2 to hear appeals of code enforcement actions. Ms. Swetnam concluded by observing that the proposed code enforcement procedures and remedies were consistent with the generally accepted standards in place in neighboring jurisdictions.

Ms. Swetnam responded to councilmember concerns about citizens who might need assistance navigating the steps of responding to or appealing an enforcement action. She emphasized that a hearing examiner would be an independent third party, not a member of city staff. Councilmembers discussed the role of the existing Anacortes Improvement Board and the potential role of an ombudsman position. Councilmembers debated the amount of staff discretion that was appropriate in code enforcement. Planning Director Don Measamer spoke in support of the proposed Title 20, saying it would allow staff to respond more timely to nuisance complaints. Ms. Lovelett asked if the role of the hearing examiner, limited to code enforcement appeals in the current proposal, would extend to hearing land use appeals in the future. Ms. Swetnam advised that AMC Title 19 was being revised to propose that the hearing examiner might hear some appeals on certain limited development decisions such as cell towers and variances but that Title 19 was not part of Ordinance 2988 and would be presented for public input at a future public hearing. She recommended instituting the Office of Hearing Examiner even if that office never expanded to hear appeals of land use matters.

Mayor Gere opened the public hearing to comments from the audience.

Carol O'Hearn, 11039 Post Drive, read from her prepared remarks which were added to the packet materials for the meeting. Ms. O'Hearn said that the proposed code changes allowed too much discretion to the director, that the code needed more forceful, certain, definite, direct language including using "will" instead of "may," and that all speakers at appeals hearings should be sworn in, including staff.

Gene Derig, 1302 K Avenue, spoke from his prepared remarks which were added to the packet materials for the meeting. Mr. Derig asked why the term "Hearing Examiner" wasn't included in the agenda item title and questioned why that position was being reconsidered before development code updates were complete. Mr. Walters and Mayor Gere responded that Ordinance 2988 did not propose having the hearing examiner hear appeals of development matters. Mr. Derig requested more specific information about what the hearing examiner would hear and which responsibilities would be moved from elected or appointed officials to the hearing examiner. Mr. Derig also presented a series of questions regarding the qualifications, powers, conflict of interest and removal provisions of proposed new AMC Chapter 2.30. Ms. Swetnam responded to Mr. Derig's questions regarding motions of reconsideration, propounding interrogatories, disposing of procedural requests, and disciplinary action for the hearing examiner which would be consistent with the Washington Code of Judicial Conduct.

Wilhelmus Houppermans, 3412 K Avenue, expressed concern that the proposed hearing examiner would replace the current Board of Adjustment and spoke in support of the Board of Adjustment. Mr. Measamer clarified the current roles of the Anacortes Improvement Board and the Board of Adjustment and explained that Ordinance 2988 would not change the role of the Board of Adjustment but would create a new pathway for addressing nuisances and code issues, including those related to new stormwater regulations, which would be much more effective than the Anacortes Improvement Board.

Tom Glade, 210 Mansfield Court, spoke representing Evergreen Islands. Mr. Glade said the recent City Council hearing on the Haddon Road PUD was handled well and that all appellants had a chance to speak. He observed that hearing public concerns about specific land use proposals brought to Council's attention the need for revisions in the code. Mr. Glade urged revision of the development code, whether

or not a hearing examiner were appointed. He said hearing appeals kept Council in touch with the pulse of the community and whether code needed to be changed to meet citizen expectations.

No other members of the audience wished to address Council.

Mr. Johnson asked, regarding proposed new AMC 9.06.020, how long a person would have to address a public nuisance before a criminal penalty was imposed. Ms. Swetnam said she would investigate that. Mr. Walters explained the existing criminal penalty provisions in the code.

Mr. Walters spoke in support of adopting the proposed Ordinance 2988 but agreed with Ms. O'Hearn on the value of swearing in all parties at an appeal hearing. Mayor Gere advised that the discussion of this topic would continue at the next meeting.

Approximately 7:35 p.m. Mayor Gere called five-minute break. At 7:41 p.m. the mayor called the meeting back to order.

OTHER BUSINESS

Finance Update

Finance Director Steve Hoglund provided an update on the city's financial position year to date through August (67% through the year), referencing a series of charts included in the packet materials for the evening. He reported that sales tax continued strong compared to both prior year and to budget and that real estate excise tax (REET) was also coming in considerably over projections. Mr. Hoglund reviewed general fund revenues by type and explained the apparent shortfall between revenues and expenditures due to the nearly \$1M of expenditures budgeted from fund balance. Mr. Hoglund reported that vehicle license tab revenue was also coming in higher than projected. He then reviewed revenues and expenditures in funds other than the general fund and explained the apparent anomalies due to the episodic timing of both revenue and expenditure postings during the year. Mr. Hoglund closed with summary of monthly cash flows.

Ordinance 2990: Amending 2016 Budget

Mr. Hoglund introduced Ordinance 2990 which would amend the 2016 budget to transfer approximately \$2.2M from general fund cash reserves into the Equipment Rental Fund 501 replacement reserve. Mr. Hoglund explained that the replacement reserve had been underfunded every year since the 2008 recession in order to balance the budget and that the proposed amendment would build the replacement reserves back up to 75% of full funding for all non-utility fund equipment. He advised that the transfer would leave \$5.8M of unrestricted general fund cash reserves, which would be approximately 42.5% of the general fund budget compared to 16% recommended by the Government Finance Officers Association. Mayor Gere added that the transferred cash would still be available to the city in case of emergencies. Mr. Miller and Mr. Walters confirmed with Mr. Hoglund that future budgets would include full annual funding for the equipment replacement reserve. Mr. Walters and Mr. Archibald reported that the Finance Committee had discussed and generally supported the proposed transfer. Mr. Walters and Mr. Johnson suggested taking action on the proposal in conjunction with consideration of the 2017/2018 budget. Ms. Lovelett expressed concern that the transfer would reduce the city's ability to consider other large capital expenditures including construction of a third fire station. Mr. Hoglund and Mr. Walters observed that the cash reserves had accumulated to the current level largely because scheduled annual transfers to the equipment replacement reserve had been curtailed. Mr. Walters moved, seconded by Ms. Pickett, to express the sense of the Council that the city should make the \$2.2M transfer for the Equipment Rental fund in the biennial budget. Vote: Ayes – Walters, Pickett, Archibald, Miller and Johnson. Nays – Lovelett. Motion carried. Ms. Lovelett specifically asked how the fire station would be funded and what other capital projects might be funded with the cash reserves. Several councilmembers observed that the final amount of the proposed transfer could be adjusted if deemed necessary during review of the biennial budget and in light of the Resolution 1946 adopted July 18, 2016 regarding fire protection level of service.

Interlocal Agreement with Skagit County: Economic Development Public Facility Project Funding for City of Anacortes Fiber Optic Network

Mr. Walters disclosed that as a fixed salary employee of Skagit County, one of the contracting parties, under RCW 42.23.040 he had a remote interest in the agreement and for the city to enter into the agreement his vote could not be counted. Mr. Walters left the Council chambers for the remainder of the meeting.

Mr. Buckenmeyer advised that Skagit County had awarded Anacortes an economic development grant in the amount of \$295,833 for its fiber optic network. He said an additional \$204,167 was expected to be awarded by year end. Mr. Buckenmeyer said there was no matching requirement for the grant but referred to his project funding presentation from the September 19, 2016 City Council meeting which included the subject grant. Mr. Buckenmeyer recommended that Council authorize the mayor to execute the grant agreement. Mr. Johnson moved, seconded by Ms. Lovelett, to authorize the mayor to execute the grant agreement with Skagit County. Vote: Ayes - Pickett, Lovelett, Archibald, Miller and Johnson. Motion carried.

There being no further business, at approximately 8:25 p.m. the Anacortes City Council meeting of September 26, 2016 was adjourned.

The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the October 3, 2016 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
206370	7/18/2016	6276	06498	COASTAL WEAR PRODUCTS	PART FOR VEH #303	\$444.85
208421	7/19/2016	20161001	08563	CHOWANEC, BILL	OCTOBER RENT - 29-3	\$1,976.00
208380	7/21/2016	BLD-2016-1320	00146	ANACORTES, CITY OF	BUILDING PERMIT FOR STORVIK SPRAY PAD	\$1,865.95
208385	8/3/2016	48973	01564	LEFEFER TURF FARM	TURF - STORVIK	\$956.10
208405	8/9/2016	5APD	01369	ISLAND FARM AND PET	BIRD FOOD; FOUND PARAKEET APD CASE 16-A05980	\$10.29
208384	8/12/2016	1371	09986	SIGND0G NW	FIRE CODE SIGNS	\$173.60
207048	8/15/2016	0160549-IN	06422	NURNBERG SCIENTIFIC GROUP	NITRIC ACID	\$88.59
206447	8/19/2016	48988/2	06246	H.B. JAEGER	FLEXSTORM CATCH BASIN SOCK	\$556.61
207487	8/23/2016	19954465	02896	VISA	STOOLS FOR PARKLETTE	\$310.02
208449	8/23/2016	6730-3	02434	SHERWIN WILLIAMS	PAINT FOR WTP	\$192.00
207775	8/23/2016	794662	07456	CABLEORGANIZER.COM, INC - USA	Media plugin for conference table	\$401.10
208415	8/25/2016	09992321	07342	VERIZON BUSINESS	MONTHLY & LONG DIST 7/25-8/25	\$160.19
207570	8/26/2016	106-2929243-7239416	08811	AMAZON.COM	X-LARGE WIRE SHELVING RACK WITH WHEELS	\$386.67
207382	8/26/2016	618467067	04308	COSTCO	15 PK. 60" ROUND TABLES FOR DEPOT	\$2,061.49
208475	8/28/2016	A1145805	02405	SEBO'S DO-IT CENTER	PARTS FOR ANTIQUE ENGINE	\$7.58
208476	8/28/2016	A1145820	02405	SEBO'S DO-IT CENTER	AIR HOSE	\$17.13
208395	8/30/2016	343978	10092	WALTER E NELSON CO	SOAP DISPENSERS - WA PARK	\$1,328.04
207603	8/30/2016	544881476	02896	VISA	PUB DEF CLE CRIM CONV AND CANADA	\$50.00
208472	8/30/2016	A1146534	02405	SEBO'S DO-IT CENTER	MARKING PAINT FOR SOCCER FIELDS	\$292.91
208445	8/31/2016	114-4407129	04834	UNITED SITE SERVICES	PORTA POTTY RENTAL AT PARK NEXT TO ROCKRIDGE PUMP STATION	\$110.08
208386	8/31/2016	16-1085Parks	04253	LIFE TEK INC	BBP TRAINING - BISHOP, HATTON	\$60.00
208401	8/31/2016	5510-2	02412	SEMRAU ENGINEERING & SURVEYING	CONSULTANT FEES RE: HIDDEN SHORES REVIEW	\$834.00
207834	8/31/2016	85610000158139	02896	VISA	CITY HALL ITEMS	\$61.47
208474	8/31/2016	B343564	02405	SEBO'S DO-IT CENTER	TIES FOR SOCCER GOALS	\$52.38
207840	9/1/2016	106-0716408-6216227	08811	AMAZON.COM	AIR INFLATOR FOR SHOP	\$50.80
208477	9/1/2016	B343632	02405	SEBO'S DO-IT CENTER	FASTENERS	\$15.62
207847	9/2/2016	20025622	02081	WSU URBAN IPM & PEST SFTY ED	RECERTIFICATION CLASSES - MILL	\$120.00
208392	9/7/2016	0162023-IN	06422	NURNBERG SCIENTIFIC GROUP	ORP STANDARD	\$43.75

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
208382	9/7/2016	0550133325	01941	HONEY BUCKET	PORTABLE TOILET RENTAL @ MT. ERIE PARK	\$107.50
208004	9/8/2016	5403640176	02807	UNITED STATES POSTMASTER	STAMPS FOR OPERATIONS DEPT	\$47.00
208478	9/8/2016	B344374	02405	SEBO'S DO-IT CENTER	GLOVE FOR WILDLAND - BYER	\$15.18
208448	9/9/2016	0548-8	02434	SHERWIN WILLIAMS	PAINT FOR WTP	\$144.00
208372	9/9/2016	0840.04.02	10164	MAUL FOSTER ALONGI	F/U ON GEM PROPERTY IMPLEMENTATION	\$3,055.00
208484	9/9/2016	300071761	01443	KCDA PURCHASING COOPERATIVE	COPY PAPER	\$229.97
208531	9/9/2016	863321528001	01962	OFFICE DEPOT	11 X 17 COPY PAPER 24# - PLANNING	\$70.25
208530	9/9/2016	863321602001	01962	OFFICE DEPOT	DISINFECTANT WIPES & PACKAGING TAPE -	\$51.65
208479	9/9/2016	A1150191	02405	SEBO'S DO-IT CENTER	FIRE STARTER/LIGHTER	\$3.79
208432	9/12/2016	10103351	01165	HACH COMPANY	LAB TURBIDIMETER REPAIR	\$538.15
208480	9/12/2016	B344691	02405	SEBO'S DO-IT CENTER	FLIP KNIVES	\$39.04
208387	9/13/2016	001-347745	02109	PISTON SERVICE OF ANACORTES	FITTING - DEPOT USE	\$9.20
208381	9/13/2016	114-4432282	04834	UNITED SITE SERVICES	WASHINGTON PARK - 8/10-9/9/16	\$370.32
208119	9/13/2016	2016-0522	10301	GONZALES LANDSCAPING	LANDSCAPE MAINTENANCE SERVICES	\$5,045.25
208428	9/13/2016	676658	00496	CASCADE COLUMBIA DIST	SODIUM FLUORIDE	\$1,738.00
208160	9/13/2016	679472945	01997	ORIENTAL TRADING CO INC	SUPPLIES FOR MESSY ME, BWS, WONDERLAND	\$210.30
208404	9/13/2016	6APD	01369	ISLAND FARM AND PET	K9 T-BONE; FOOD	\$75.29
208481	9/13/2016	A1151638	02405	SEBO'S DO-IT CENTER	VALVE BOX FOR ANTIQUE	\$18.98
208378	9/13/2016	A1151797	02405	SEBO'S DO-IT CENTER	BALL VALVE	\$24.94
208429	9/14/2016	766428	01588	LIFE ASSIST INC	MEGA-MOVERS	\$204.41
208176	9/14/2016	85610196709	07231	HOME DEPOT	LIGHTING FOR MDD-VOLUNTEER PARK	\$75.82
208494	9/14/2016	92993866	08425	SMOKEY POINT CONCRETE INC	5.5 SK PG AEA EXPOSED CONCRETE	\$1,122.98
208500	9/15/2016	0681437-001	00306	BAYSHORE OFFICE PRODUCTS	AAAA BATTERIES	\$8.44
208433	9/15/2016	10108884	01165	HACH COMPANY	FLUORIDE REAGENTS	\$740.28
208229	9/15/2016	106-1185700-3905026	08811	AMAZON.COM	RAYBESTOS ADVANCED TECH SIME-METALLIC	\$100.99
208228	9/15/2016	106-5584531-7294649	08811	AMAZON.COM	RAYBESTOS ADVANCED TECH DISC BRAKE	\$389.65
208227	9/15/2016	106-7205928-7466625	08811	AMAZON.COM	RAYBESTOS ADVANCED TECH. DISC BRAKE	\$108.59
208396	9/15/2016	11910	10339	RAINBOW METALS	NICHE NAME PLAQUE	\$86.33
208241	9/15/2016	38689	09061	RED LION HOTEL YAKIMA CENTER	HOTEL STAY, PARRETT & MARTIN WA FIRE	\$403.88
208427	9/15/2016	43287	10156	911 SUPPLY	NOMEX UNIFORM PANTS - WALSH	\$261.00
208532	9/15/2016	864733664001	01962	OFFICE DEPOT	MISC OFFICE SUPPLIES - FIN, BLDG, ENGR	\$61.97
208498	9/15/2016	A1152439	02405	SEBO'S DO-IT CENTER	ITEMS FOR USE @ CITY HALL	\$20.73
208504	9/16/2016	1125414	02681	SURETY PEST CONTROL	PEST CONTROL FOR CITY HALL	\$43.40
208533	9/16/2016	300075417	01443	KCDA PURCHASING COOPERATIVE	8.5 X 11 COPY PAPER - WTP	\$76.66

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
208534	9/16/2016	300075438	01443	KCDA PURCHASING COOPERATIVE	CLASSIFICATION FOLDERS 6 PART - PLANNING	\$57.97
208388	9/16/2016	326039	02478	SKAGIT RIVER STEEL & RECYCLING	ALUMINUM PIPE - SOCCER GOALS	\$86.71
208389	9/16/2016	326057	02478	SKAGIT RIVER STEEL & RECYCLING	PIPE - PARKS SHOP	\$125.40
208408	9/16/2016	470	10340	SAFETY DEPOT	CWP WORKER SAFETY VESTS	\$196.65
208450	9/16/2016	474908	08501	COASTAL FARM & RANCH	CANOPY TENTS	\$173.58
208447	9/16/2016	899032/1	00021	ACE HARDWARE	FLUORIDE TANK STIRRER	\$26.35
208426	9/16/2016	97880000001	00494	CASCADE NATURAL GAS CORP.	STA 3: 8/16 - 9/14	\$17.86
208270	9/16/2016	Quote	05643	JSF TECHNOLOGIES	ANACORTES SCHOOL ZONE BEACONS	\$5,075.00
208496	9/16/2016	S3508773.001	03896	BUILDERS' HARDWARE & SUPPLY	CORES AND BLANKS FOR WTP	\$1,068.17
208454	9/17/2016	768 2	01616	LOWE'S BUSINESS ACCOUNT/GEMB	AUGUST/SEPTEMBER HARDWARE SUPPLIES	\$510.33
208482	9/17/2016	A1153108	02405	SEBO'S DO-IT CENTER	CLEANING SUPPLIES - STAIRS	\$15.48
208434	9/19/2016	0196823-IN	02260	REISNER DISTRIBUTOR INC	OIL AND GREASE RESTOCK	\$2,368.85
208334	9/19/2016	106-5011056-8610635	08811	AMAZON.COM	GRINDER FOR FLEET SVS. & SOLID WASTE	\$411.22
208422	9/19/2016	1125457	02681	SURETY PEST CONTROL	SEPTEMBER SERVICE: 29-2	\$44.49
208440	9/19/2016	114-4461711	04834	UNITED SITE SERVICES	Portable toilet rental - Storvik	\$169.35
208383	9/19/2016	160736	04831	T-SHIRTS BY DESIGN	PEE WEE SOCCER T-SHIRTS	\$217.00
208397	9/19/2016	16A07217	00180	ANACORTES TOWING LLC	TOWING; APD CASE 16-A07217	\$162.75
208518	9/19/2016	MTS225867	01801	MOTOR TRUCKS INC	INSTALL BRAKE CONTROLS FOR VEH #609	\$2,913.75
208321	9/19/2016	W686466	06913	KAMAN INDUSTRIAL TECHNOLOGIES	OPEN BEARINGS	\$422.11
208329	9/20/2016	0161973-IN	06422	NURNBERG SCIENTIFIC GROUP	ETHYL ALCOHOL, MFC BROTH, DRIERITE	\$279.98
208371	9/20/2016	106-8945842-1295449	08811	AMAZON.COM	FORD RANGER #133 ARM REST	\$124.78
208336	9/20/2016	106-9819376-7994640	08811	AMAZON.COM	HIGH TORQUE IMPACT WRENCH PIN ANVIL 1/2"	\$321.16
208446	9/20/2016	1988798153	06718	ARAMARK	WTP LAUNDRY SERVICE	\$41.95
208502	9/20/2016	82275982	09185	BOUND TREE MEDICAL, LLC	PHARMACEUTICALS	\$177.90
208497	9/20/2016	82275983	09185	BOUND TREE MEDICAL, LLC	PHARMACEUTICALS	\$73.96
208503	9/20/2016	A1153992	02405	SEBO'S DO-IT CENTER	8 PACK D BATTERIES	\$18.09
208509	9/20/2016	A1154216	02405	SEBO'S DO-IT CENTER	PARTS FOR VEH #202	\$48.06
208441	9/20/2016	insert #	04834	UNITED SITE SERVICES	Portable toilet rental - WA Pk - Loop 2	\$57.95
208414	9/21/2016	001-348530	02109	PISTON SERVICE OF ANACORTES	PART FOR VEH #004	\$16.18
208490	9/21/2016	001-348562	02109	PISTON SERVICE OF ANACORTES	PART FOR VEH #101	\$2.14
208424	9/21/2016	038 200 0000 2	00494	CASCADE NATURAL GAS CORP.	NATURAL GAS	\$202.62
208377	9/21/2016	0681578-001	00306	BAYSHORE OFFICE PRODUCTS	TRASH RECEPTACLES FOR WA PARK	\$1,085.00

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
208394	9/21/2016	106-2449734-1123438	08811	AMAZON.COM	PORTABLE THERMOSTATS FOR #207A	\$118.66
208369	9/21/2016	16-241	07603	NUTTER SR, LOUIS	EXCAVATE SEDIMENT FORM WTP LAGOONS 1 & 2	\$17,550.00
208423	9/21/2016	16940000009	00494	CASCADE NATURAL GAS CORP.	STA 2: 8/19 - 9/20	\$20.51
208522	9/21/2016	199 800 0000 4	00494	CASCADE NATURAL GAS CORP.	NATURAL GAS - MHC/WTP	\$24.17
208436	9/21/2016	26003738221	02192	PUGET SOUND ENERGY	GAS SERVICE - DEPOT	\$18.54
208473	9/21/2016	44040000000 9102016	00494	CASCADE NATURAL GAS CORP.	FIDALGO CENTER NATURAL GAS USE	\$123.77
208453	9/21/2016	480126	02488	SKAGIT CO PUBLIC WORKS DEPT	SOLID WASTE DISPOSAL	\$36.00
208492	9/21/2016	5039723MB	01530	LAKESIDE INDUSTRIES	DUMP CONCRETE - STREET PROJECT	\$124.50
208437	9/21/2016	53800000001	02192	PUGET SOUND ENERGY	GAS SERVICE - CEMETERY	\$17.49
208438	9/21/2016	63800000000	02192	PUGET SOUND ENERGY	GAS SERVICE - MAUSOLEUM	\$10.00
208425	9/21/2016	674400000	00494	CASCADE NATURAL GAS CORP.	STA 1: 8/18 - 9/20	\$38.50
208417	9/21/2016	6797	03004	WATERMARK BOOK COMPANY	LEGAL WRITING BOOK	\$21.70
208431	9/21/2016	710 300 0005	00494	CASCADE NATURAL GAS CORP.	AUG 20 - SEPT 20 NATURAL GAS CHARGES	\$117.50
208452	9/21/2016	78805	07368	HOSE SHOP INC, THE	HYDRAULIC PUMP DISCHARGE HOSE	\$372.37
208419	9/21/2016	81600330	10088	GOTOCITRIX.COM	MONTHLY GOTOCITRIX PAYMENT 9/20-10/20	\$53.17
208524	9/21/2016	912 800 0000 0	00494	CASCADE NATURAL GAS CORP.	NATURAL GAS - CARNEGIE	\$51.79
208439	9/21/2016	91760000009	02192	PUGET SOUND ENERGY	GAS SERVICE - VOL. PARK RESTRPP,	\$13.02
208451	9/21/2016	91921652	01061	CHEMTRADE SOLUTIONS LLC	ALUM	\$4,116.05
208507	9/21/2016	98980000008	00494	CASCADE NATURAL GAS CORP.	NATURAL GAS FOR WWTP	\$11.51
208525	9/21/2016	A1154531	02405	SEBO'S DO-IT CENTER	MAINTENANCE SUPPLIES - CARNEGIE	\$71.58
208375	9/21/2016	refund-Popielarski	10337	POPIELARSKII, EDWARD	CANCELLATION OF SITE C-19- THREE DAYS	\$58.00
208379	9/21/2016	refund-Ward	10338	WARD, RICAHRD	REFUND FOR CAMPING AT WASH. PARK	\$60.00
208489	9/22/2016	001-348733	02109	PISTON SERVICE OF ANACORTES	PARTS FOR VEH #101	\$237.93
208499	9/22/2016	0162088-IN	06422	NURNBERG SCIENTIFIC GROUP	ORP STANDARD	\$44.58
208443	9/22/2016	0178638	00950	FIDALGO BAY COFFEE COMPANY	COFFEE - WTP	\$93.00
208416	9/22/2016	0178639	00950	FIDALGO BAY COFFEE COMPANY	COFFEE FOR OPS/PARKS DEPT- 10LBS	\$93.00
208430	9/22/2016	0681779-001	00306	BAYSHORE OFFICE PRODUCTS	PENS	\$51.13
208409	9/22/2016	106-0220186-2511463	08811	AMAZON.COM	BATTERY CHARGER FOR #207A	\$145.23
208413	9/22/2016	1093293112	02193	FERRELLGAS	PROPANE FOR SHOP	\$176.92
208491	9/22/2016	1129102	09237	WASHINGTON TRACTOR	PART FOR VEH #420	\$57.51
208435	9/22/2016	160728	04831	T-SHIRTS BY DESIGN	T-SHIRTS, SHORTS, HAT	\$122.61
208410	9/22/2016	1988802683	06718	ARAMARK	NYLON MATS CLEANED	\$16.28
208420	9/22/2016	1988802692	06718	ARAMARK	LAUNDRY SVC FOR OPS & PARKS	\$73.41
208407	9/22/2016	246026	01023	FRONTIER BUILDING SUPPLY	CEMENT	\$105.20
208418	9/22/2016	4900/0100109604 /2017	00778	DEPT OF NATURAL RESOURCES	AQUATIC LANDS LEASE C2200002664 10/2/16 - 12/1/16	\$9,768.32

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
208314	9/22/2016	76144	04417	LANCER SALES USA INC	LANCERCLEAN DETERGENT AND LANCERACID	\$816.00
208505	9/22/2016	82278703	09185	BOUND TREE MEDICAL, LLC	PHARMACEUTICALS	\$3.16
208411	9/22/2016	A1154721	02405	SEBO'S DO-IT CENTER	PARTS FOR STREET DEPT	\$17.54
208406	9/22/2016	A1154744	02405	SEBO'S DO-IT CENTER	TROWEL, EDGER, FLOAT	\$57.48
208501	9/22/2016	A1154794	02405	SEBO'S DO-IT CENTER	9V BATTERIES	\$5.63
208412	9/22/2016	A1154859	02405	SEBO'S DO-IT CENTER	TOOL, POWER BITS, FASTENERS	\$18.50
208442	9/22/2016	A1154938	02405	SEBO'S DO-IT CENTER	PART FOR STREET DEPT	\$4.03
208400	9/22/2016	B345546	02405	SEBO'S DO-IT CENTER	FIELD MARKING PAINT	\$282.09
208493	9/22/2016	chap092216	00536	CHAPMAN'S TOP & UPHOLSTERY	REPAIRS TO SEAT ON VEH #133	\$325.50
208455	9/23/2016	1380	09986	SIGND0G NW	DIRECTIONAL WAYFARING SIGNS	\$406.88
208444	9/23/2016	160769	04831	T-SHIRTS BY DESIGN	VOLUNTEER COACH T SHIRT	\$8.68
208470	9/23/2016	246234	01023	FRONTIER BUILDING SUPPLY	MAGNETIC KEY HOLDERS	\$22.22
208495	9/23/2016	41600201907	02909	LES SCHWAB TIRE CENTERS	SERVICE ON VEH #018	\$14.65
208510	9/23/2016	6739	02144	PORT SUPPLY	PART FOR STREET DEPT	\$3.67
208526	9/23/2016	A1155153	02405	SEBO'S DO-IT CENTER	MAINTENANCE SUPPLIES - CARNEGIE	\$5.64
208506	9/24/2016	A1155632	02405	SEBO'S DO-IT CENTER	ELEMENT WRENCH KIT AND FASTENERS	\$10.10
208471	9/25/2016	September 25, 2016	08270	SARA JOY	UNIFORM REPAIR, PATCH REPLACEMENT	\$115.01
208459	9/26/2016	00-2016-112-3	09994	ALTA PLANNING AND DESIGN	DESIGN COMM'L AVE BETWEEN 31ST-32ND	\$1,200.00
208516	9/26/2016	001-349054	02109	PISTON SERVICE OF ANACORTES	PART FOR VEH #512	\$13.05
208469	9/26/2016	0542005-001	02835	UNUM LIFE INS CO OF AMERICA	LEOFF LONG-TERM CARE PREMIUM	\$1,347.85
208466	9/26/2016	100	10342	ZIMMERMAN, LMP, KATIE	SEATED MASSAGES, HEALTH & BENEFIT EXPO, 1 1/2 HOURS	\$150.00
208464	9/26/2016	1548457047	06832	BULL, LMP, BARBARA C.	MASSAGE FOR HEALTH & BENEFIT EXPO, 2 1/2 HOURS	\$150.00
208458	9/26/2016	1723410	10341	MWH CONSTRUCTORS INC	CONSTRUCTION SUPPORT SERVICES 5/2/16-8/19/16	\$17,550.00
208508	9/26/2016	1988808150	06718	ARAMARK	LAUNDRY SERVICE FOR WWTP	\$73.05
208462	9/26/2016	26625	07996	REICHHARDT & EBE ENGINEERING	MARCH PT RD SHOULDER WIDENING	\$3,637.65
208483	9/26/2016	5545-1	02412	SEMRAU ENGINEERING & SURVEYING	STORMWATER 2016 UPGRADES & IMPROVEMENT	\$256.00
208457	9/26/2016	A1155064	02405	SEBO'S DO-IT CENTER	FLASHLIGHT - BALDWIN	\$35.24
208485	9/26/2016	B345847	02405	SEBO'S DO-IT CENTER	COUPLING, BUSHING, ELBOWS	\$19.96
208521	9/26/2016	MV147629	01801	MOTOR TRUCKS INC	PART FOR VEH #203	\$165.00
208468	9/26/2016	Ref000208468	10343	DOANE, JAMES & MARTHA	Customer paid excess on account - Refund	\$1,115.10
208467	9/26/2016	Reim	02372	SCHUH, EMILY	REIMBURSE TRAVEL EXPENSES	\$607.88
208517	9/26/2016	S6-1287124	05774	SEATTLE AUTOMOTIVE	WIPER BLADES FOR STOCK	\$217.00
208486	9/26/2016	W531550704	07231	HOME DEPOT	2 BOXES FOR RECYCLING BAGS FOR WP	\$59.89
208535	9/27/2016	0525401-In	02260	REISNER DISTRIBUTOR INC	STARPLEX EP 2 FOR SOLID WASTE	\$29.08
208519	9/27/2016	0682030-001	00306	BAYSHORE OFFICE PRODUCTS	OFFICE SUPPLIES - CARNEGIE	\$5.95

Invoice Doc #	Transaction Date	Invoice #	Vendor #	Vendor Full Name	Description	Total Amount
208514	9/27/2016	51168324	01337	INTERSTATE BATTERIES	BATTERIES FOR VEH #001 & #101	\$253.28
208528	9/27/2016	Meal & mileage reimb	06400	STEFFEN, PHILIP	WOFA CONF SPOKANE - MEALS & MILEAGE	\$183.14
208529	9/27/2016	Meals reimb	06839	MILES, HEIKO	WOFA CONF SPOKANE - MEAL REMIB	\$77.00
208520	9/27/2016	reimbursement	08128	DAVIS, JAMES	REIMBURSEMENT FOR WTPO IV TESTING & APPLICATION FEES	\$185.00

Total **\$108,100.80**



City of Anacortes 2017

RECEIVED

SEP 01 2016

CITY OF ANACORTES
EXEC ADMIN

Lodging Tax Funds Application

Background

Each year, the City of Anacortes solicits applications to fund projects that support and encourage tourism in the City. The funding source is the City's 4% tax on the furnishing of lodging within the City, called the "lodging tax."¹ Lodging tax revenue totals approximately \$350,000 annually. The average award is \$10,000 but typically varies from \$400 to \$123,000, and not all revenue is awarded each year. The City has a draft Tourism Promotion Strategic Plan, which applicants are encouraged to read, that describes the City's priorities in allocation of lodging tax funds. For the 2017 funding cycle, the City is especially interested in new events that attract tourists during the months of January, February, and March.

Application Requirements

Applications must be submitted on this application form. A separate application form is required for each project. Application forms that are not fully complete will not be accepted.

- For recurring events, applications are due no later than 4:30 p.m. on Monday, October 10, 2016, and will be considered during the fall for funding starting January 1. All applicants are encouraged to submit their applications by this deadline.
- For first-time or one-time projects, applications may be submitted at any time. The City may require 90 or more days to review and fund such an application, and funding may not be available until the following calendar year.

Via email (preferred):

as a native PDF to
joanns@cityofanacortes.org

Via US Mail:

Joann Stewart
Re: Lodging Tax Fund Application
PO Box 410
Anacortes WA 98221

In person:

Joann Stewart
City Hall
904 Sixth Street
Anacortes

Eligible Projects

State law directs and authorizes the City to spend lodging tax revenue on:

- (a) **tourism** marketing;
- (b) the marketing and operations of special events and festivals designed to attract tourists;
- (c) supporting the **operations** and capital expenditures of **tourism-related facilities** owned or operated by a municipality or a public facilities district; or

¹AMC Chapter 3.15 and RCW 67.28.181(2)(a).

Application

Project Detail

Project name Anacortes Vintage Market
Date(s) of project October 14 & 15 2016
Amount of funding requested 10000
Type of qualifying project X Tourism Promotion/Marketing
 X Operation of a Special Event/Festival designed to attract tourists
 ☐ Operation of a Tourism Promotion Agency
 ☐ Operation of a Tourism-Related Facility owned or operated or non-profit organization
 ☐ Operation and/or Capital Costs of a Tourism-Related Facility owned by a municipality

Applicant Detail

Applicant name Stacia Doyle
Type of applicant ☐ Individual ☐ Non-profit corporation ☐ Public agency X Other: LLC- 1 member
Federal tax ID # 81-1017991
Contact name Stacia Doyle
Address 700 Haddon Rd.
Email address stacytom98@aol.com
Phone 360-840-5133

Project Questionnaire

Describe your project.

Anacortes Vintage Market is a 2 day shopping event. Patrons come to town to purchase Vintage, Antique, and hand crafted items. Friday night event is 6-9PM. Saturday is from 9-4PM

Describe with specificity what aspects of your project you would spend the requested funds on.

Additional marketing and increasing the venue size to accommodate visitors and create a welcoming, non congested, pleasant experience that will keep them coming back.

Promotion

Describe how you will promote your project to attract tourists.

Online social media – Posters, Postcards, out of town Vintage shows, e-mails, Mailed postcards. All of my vendors distribute postcards at other vintage shows around the state. So far 5,000 have been printed and distributed. Statistics from the April event show the online sales came from social media, postcards from other shows, and posters. I spend over 20 hours a week promoting this event online. I am a one woman show and fund this show out of my own pocket.

Describe how you will promote lodging establishments, restaurants, and businesses located in Anacortes.

I have built a specific website dedicated to the promotion of the show and have integrated social media into it. I promote hotels stays in town while promoting my event online.

Describe methods you will use to track tourists for the purpose of mandatory reporting.

Ticket Tailor – ticket app – Online ticket sales. For the October event I installed a survey asking people if they stayed, ate, bought gas or shopped while in town.

Personal Surveyor at event tracking zip codes at the door. (In the past, similar events had a chamber rep polling shoppers, there was no chamber rep at my April event.)

Describe the prior success of your project in attracting tourists.

2,889 in attendance on Saturday – SOLD out VIP function on Friday night (200)

156 tickets sold already for Oct 14..... 350 tickets will be sold for Friday night

There will be an unlimited number available for Saturday.

Describe your target tourist audience (location, demographics, etc.)

Canada-Vancouver WA. Demographic tends to be 85% woman ages 25-65+

I advertise in Oregon, Idaho, California, Canada, Wyoming and Montana as well as Oregon.

Attachment

Prior recipients for similar proposals must attach examples of ads, promotional materials, reports, or other materials they have generated with prior allocations of lodging tax funds.

List the titles of any attachments you have included with this application:

you can check out the web sites and social media sites. www.anacortesVintageMarket.com

All material from the previous show is gone..... new app. Didn't know it was needed or I would have kept some .

Wasn't required in the 2016 app.

APRIL STATS, THIS OCTOBER STATS, AD TRACKING, DEMOGRAPHIC

Certification

- I am an authorized agent of the organization applying for funding.
- If awarded, my organization intends to enter into a Municipal Services Contract with the City; provide liability insurance for the duration of the contract naming the City as additional insured and in an amount determined by the City; and file for a permit to use City property, if applicable. NOT APPLICABLE
- I understand that the City will only reimburse those costs actually incurred by the Applicant and only after the service is rendered, paid for if provided by a third party, and a signed Request for Reimbursement form (or other form acceptable to the City) has been submitted to the City, including copies of invoices and payment documentation.
- I understand that the Applicant will be required to submit a report in a format determined by the City.
- I understand that all project activities must be identified in promotional and other business materials as having been funded by the City of Anacortes.
- I understand that once submitted, this application is a public record. The City may post part or all of it on the City website or provide it in response to public records request.

Signature	STACIA DOYLE
Printed name	Stacia Doyle
Title	Owner
Organization	Sassy Frass Company LLC

Sept 10- start to run online contests, promotion continue social media presence.

Continue to promote other activities in Anacortes, places to stay, things to do.

Sept 14- Pay for tent

Sept 15- Secure Service group to man the holding tent. (Young life volunteered for April)

Sept 20- Secure Help!

Oct 1- event décor prep

Oct 13- tents up, electrical in, – load in – set up

– train all helpers- Parking, loaders, garbage duty, ticket takers, holding tent

Oct 14- continue set up – catered lunch

4pm -bar set up, ticket takers in place,
photo booth, bags ready, load scanners for tickets.

5pm. Last minute panic (Joke)

5:30- places everyone

6:pm- showtime!

Oct 15- start over at 8:30-4

Disassemble 4-8

Oct 16- tents removed? Port a potties. Garbage.
Check out



City Council Agenda Bill

Meeting Date: 10/03/2016 **Agenda Item:**

Subject: Resolution No. 1971 Authorizing Execution of the Tourism Promotion Fund Contract by and Between the City of Anacortes and Recipient Agency.

Staff Contact: Don Measamer

Approved for Submittal to Council by	
	Laurie Gere, Mayor
x	Steve Hoglund, Finance Director
x	Darcy Swetnam, City Attorney
x	Don Measamer, PCED Director

Action Type	
	Ordinance No.
	Code Revision?
X	Resolution No. 1971
	Contract

Summary Statement: One new project was submitted for the Lodging Tax 2016 funding. This project has been selected by the City Lodging Tax Advisory Committee to advertise, publicize, or distribute information or undertake other activities specifically authorized by RCW 67.28.180 for the purpose of attracting visitors to Anacortes.

Background: RCW 67.28.080 provides authority for cities to adopt a lodging tax of up to 4% of lodging charges made by hotels and motels in order to attract visitors for both overnight stays and daytrips. The Lodging Tax Advisory Committee reviewed and recommended the requests for funding at their September 15, 2016 meeting. The recommendation includes 1 contract for City Council review and approval.

Budget Impact	
Amount Budgeted	\$10,000
Budget Account (BARS)	135.240.557.30.41
Proposed Expenditure	\$10,000
Budget Amendment Required?	No
Revenue Source	Lodging Tax

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: LTAC recommends approval of the contract for 2016 tourism funding

Competing Viewpoints Considered: The proposal was reviewed by the LTAC and forwarded to City Council as recommended.

Recommended Motion: I move to approve Resolution No. 1971 Authorizing Execution of the Tourism Promotion Fund Contract by and Between the City of Anacortes and Recipient Agency.

Alternative Actions: Deny Resolution 1971 and extend the timeframe for approval of the contract.

Attachments (listed in order presented): Resolution No. 1971, Contract for Anacortes 98221 Vintage Market

RESOLUTION NO. 1971

**A RESOLUTION AUTHORIZING EXECUTION OF TOURISM PROMOTION FUND
CONTRACT/COMMITMENT BY AND BETWEEN THE CITY OF ANACORTES
AND RECIPIENT AGENCY.**

WHEREAS, the below listed agency has been selected by the City through a competitive selection process to undertake projects designed to advertise, publicize, or distribute information or undertake other activities specifically authorized by RCW 67.28.180 for the purpose of attracting visitors to the City of Anacortes; and

WHEREAS, the City of Anacortes wishes to contract with this agency for the provision of these services and is willing to provide certain monies to this agency, which monies have been collected or will be collected as part of the Motel/Hotel Tax;

NOW, THEREFORE IT IS HEREBY RESOLVED BY THE ANACORTES CITY COUNCIL to authorize the distribution of tourism promotion funds to the following listed agency, as the official act and deed of the City of Anacortes:

1.	Stacia Doyle	Anacortes Vintage Market	\$10,000
	TOTAL		\$10,000

PASSED and APPROVED on this ____ day of _____, 2016.

CITY OF ANACORTES:

By _____
Laurie Gere, Mayor

ATTEST:

Steven D. Hoglund, City Clerk

APPROVED AS TO FORM:

Darcy Swetnam, WSBA #40530
City Attorney

Resolution No. 1969
September 6, 2016

CONTRACT

Contract by and between the **CITY OF ANACORTES**, a municipal corporation, and **Stacia Doyle** (hereinafter Grant Recipient) for the **Vintage Market**.

WITNESSETH:

WHEREAS, the City of Anacortes has levied and continues to levy a special excise tax on charges made for the furnishing of lodging in motels, hotels, etc.; and

WHEREAS, RCW 67.28.180 authorizes the expenditure of such funds, or a portion thereof, to pay for advertising, publicizing or otherwise distributing information and to pay for other specified activities for the purpose of attracting visitors and encouraging tourism; and

WHEREAS, the Grant Recipient engages in activities designed to advertise, publicize, or distribute information or other activities specifically authorized by RCW 67.28.180 for the purpose of attracting visitors to our community:

WHEREAS, the Grant Recipient must expend the funds for such advertisement, publication and distribution of tourist promotion information or other activities specifically authorized by RCW 67.28.180 prior to December 31, 2016;

NOW, THEREFORE, IT IS HEREBY AGREED by the parties hereto as follows:

1. The City of Anacortes shall pay directly to the Grant Recipient the sum of \$10,000 during the calendar year 2016 upon documented performance of the work set-out in Attachment A to this contract, provided that the Grant Recipient must document a contribution to the project equal to one half (½) match of the amount requested at the time of each invoice.

2. The Grant Recipient agrees to request payment from the City of Anacortes only for activities designed to advertise, publicize, or distribute information to attract visitors to the City of Anacortes and other such purposes as are permitted by RCW 67.28.180 and as set out in Attachment A to this contract.

3. The Grant Recipient shall make available to the City or the Washington State Auditor or their duly authorized representatives at any time during normal operating hours, all records, books, or pertinent information which the Grant Recipient shall have in conjunction with this agreement and which the City may be required by law to include or make part of auditing procedures or audit trail and which may be required for the purposes of funding the service contracted for herein. In addition, the Grant Recipient shall provide the Council a report with each reimbursement request describing how project funds were spent since the last reimbursement was submitted with a summary report being submitted with the final reimbursement request.

4. The Legal Department is authorized to approve the Grant Recipient's requests to reprogram a maximum of 20% of approved funds within expenditure categories enumerated in the original contract; provided that authorization shall not be construed as permitting: (1) assignment of new funds to a project in excess of the amount originally approved by Council, or (2) funding of expenditure categories not cited in the original governing contract.

5. The term of this contract shall be for the calendar year 2016.

6. All services which are to be rendered or performed under this agreement will be rendered or performed entirely at the Grant Recipient's own risk and the Grant Recipient expressly agrees to indemnify and hold harmless the City and all its officers, agents, employees or otherwise, from any and all liability, loss or damage that they may suffer as a result of claims, demands, actions, damages or injuries of every kind or nature whatsoever by or to any and all persons or property and of judgment against them which result from, arise out of, or in any way connected with the services to be rendered or performed by the Grant Recipient under the terms of this agreement. The Grant Recipient agrees to defend against any and all claims brought or action filed against the City with respect to the subject of this agreement, whether such claims are rightfully or wrongfully brought or filed.

In witness whereof the parties hereto have caused this Agreement to be executed this ____ day of September, 2016.

CITY OF ANACORTES:

Anacortes Arts Commission

By _____
Laurie Gere, Mayor

By _____
Lisa Rhoades

ATTEST:

Steve D. Hoglund, City Clerk-Treasurer

APPROVED AS TO FORM:

Darcy Swetnam, WSBA #40530
City Attorney



City Council Agenda Bill

Meeting Date: 10/3/2016 **Agenda Item:** 5d

Subject: Interlocal Agreement for Provision of Probation Services

Staff Contact: Emily Schuh *ECSh*

Approved for Submittal to Council by	
	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
x	Darcy Swetham, City Attorney

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
X	Contract
	Public Hearing
	Staff Report

Summary Statement: The interlocal agreement formalizes the provision of probation services to the City's Municipal Court through an arrangement with the City and Skagit County. The term of the agreement is January 1, 2017 through December 31, 2019.

Background: The City has a longstanding agreement with Skagit County for the provision of probation services. Probation services support the efforts of the municipal court to ensure compliance with sentences. A September 2015 District Court policy change resulted in all alcohol related offenses being referred to the Probation department for monitoring and compliance with treatment. The policy change has resulted in an increase in probation fees; however, the result is better compliance with sentences and additional defendant accountability.

Budget Impact	
Amount Budgeted	2017- \$36,000 2018- \$36,000
Budget Account (BARS)	001.130.512.50.51
Proposed Expenditure	
Budget Amendment Required?	no
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	1/1/2017
End Date	12/31/2019

Previous Council/Committee Action: [Click here to enter text.](#)

Competing Viewpoints Considered: This contract goes beyond the next biennial budget cycle, but the agreement can be terminated with 30 days' notice.

Recommended Motion: I move to approve the interlocal cooperative agreement between Skagit County and the City of Anacortes for the provision of probation services to the City.

Alternative Actions: [Click here to enter text.](#)

Attachments (listed in order presented): Interlocal Agreement

INTERLOCAL COOPERATIVE AGREEMENT

BETWEEN

SKAGIT COUNTY

AND

CITY OF ANACORTES

THIS AGREEMENT is made and entered into by and between the City of Anacortes ("City") and Skagit County, Washington ("County") pursuant to the authority granted by Chapter 39.34 RCW, INTERLOCAL COOPERATION ACT.

1. PURPOSE: The purpose of this interlocal agreement is to formalize the relationship of the City and the County regarding the provision of probation services to the City. Skagit County has a Probation Department capable of serving both the Skagit County District Court and, with some use restrictions, the cities within Skagit County. The Skagit County District Court Probation Department has provided probation services to the City in past years based on its' participation in the consolidated district/municipal court judicial services plan. It is in the best interest of Skagit County and the City to formalize this relationship in an agreement detailing the extent and costs of probation services.

2. RESPONSIBILITIES: The County shall provide the following probation services for the City in consideration of time and effort as follows:

Active/full probation services, pre-trial monitoring, monitoring of treatment and/or antabuse and 12-step community-based support group attendance, deferred prosecution requirements, pre/post-sentence investigations, restitution determination only, and collection of restitution and/or monitoring of prohibitions.

The County shall provide such services upon referral from the City and according to the direction of the City's Municipal Court.

3. TERM OF AGREEMENT: The term of this Agreement shall be from January 1, 2017 through December 31, 2019.

If the agreement is not renewed, the County will provide the City with the following transition services:

(a) For previously initiated probation services that can be completed by April 1, 2017, the County will complete the service.

(b) For previously initiated probation services that cannot be completed by April 1, 2017, the County will provide the City a complete copy of the probation file and a summary of actions taken to-date, upcoming hearings, and other information that would assist the new service provider in quickly completing the transition cycle.

4. MANNER OF FINANCING: The City shall compensate the County fifty dollars (\$50.00) for each month said defendant is on active supervision (meaning the supervision has not been terminated by order of the court) to a maximum of \$1200 per defendant/case. In cases involving pre-sentence supervision, supervision of mandatory community service or determination of restitution, the maximum per defendant/case shall be \$150. The County will bill the City quarterly. Payment by the City will be made within thirty days from date of billing notice. The City agrees to pay up to \$5,000 (net) toward the cost of probation services under this contract. This provision acknowledges that defendants will be charged for probation services. To the extent that probation fees are collected, the sum so collected shall not be counted toward the City's ceiling amount stated under this paragraph. For example, if probation services totaling \$2,500 have been provided under this contract and probation fees of \$1,000 have been collected from defendants, the dollar amount of probation services remaining under this contract would be \$3,500. Nothing in this paragraph should be construed so as to prohibit City from requesting additional probation services in excess of the dollar limit stated in this Paragraph should the City find such additional services necessary or desirable.

5. ADMINISTRATION: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.

5.1 The County's representative shall be District Court Probation Director, Michael Mahoney.

5.2 The City's representative shall be Court Administrator, Rebecca Welch.

6. TREATMENT OF ASSETS AND PROPERTY: No fixed assets or personal or real property will be jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement.

7. INDEMNIFICATION: It is understood and agreed that this Agreement is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of the Agreement. Each party hereto agrees to be responsible and assumes liability for its own negligent acts or omissions, or those of its officers, agents, elected officials, volunteers or employees to the fullest extent required by the law, and agrees to save, indemnify, defend, and hold the other party harmless from any such liability. In the case of negligence of both the City and Skagit County, damages allowed shall be levied in proportion to the percentage of negligence attributable to each party, and each party shall have the right to seek contribution from the other party in proportion to the percentage of negligence attributable to the other party. This indemnification clause shall also apply to any and all causes of action arising out of the performance of work activities under this Agreement.

8. TERMINATION: Any party hereto may terminate this Agreement upon thirty (30) days notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

9. CHANGES, MODIFICATIONS, AMENDMENTS AND WAIVERS: The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

10. SEVERABILITY: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.

11. ENTIRE AGREEMENT: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

FOR CITY OF ANACORTES:

LAURIE GERE, MAYOR

(Date _____)

Mailing Address:

City of Anacortes

904 6th Street

P O Box 547

Anacortes WA 98221

DATED this _____ day of _____, 2016.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Lisa Janicki, Chair

Ron Wesen, Commissioner

Attest:

Kenneth A. Dahlstedt, Commissioner

Clerk of the Board

For contracts under \$5,000:
Authorization per Resolution R20030146

Recommended:

County Administrator

Department Head

Approved as to form:

Civil Deputy Prosecuting Attorney

Approved as to indemnification:

Risk Manager

Approved as to budget:

Budget & Finance Director

Interlocal Agreement
Page 5 of 5

Received AT meeting
10/3/16 Vernon Lawridsen

First Principles in presenting proposed Code amendments to the public and City Council

- 1. Open, complete and transparent presentation of information and materials to the public and City Council regarding the proposed amendments.**
- 2. State how the proposed amendments modify the policies and provisions of the current AMC.**
- 3. State how the proposed amendments implements or advances the policies and goals of the 2016 Comprehensive Plan.**

People want AMC amended the code to correct the abuses and lack of enforcement of land use regulation that have existed during the past 20 years not to simply to rewrite the code so as to match the history of abuses and lack of enforcement

Encourage members of the public, stakeholders, whomever to submit written comments pointing out ambiguities, unenforceable code sections, code sections that are not being enforced that need to be, existing code sections that are essential to implementation of the plan and essential for the public good

Proposed Title 2

1. Summary statement: "clean up," "Main focus is to create a new Title 20." "Add a hearing examiner for Code enforcement." "Realigns existing code enforcement sections." "Guarantee compliance."

In fact

A. New Title 2 actually provides:

The following chapters in Title 2 are created or amended:
New Chapter 2.30 Hearing Examiner

2.30.010 Purpose.

“To provide an efficient and effective administrative adjudicatory system for acting upon quasijudicial matters and for review of contested administrative determinations”

Not just for enforcement but will substitute hearing examiner for all quasi judicial matters. Why not just see this amendment legislatively creates the office of the hearing examiner for eventual adjudication of all quasi judicial and enforcement matters.

Proposed Title 20 includes:

B. Repeals subdivision enforcement 16.04.105

AMC 16.04.105 - Enforcement, violations and penalties.

A. General.

1. It shall be the duty of the administrator to enforce these requirements and to bring to the attention of the city attorney or his/her designated agent any violations of these regulations.

2. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall convey title to any part of the parcel before a final plat of the sub- division has been approved by the city council in accordance with the provisions of the regulations and filed with the county auditor.

3. The subdivision of any lot or any parcel of land, by the use of metes and bounds described for the purpose of sale, transfer, or lease is prohibited.

4. No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

Proposed Amendment regarding enforcement

Director has no duty to act

Chapter 20.20 Procedures

20.20.020 Investigation—Right of entry.

A. Investigation and Follow-Up.

1. Any person who believes a civil violation has occurred may notify the Director.

Complaint driven. Absent a complaint the Director has no obligation to enforce the code.

Current penalties for violation that are being repealed

16.04.105 B

B. Violation—Penalty.

1. Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor.

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Why not make an explicit statement the City has elected to “decriminalize” violations for land use?

Burien Municipal Code cited by MSRC also makes a violation a misdemeanor and City has discretion to decide how to enforce. Section 1.15.080

Covington Municipal Code also cited by MSRC at Section 1.30.030 makes violations misdemeanors given condition of willfully or knowingly caused.

Everett Municipal Code also cited by MSRC at Section 1.16.010 also provides a fine of up to \$500 and imprisonment not to exceed 6 months or both.

Longview Municipal Code also cited by MSRC at Section 1.33.380 provides criminal punishment as a misdemeanor for willful punishment.

Likewise the City of Monroe at section 6.04.080 provides for fine and imprisonment for violations

Proposal

2. RCW 7.80.010

Jurisdiction of courts.

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

RCW 9.66.040

Abatement of nuisance.

Any court or magistrate before whom there may be pending any proceeding for a violation of RCW 9.66.030, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant: PROVIDED, That if the conviction was had in a district court, the district judge shall not issue the order and warrant of abatement, but on application therefor, shall transfer the cause to the superior court which shall proceed to try the issue of abatement in the same manner as if the action had been originally commenced therein.

RCW 7.48.010

Actionable nuisance defined.

The obstruction of any highway or the closing of the channel of any stream used for boating or rafting logs, lumber or timber, or whatever is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of the life and property, is a nuisance and the subject of an action for damages and other and further relief.

RCW 7.48.120

Nuisance defined.

Nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

The proposal would substitute a citation for \$100 to be collected by a collection agency as a means to "guarantee compliance."

Look at the two cited sections RCW. Hardly cleans up or for that matter eases enforcement.

Permitted uses in the Heavy Manufacturing zone (March Point) via inter local agreement the County is obligated to enforce.

17.15.020 - Permitted uses.

Any industrial, research and development, office, repair, warehouse, processing, shipping terminal uses, adult concessions (only located north of S. March Point Road and east of Reservation Road), commercial parking, private parking, and public parking provided that such uses are of such a nature that they do not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts. Retail floor space existing in or adjacent to the HM zone boundary as of May 1, 1995, that is

determined to be nonconforming under these regulations may be increased by up to one hundred percent. (Ord. 2614 Att. A (part), 2003; Ord. 2592 App. A, 2002)



City Council Agenda Bill

Meeting Date: 10/3/2016

Agenda Item: 6a

Subject: Titles 2, 9, 16, 17, 18, and 20 Update

Staff Contact: Darcy Swetnam, Don Measamer

Approved for Submittal to Council by	
x	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
x	Darcy Swetnam, City Attorney

Action Type	
X	Ordinance No. 2988
	Code Revision? Yes
	Resolution No.
	Contract
	Public Hearing
	Staff Report

Summary Statement: The enclosed articles provide Councilmembers with additional information to augment the discussion of code enforcement and the proposed update.

Background:

In response to a thoughtful discussion on the proposed ordinance at the September 26 City Council meeting, City staff are preparing additional materials to address Council's questions and concerns. The enclosed two articles from MRSC provide interesting perspectives and additional resources for Council's consideration.

Budget Impact	
Amount Budgeted	
Budget Account (BARS)	
Proposed Expenditure	
Budget Amendment Required?	
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: Council considered the proposed ordinance on 9/26, and the enclosed materials are presented to address some of the points discussed.

Competing Viewpoints Considered: [Click here to enter text](#)

Recommended Motion:

Alternative Actions: N/A

Attachments (listed in order presented):

[Code Enforcement Article](#)

[Should Legislative Bodies Conduct Quasi-Judicial Hearings?](#)



Code Enforcement

Introduction

This page covers topics related to code enforcement with a focus on nuisances. Some jurisdictions define all code violations as nuisances. Others select certain code section violations as nuisances to be enforced under a general code enforcement provision. The illustrations on this page are principally those of jurisdictions with general code enforcement provisions that include voluntary compliance, civil infractions, abatement proceedings, and summary abatement. Provisions are also included for dealing with chronic nuisance properties.

About Code Enforcement

After many years of abating nuisances, Bill Cameron, the former City Attorney of Kennewick, noted that nuisance abatement is a human problem. It is the people who create the nuisance that are the problem, not the nuisance itself. Local officials need to keep in mind that the persons creating a nuisance may have mental problems; many have little money. When the method of abatement is chosen, the circumstance of the person creating the nuisance should be taken into consideration. Humane treatment is a moral imperative. Other government agencies may be of assistance. People are all individuals and remedies must be tailored to the individual. Experience and judgment are the only guides. People can be stubborn. Sane, but stubborn people are often quite receptive to a citation. The reality of fines, jail and attorney fees are a wake up call. Complicated people seem better dealt with in Superior Court.

Most code enforcement programs are complaint-driven. Complaints result in an inspection and a warning letter to the violator, followed by a notice of citation if action to correct the violation have not been taken by the property owner. This is followed by official abatement proceedings if the violator still has not take care of the problem within a specified period of time. As an alternative to abatement, some cities use neighborhood mediation centers and voluntary agreements. Except for situations of imminent or immediate danger, the enforcement of nuisance provisions is a policy issue dependent on the level of service a community can provide with available resources.

Several communities have developed proactive code enforcement programs. Others only deal with nuisances when they become a serious health or safety problem. Many local governments simply do not have adequate funding to make code enforcement a priority. The courts have recognized that governments generally do not have sufficient resources to hire staff to seek out violations of all regulations. It is common practice for cities and counties to enforce zoning ordinances, animal control, and nuisance ordinances on a complaint-only basis. See *Frame Factory v. Ecology*, 21 Wn.App 50, 57 (1978).

Methods of Code Enforcement

Voluntary cooperation

The most desirable course of action is to obtain the voluntary cooperation of the public in seeking the abatement of nuisances. A number of jurisdictions have included voluntary agreements in their nuisance provisions. If voluntary compliance is not forthcoming, the next step may be to issue a citation. Issuing a citation for an infraction (civil offense) or misdemeanor (criminal offense) will often rectify even the worst problem. Citations are most effective when there are clear violations of particular ordinances or the conduct of the violator is patently outrageous.

Civil Infraction

Many jurisdictions have decriminalized nuisance provisions and are using a civil infraction system. In 1987 the legislature established a civil infraction system codified as Ch. 7.80 RCW to allow minor offenses to be decriminalized and to receive a civil fine or infraction. Infractions are defined as a non criminal violation of a local ordinance. The civil infraction system is patterned after the traffic infraction system adopted in 1981. The statute authorizes cities and counties to create civil infractions enforceable in the municipal or district court.

Civil infractions are initiated by the issuance, service, and filing of a notice of civil infraction issued by a person authorized to enforce ordinance provisions. The citing officer can be a law enforcement officer or other official authorized by law to issue notices. Jurisdictions have variations on the process used to obtain compliance before citations are issued. Many jurisdictions issue some sort of warning notice with a deadline for compliance before a notice of infraction.

Abatement

When voluntary compliance and administrative proceedings do not solve the problem, it may be necessary to go to superior court and obtain a warrant of abatement. The warrant authorizes the jurisdiction to enter onto private property, abate the nuisance, and hold the property owner responsible for all of the abatement costs.

If there have been earlier administrative proceedings and there is a clear record that due process has been followed, a petition for a warrant of abatement may be handled expeditiously, particularly when the property owner chooses not to respond to the superior court filing. A civil nuisance abatement case brought in superior court often involves complex factual or legal issues, a large parcel of property (or several properties), or a violator whose attitudes or, in some cases, mental fitness, make it unlikely that the nuisance situation can be resolved without a warrant of abatement. One advantage of court action is that the court discovery rules will allow access to the perpetrator's premises.

Summary Abatement

Summary abatement involves the actual removal of conditions constituting a nuisance by administrative officials without resorting to judicial proceedings. Summary abatement may or may not be specifically authorized by a jurisdiction's ordinance. Sometimes a situation is so dangerous that it should be repaired or eliminated immediately. Open wells, discharges of sewage, abandoned refrigerators and similar types of nuisances are extreme hazards especially in populated areas. If the owner will not fix them upon request or cannot be found, the local government should take it upon itself to make the correction and decide later who should pay.

There is some potential liability exposure for jurisdictions that initiate summary abatement procedures. As a practical matter, the jurisdiction should protect itself by assembling evidence, such as photographs, to support its findings that an emergency exists. If an action were brought against the city or county, and the court determined that the condition abated did not in fact constitute a fire or health hazard, or a nuisance, the city would probably be liable for damages sustained by the property owner.

Administrative Enforcement - Unfit Dwellings, Buildings, and Structures

Administrative enforcement refers to the establishment of a non-judicial hearing and decision-making process for nuisance abatement. An administrative hearing provides the opportunity for property owners to present their side. These proceedings are much less time-consuming and expensive than a full court adjudication. However, because nuisance enforcement and abatement deal with property rights, the process must include a right to appeal any final administrative decision to district or superior court. The hope is that an administrative decision will satisfactorily resolve the issue without an appeal to superior court. If it is clear from the outset that a property owner wants to contest an administrative nuisance action, regardless of cost, it might be wise to initiate the enforcement action through court proceedings.

Sometimes an administrative process will consist of a hearing before an individual or board, followed by an administrative appeal to another board, and then an appeal to district or superior court. If the problem can be resolved through an administrative process (without a judicial appeal) it is generally simpler, faster, and less costly than initiating the enforcement action in court. An example of a full administrative enforcement process, including a level of administrative appeal prior to superior court appeal, is [Ch. 35.80 RCW](#), which establishes a process for dealing with unfit dwellings, buildings, and structures. The key to any administrative nuisance abatement ordinance is a clear and detailed definition of what constitutes a nuisance. Clear and unambiguous administrative procedures must give all those affected an opportunity to have decisions reviewed before any abatement action is taken. See *Memphis Light Gas & Water v. Craft*, 436 U.S. 1 (1978) *Via FindLaw*.

Code Enforcement Provisions

The ordinance provisions and webpage links listed below provide illustrations of the methods used for code enforcement discussed above in the Methods of Code Enforcement section. Most of the code enforcement provisions illustrated here apply to several types of regulations including nuisances, building codes, environment, and zoning.

City Provisions

- Burien Municipal Code [Ch. 1.15](#) - Code Enforcement - Covers Service of documents, violations, infractions, voluntary correction, stop work order, notice of civil violation, response to notice of civil violation, scheduling of hearing to contest or mitigate - Correction prior to hearing, contested hearing - Procedure, mitigation hearing - Covers Procedure, decision of hearing examiner, failure to appear - default order, judicial review, recovery of penalties and costs, abatement, and right of entry.
- Covington Municipal Code [Ch. 1.30](#) - Civil Code Enforcement - Covers voluntary correction agreement, notice of civil infraction, administrative notice, stop work order, abatement, collection of penalties, lien - uses a hearing examiner
- Everett Police Department [Code Enforcement](#) - Includes brochure, link to violations hearing examiner, rules of procedure, and respondent's motion for reconsideration
 - Everett Municipal Code [Ch. 1.20](#) - Code Enforcement
- Longview [Code Compliance](#)
 - Longview Municipal Code [Ch. 1.33](#) - Code Compliance - Provides extensive detailed procedures
 - Longview Community Development Department [Citizen Complaint Process](#)
- Monroe [Code Enforcement](#)
 - Monroe Municipal Code [Sec. 6.04.060 -.080](#) - Abatement of a Public Nuisance (includes form) Costs of Abatement, and Penalty

- Pasco [Code Enforcement](#) - Provides links to the Code Enforcement Board that hears alleged violations of the city code regarding property maintenance standards, to the Municipal Code, and to a [Good Neighbor Handbook](#)
 - Pasco Municipal Code [Ch. 11.02](#) - Civil Infractions - Violations and Procedures - Provisions cover: Voluntary correction agreement: contents, administrative review of compliance, extension-modification, abatement, collection of costs; Notice of civil violation: issuance, content, service of notice, extension, monetary penalties; hearing before code enforcement board: prior correction of violation, procedures, decision, penalties, appeal to Superior Court; summary abatement; recovery of costs
 - Pasco Municipal Code [Ch. 11.04](#) - Code Enforcement Board
- Prosser [Code Enforcement](#)
 - Prosser Municipal Code [Ch. 1.40](#) - Code Enforcement - Provisions cover voluntary correction, civil infraction, contents of form, abatement, hearing, appeal, explanation of mitigation of mitigating circumstances, monetary penalty and modification, criminal penalties
 - Prosser Code Enforcement [Flow Chart of the Complaint Process](#)
- Wenatchee [Code Enforcement](#) - Covers online complaint form and link to the Code Enforcement Board that reviews complaints and to the [Property Maintenance Assistance Guide](#)
 - Wenatchee Municipal Code [Ch.16.08](#) - Civil Infractions
 - Wenatchee Municipal Code [Ch. 2.10](#) - Code Enforcement Board
- Vancouver Municipal Code [Title 22](#) - Uniform Enforcement Code - Includes correction notice and required elements, notice of civil violation and order. order to revoke permit, service of notice of civil violation and order to revoke Permit. Summary abatement, appeals to the hearing examiner, and appeals to superior court

County Provisions

- Clallam County Code [Title 20](#) - Code Enforcement - General provisions cover: enforcement authority and administration, conference, guidelines regarding responses to potential violations, investigating potential violations, enforcing civil code violations, Service of citation, notice and order, and stop work order, right of entry and warrants, certificate of correction, limitation of liability, denial of permits. Other provisions: voluntary compliance agreements, citations, notice and orders, stop work orders, penalties schedule, appeals, and liens
- Clark County Code [Title 32](#) - Enforcement - General provisions cover: administration, declaration of intent, right of entry, misdemeanor penalty, civil penalty, citation, abatement, additional enforcement, special investigation. Notices and orders of the director include: commencement of proceedings, notice and order, method of service, appeals, final order, supplemental notice and order, enforcement of a final order, and settlement of civil penalty claims. Other provisions include: suspension and revocation of permits, recovery of civil penalty and cost of abatement
- Kittitas County Code [Title 18](#) - Code Enforcement - Provisions include: Order to correct violation: contents, service, extension of time, repeat offense; Notice of violation and abatement: notice, notice of appeal, notice of hearing, hearing, order of hearing examiner, cooperative abatement agreements, cost recovery, special assessment; Notice of infraction: contents, service filing, determination, notice of lien, procedure; Failure to comply; Infraction hearings: contested hearing, mitigation hearing; and penalties
- Lewis County
 - Lewis County Code [Ch. 1.20](#) - General Penalty and Fines, Civil Penalty and Notices of Violation - Civil enforcement procedures includes: Enforcement, violations - investigations - evidence, notice of infraction

contents, filing, response, notice of Failure to Sign, Appear, or Satisfy Penalty, representation by attorney, hearing procedure, explanation of mitigating circumstances, monetary penalties - restitution, court order, and costs and attorney fees

- Lewis County Code Ch. 1.22 - Abatement of Public Nuisances - Covers summary abatement, recovery of costs and expenses, interference, lien - authorized, removal of evicted personal property and/or solid waste placed onto public access

Abatement Notices

The forms are presented for illustrative purposes and may not currently be in use.

- Burien
 - Administrative Notice of Violation - Sample violation notice of a nuisance form for removal of a nuisance from property
 - Second Notice - Sample letter to property owner regarding nuisance; failure to voluntarily remove it in two weeks will result in court action
 - Limited Right of Entry Agreement - Sample form for removal of a nuisance from property
- Everett Letter to Owner/Resident, Violation Citation, Violations Hearing Examiner
- Kennewick Code Enforcement Request for Investigation

Right of Entry

Consensual searches are not unreasonable and do not require a warrant. However, it is now advised that a warrant be obtained to enter property when permission is not obtained. In a Ninth Circuit Court case involving the City of Santa Ana, Connor v. Santa Ana, 897 F.2d 1487 (9th Cir. 1990), the court held that a warrant was required prior to entering property to inspect for a nuisance violation. This was based on the fourth amendment of the U.S. Constitution due process clause.

A warrant may not be needed for a nuisance that is located in plain view, such as in an open front yard. This is the holding in Ninth Circuit Court of Appeals case, Schneider v. County of San Diego, 28 F.3d 89 (9th Cir.1994). In this case the court addressed the legality of the county abating a nuisance on private property, after all the proper notices had been given to the property owner. The court recognized an exception in regard to searches on private property where the activity takes place in *open fields*, where there is no recognized expectation of privacy.

In City of Pasco v. Shaw, 161 Wn.2d 450 (2007), to address a problem with the poor conditions of some rental units within the city, the city council passed an ordinance requiring landlords, to be licensed by the city, have inspections made of their rental units, and furnish the city with certificates of inspectors certify that their units met applicable building codes. A challenge was brought, arguing that the required inspections constituted improper searches and that the inspection ordinance was too vague to be enforceable. On appeal, the court disagreed.

Chronic Nuisance Properties

- How City Attorneys Can Help You in the Fight Against Chronic Problem Properties, presented by Carolyn Ortler, Center for Problem Oriented Policing, Conference Papers 2007

Ordinance Provisions

- Bremerton

- Bremerton Municipal Code Ch. 9.92 - Chronic Nuisance Properties - Defines nuisance activity, review of complaint by police chief or designee, warning, review by city attorney if no response, review by superior court.
- Landlord License Application - Rental housing requires licensing
- Des Moines
 - Des Moines Municipal Code
 - Ch. 5.60 - Overnight Lodging - Provides additional requirements designed to deter crime in order to obtain or maintain its business license endorsement. The calls for service and crime statistics for each hotel and motel will be compiled for a 12-month period ending June 30th of each calendar year.
 - Ch. 5.64 - Rental Housing - Requires crime free endorsement and provides for every police service call involving gang, drug or vice related activities or any other serious and significant criminal activity as determined by the chief of police, the owner and tenant of the rental unit requiring the police service call shall be assessed, jointly and severally, the actual costs of the police service call or \$50.00, whichever amount is greater
- Everett Municipal Code Ch. 9.64 - Chronic Nuisance Properties - Includes in definition of chronic nuisance properties, nuisance activity on property within 200 feet of nuisance property that involve person in charge of property or associated with person in charge of property.
- Lakewood Municipal Code Ch. 5.60 (amended 2016) - Establishes a rental housing licensing and inspection program to prevent and correct conditions in residential rental units
- Seattle Municipal Code Ch. 10.09 - Chronic Nuisance Properties - Chronic nuisance property includes 3 nuisance activities within six months or seven nuisance activity within 12-month period. Also includes upon a request for execution of a search warrant, has been the subject of a determination by a court two or more times within a twelve-month period that probable cause exists that illegal possession, manufacture or delivery of a controlled substance or related offenses as defined in RCW Chapter 69.50 has occurred on the property.
- Spokane Municipal Code Ch. 10.08A - Chronic Nuisance Properties
- Tacoma Municipal Code - Title 8 - see Ch. 8.30A - Chronic Public Nuisance
- Union Gap Municipal Code - see Ch. 8.21 - Chronic Nuisance Properties - Includes same definition as Seattle provisions re Ch. 69.50 RCW

Last Modified: September 22, 2016



Should Legislative Bodies Conduct Quasi-Judicial Hearings?

August 31, 2016 by [Joseph W. Tovar](#)

Category: [Land Use Administration](#), [Planning Advisor](#)



Photo credit: [Michael B.](#)

Can you be a legislator and a judge at the same time?

Any high school civics student can correctly answer this question with respect to the federal and state governments. The answer is an unequivocal “no” because of the separation of powers doctrine - one of the key principles contained in both the federal and state constitutions.

The response to this issue at the local

government level, however, has historically been different, particularly with respect to the land use permit review process.

People are elected to Congress or the Washington State Legislature to be lawmakers. They make the law by adopting legislation. The administration and enforcement of laws adopted by those legislators is the responsibility of the executive branch. The judicial branch of government plays a very different role - it applies the meaning of the law to cases brought before it.

Adjudication requires reviewing evidence and arguments and applying the law to the facts of the case to determine the outcome. In contrast to the legislative and executive branches, which are unquestionably political bodies, the judicial branch at both the federal and state level was designed to be apolitical - rendering judgments based on facts and law, not on popular opinion or campaign promises.

This “separation of powers” has been less absolute at the local government level in Washington. Since statehood, local governments have mirrored the distinct roles and functions of the legislative branch (e.g., city, town, and county councils) and the executive branch (e.g., elected mayors). However, until the 1970’s, councils in all Washington cities also played a “quasi-judicial” role with respect to certain land use permits. They were responsible not only for adopting local zoning laws, but sitting in judgment on appeals when zoning permits were approved or denied by an administrator, a board of adjustment, or a hearing examiner. Any party dissatisfied with the council’s decision on such appeals may appeal to superior court. A superior or appellate court may overturn a council’s decision, but significantly, depending on the circumstances, may also impose financial judgments against the city.

Since the 1970s, many counties and cities have moved away from the “quasi-judicial” role. This movement began with the adoption by local governments of the **hearing examiner system** to conduct public hearings on many quasi-judicial land use permits, building a record, and adopting conclusions of law to support the decision. Hearing examiners are hired because of their background in land use law and most are lawyers. Their professional training enables them to avoid procedural or other errors that would undermine the legal sufficiency of the permit review and decision. As non-elected officials, hearing examiners are insulated from political pressures and are relied upon to render objective and impartial decisions.

Many cities in the state now use hearing examiners to conduct at least some quasi-judicial public hearings. While council action is required on rezones, the law gives councils the option to assign to their hearing examiners authority to make final decisions on other types of quasi-judicial permits. Examples of such permits are conditional use permits, variances, planned unit developments, design review approvals, site plan approvals, and short subdivisions.

Over the past decade, many city councils have removed themselves from final approvals and appeals of these types of quasi-judicial decisions, delegating that responsibility to their hearing examiners. This means that any appeals of a hearing examiner’s decision are taken directly to superior court rather than to the council. Why have those cities, including Covington, Kirkland, Mercer Island, Shoreline, and Edmonds, taken this step? Why should your council consider following their lead? There are many reasons, but here are the top three:

1. One major concern is the financial risk of having lay elected officials with no training or background in the law attempting to, in effect, practice law. That is why the Washington Cities Insurance Authority, the risk pool for many cities in the state, strongly encourages councils to divest themselves as much as possible of the quasi-judicial role. There are a number of procedural pitfalls that could expose the city treasury to multi-million dollar judgments. Even the most intelligent, best-intentioned, and detail-oriented people make mistakes. The risk of such mistakes is amplified at least seven-fold when seven non-legally trained council members are involved, rather than a single legally-trained hearing examiner.

When sitting as a quasi-judicial body, some city councils conduct not only the hearing but also their deliberations in open session. Some do so in an effort to make the process more transparent, but this practice also increases the surface area for a procedural misstep to occur. A too frequent error is allowing a member of the public to make comment outside the record, after it is closed. Sometimes council members feel compelled to make off-the-cuff remarks in an attempt to mollify unhappy citizens, a practice which is fraught with risk. A hearing examiner listens to public comments at the hearing and may ask questions of clarification, but her/his deliberation is an internal mental process – it occurs after the hearing is over, not while it is still in session.

2. Quasi-judicial cases can be extremely time intensive. The record and written and oral argument can consume many hours of time to be sufficiently reviewed, debated, and discussed. This is typical even for project permits that are fairly small in scope, such as a four-lot short plat or a variance for an individual house. City councils have many demands on their agenda time including issues with far greater impact on the well-being of the entire community.

Only the elected council can adopt city budgets, ordinances and programs, and provide overall policy direction to the many functions of the city organization. They cannot delegate those responsibilities to others. With the exception of rezones, councils can delegate the quasi-judicial role.

3. The quasi-judicial role frequently places city council members in an untenable lose-lose predicament.

Elected officials can be caught between the need to be responsive to the desires of their constituents and their duty to be responsible to the clear legal criteria governing the permit decision before them. For example, elected officials involved in a quasi-judicial hearing may not engage in "ex parte" discussions with community members about the pros and cons of that case, which can be frustrating for both parties. Doing the right thing by the legal criteria for a decision may result in a political cost at the next election, while departing from the legal framework in order to satisfy constituents runs the risk of a potentially catastrophic hit on the city treasury.

The reasons for councils to remove themselves from the quasi-judicial role are many and compelling. This does not mean that they can no longer be responsive to the needs of their communities and citizens. Indeed, it should be remembered that every quasi-judicial decision is governed by the applicable land use policies and code standards that are adopted by – the city council!

To that end, a council's time and attention to land use matters is best invested in adopting clear and effective policies and codes that govern all permits, including quasi-judicial ones. Several cities also require an annual report from their staff and hearing examiners summarizing the nature, frequency, and disposition of quasi-judicial permits. Such ongoing monitoring enables them to identify land use policies or standards that should potentially be revised. By playing this legislative role, a role for which they are uniquely suited and which only they can play, a city council can more effectively provide needed direction to the development of their community without exposing the city to needless financial risk.

About Joseph W. Tovar

Joseph W. Tovar writes for MRSC as a [Planning Advisor](#).

Joseph W. Tovar, FAICP, helps communities create visions of their preferred futures, and how to implement them through plans, codes, projects, strategies and organizational training. He has served as planning director for the cities of Shoreline, Kirkland and Covington and as Chair of the Growth Management Hearings Board. Now in private practice, Mr. Tovar has provided consultant services to private clients as well as Snohomish and Kitsap counties, the cities of Everett, Lacey, Kirkland, and SeaTac, as well as the Association of Washington Cities. He is a Fellow of the American Institute of Certified Planners and an Affiliate Associate Professor at the University of Washington. He has taught land use decision-making and city planning best practices to audiences of planning commissioners, elected officials, planning directors and graduate students. More information is posted online at www.tovarplanning.com. He can be reached at joe@tovarplanning.com.

The views expressed in Advisor columns represent the opinions of the author and do not necessarily reflect those of MRSC.

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[Leave a Comment](#) »

Comments

3 comments on Should Legislative Bodies Conduct Quasi-Judicial Hearings?

"Very thoughtful piece. It raises, in my mind, a "flip-side" question of whether the judges on the State Supreme Court should engage in quasi-legislative activities such as rule-making for the state court system. Perhaps court rules should be adopted by a council or commission comprised of judges from all levels, legislators, lawyers and lay people. Then the members of a specific court, like the State Supreme Court, would not have to be in the rule-making business, a legislative task that they are not necessarily suited for--this is similar to Joe's point that city councilmembers might not be suited for acting like judges."

Hugh Spitzer on Sep 6, 2016 1:24 PM

"Crystal-clear and compelling! Thanks for this fine post, Joe."

Ann Macfarlane on Aug 31, 2016 3:05 PM

"Many city councils are not comfortable allowing the hearing examiner to make the final decision on a land use case. However, those city councils should be aware that if they believe that the hearing examiner's decision is not supported by substantial evidence (as required by LUPA in RCW 36.70C.130), they can appeal that decision to superior court under LUPA. As long as the city council doesn't request a stay of the decision, such an appeal should not subject the city to a damages claim. See, *Hunt Skansie Land v. City of Gig Harbor*, U.S. Dist. Court, W.D. Wash. 12-23-10, 2010 WL 5394991. Be sure that you have a permit processing chapter which addresses appeals by identifying the city council as a "aggrieved party," to eliminate unnecessary disputes. later on standing issues."

Carol Morris on Aug 31, 2016 3:04 PM

CODE ENFORCEMENT ORDINANCE

CITY OF ANACORTES – OCTOBER 3, 2016

CODE UPDATE OVERVIEW

2016/2017 Anacortes Municipal Code Amendments - Anticipated Schedule

Elements / Schedule*	2016	Sep	Oct	Nov	Dec	2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Code Enforcement & Penalties		CC Public hearing	CC additional discussion		CC adoption by 12/31													
Land Use Permit Procedures			PC meetings & hearing; CC meetings & hearing		CC adoption by 12/31													
Stormwater, Clearing/Grading		PC Public Hearing	CC Public Hearing		CC adoption by 12/31													
Medical Marijuana Cooperatives			PC/CC public meetings; hearings		CC adoption by 12/31													
Critical Areas				Public engagement; 1st draft development					PC/CC public meetings & hearings									CC adoption by 6/30
Zoning, Development Regulations & Design Standards				Development of concepts; community engagement; public workshop					PC Meetings; Hearings									CC Meetings; Hearings; adoption

* This schedule is intended to be general in nature and is subject to change.
Updated 9/27/16

APPEAL PROCESS – CURRENT CODE



CODE ENFORCEMENT IN THE CURRENT CODE

- Chapter 18.14: Nuisances
- Chapter 17.10 – Code Enforcement Appeals to Board of Adjustment
- Chapter 17.08 – Code Enforcement procedures
- Title 15: Building Code Procedures
- Title 16: Subdivision Code Violations
- Section 13.04.07 – Sewer Backup
- Sections 8.02.210-250 - Litter Enforcement Procedures
- Very few violations fit cleanly into one category

APPEAL PROCESS – PROPOSED

Preliminary
Investigation
by Director

- Complaint-Based
- Right of Entry allowed with owner permission

Director Issues
Administrative
Order

- Stop Work Orders
- Supplemental Orders
- Final Orders

Director Pursues
Appropriate
Remedy

- Voluntary Compliance Agreement
- Certificate of Non-Compliance
- Civil Infraction
- Civil Penalty
- Abatement

Appeals

- Any aggrieved party may Appeal to HE within 14 days of Administrative Order
- HE must hold hearing within 90 days of Administrative Order
- HE issues written findings
- Party may request reconsideration
- Aggrieved party may appeal to Skagit County Superior Court

HIGHLIGHTS OF ORDINANCE 2988

- **Creates Code Enforcement Procedures and remedies**
 - **Title 20**: New Title: Civil Enforcement and Penalties
- **Fixes Nuisance Code in light of new Title 20**
 - **Title 9**: Adds new sections on Nuisances
 - Public nuisance defined
 - Criminal penalties
 - **Title 18**: Removes Nuisances from Title 18 (Environment)
- **Provides a Hearing Examiner to hear Code Enforcement Appeals**
 - **Title 2**: Creates the Office of the Hearing Examiner
- **Cleans up Misc. Code Enforcement Provisions**
 - **Title 16**: Deletes code enforcement procedures from Subdivision Title

STRUCTURE OF TITLE 20

- **Chapter 20.10: General Provisions**

- Policy
- Definitions
- Civil Violations

- **Chapter 20.20: Procedures**

- Investigation
- Administrative Orders
- Appeals

- **Chapter 20.30: Remedies**

- Voluntary Compliance Agreements
- Certificates of Non-Compliance
- Infractions and Penalties
- Abatement
- Settlement

ADDITIONAL CONSIDERATIONS

- Code Enforcement update is necessary to support LID update and Title 19 update
 - City is required to implement LID update by end of 2016
 - Title 19 update is necessary to support LID update
- Fees must be set by resolution
- After Ord 2988 is passed, City will likely have many more code enforcement actions
 - Will go to Council if not set up with HE system
 - Increased demand on City resources
- Public will be able to go to one place (Title 20) for all code enforcement procedures

A decorative graphic on the left side of the slide, consisting of a white wavy line with a yellow border, set against a dark brown background.

QUESTIONS?

THANK YOU!



City Council Agenda Bill

Meeting Date: 10/3/2016 **Agenda Item:** 7a

Subject: Zoning, Development & Design standards code updates – Draft Scope of Work

Staff Contact: Libby Grage, Planning Manager

Approved for Submittal to Council by	
	Laurie Gere, Mayor
x	Don Measamer, PCED Director

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
	Contract
	Public Hearing
	Staff Report
x	Discussion

Summary Statement: Attached, for discussion, is a preliminary scope of work prepared by MAKERS architecture & urban design, outlining goals, assumptions and tasks associated with assisting the City with updating the zoning, development and design standards in the Anacortes Municipal Code. The purpose of the updates is to implement the recently adopted 2016 Comprehensive Plan.

This process will be coordinated with the efforts currently underway to reorganize the code into a Unified Development Code, and other updates (view more information and anticipated schedule [here](#).) Also attached, for discussion, is a DRAFT public participation plan outlining initial thoughts about the overall process and opportunities for public input.

Background: MAKERS assisted with the 2016 Comprehensive Plan update and has extensive experience in assisting jurisdictions with updating their development and design standards so that they are clear and user-friendly. Here are links to a couple of examples of development codes and design standards with which MAKERS has been involved:

Ellensburg Land Development Code (Title 15) – link:

<http://www.codepublishing.com/WA/Ellensburg/#!/Ellensburg15/Ellensburg15.html>

Boise Citywide and Downtown Design Standards – link: <http://pds.cityofboise.org/planning/dr/>

Redmond (DRAFT) Urban Center Design Standards – link (to Makers ftp site – link good for two weeks):

<https://makers.exavault.com/share/view/dbrk-9cvfcejk>

Budget Impact	
Amount Budgeted	\$129,000
Budget Account (BARS)	001.240.558.60.41
Proposed Expenditure	\$129,000
Budget Amendment Required?	N/A
Revenue Source	General fund

Proposed Contract	
Contractor	Makers
Amount	\$129,000
Start Date	10/17/16
End Date	12/31/17

Previous Council/Committee Action: The Council Planning Committee reviewed and provided feedback regarding the preliminary scope of work on September 12, 2016.

Competing Viewpoints Considered: This is the first draft of the scope of work and public participation plan, for discussion and input.

Recommended Motion: I move to direct staff to prepare a contract with Makers architecture & urban design consistent with the 9/20/16 scope of work for placement on a future Council meeting consent agenda.

Alternative Actions: The Council could direct staff to make revisions to the scope or not approve the scope of work.

Attachments (listed in order presented):

DRAFT Scope of Work, September 20, 2016, MAKERS architecture and urban design
DRAFT public participation plan



Anacortes Unified Development Code

Scope of Work

September 20, 2016

Project Goal

Assist staff in drafting a user-friendly unified development code (UDC) consistent with the comprehensive plan.

Project Assumptions

A number of assumptions were made in developing this draft scope of work:

- Community engagement: Since the development of the land use concepts in the comprehensive plan included significant community engagement, the initial code development process will largely be conducted between MAKERS and City staff. Once a draft concept is developed involving the full range of land use code issues, MAKERS will lead a citywide public workshop, a topic specific workshop, and a series of stakeholder meetings to present the code concepts (see Task 3) and invite feedback on the concepts.
- Major code elements: Below is a list of key elements in the updated unified development code. Items listed in bold are those elements where MAKERS is expected to lead or assist in developing new content.
 - General Provisions
 - Permit Procedures
 - Variances
 - **Zoning**
 - **Development and Design Standards**
 - Non-Conforming Uses
 - Essential Public Facilities
 - Critical Areas
 - Shorelines
 - Stormwater
 - Clearing and Grading
 - **Land Divisions**
 - Boundary Line Adjustments
 - Concurrency
 - Impact Fees
 - **Development Agreements**
 - Enforcement and Penalties
 - Legislative Actions
- Code organization: As a significant part of the code update, MAKERS will assist the City in efforts to re-organize the code to make it more user-friendly and allow for future amendments.
- Code language: The new UDC will emphasize the use of plain language that's clear and predictable for all code users and community members.

Proposed Tasks

1. Project Start-Up. (Month 1)

Meet with City staff to discuss project elements, schedule, assumptions, applicable background information, and preliminary ideas. Discuss the proposed outline of the code and identify potential issues and refinement needs. Go through each proposed chapter and discuss how current code can be converted, what updates are needed, and who will be taking the lead on changes. This task includes a meeting with City Council to discuss the work plan and preliminary approach and ask City Council members what aspects of the updated code and code development process are most important to address.

Deliverable: Updated schedule and scope of work and a summary of City Council comments and suggestions.

2. Prepare code concepts. (Months 1-5)

MAKERS will prepare preliminary concepts based on community input from the Comprehensive Plan process. The concept will include the following elements:

- Development agreements
- Updated zoning provisions including permitted uses and form & intensity standards
- Streetscape design provisions (focus on sidewalk with, street trees, and planting strips for the different roadway types)
- Subdivision design provisions
- Commercial & multifamily design standards, including
 - Site orientation standards for new commercial & multifamily development
 - Site design & elements provisions
 - Site design element provisions
 - Building design provisions
 - Landscaping provisions
 - Special area specific provisions
- Housing type standards
- Landscaping standards
- Off-street parking standards
- Sign standards

During this process – MAKERS will also collaborate with staff in updating administration and procedures related sections into the new code organization.

Staff check-in conference calls will occur every two weeks during this period.

Assumptions: MAKERS will primarily use photos and existing available graphics to illustrate the standards for private development. Simple new graphics and some revisions to existing graphics will be necessary. Budgeted hours don't allow for elaborate detailed 3D illustrations. Likewise, for streetscape design concepts, the budget provides for conceptual plan view and cross-section drawings of a prototypical "to scale" block. The budget also assumes the use of photographs to illustrate special design concepts (crosswalk design, curb ramps, benches, etc.) rather than detailed hand drawn or computerized drawings.

Deliverable: Code concepts as noted above.

3. Community engagement. (Months 2-8)

3.1 Public Workshop

MAKERS and City staff will conduct a presentation/open house to present the draft code concepts to the community and obtain feedback.

3.2 Stakeholder Interviews and Planning Commission Review

Ideally, City staff assembles a mix of local stakeholders, interested community members, and public officials to interview early in the project to discuss issues, goals, and preliminary concepts. Secondly, this task assumes the City utilizes the Planning Commission as a sounding board to review/discuss/refine the code concepts. This task assumes one site visit by MAKERS for the interviews and a second visit to a strategic Planning Commission meeting (perhaps to review preliminary code concepts). Staff would facilitate a series of other recurring meetings with the Planning Commission. MAKERS will coordinate with staff and provide meeting materials (agendas, review materials, questions) as necessary.

3.3 Topical Public Workshop

While Task 3.1 above will encompass all code elements, some of the code elements may warrant their own topic specific workshops – to obtain greater community input/feedback and allow us to present a greater level of detail appropriate for the topic. This task assumes one such topical workshops – to be determined by the City. A sign standards focused workshop is a possible topic.

Deliverable: Workshop presentation materials, handouts, survey/comment results, committee meeting materials (presentations, agendas, handouts, and meeting minutes).

4. Prepare full first draft code. (Months 5-8)

MAKERS and City staff will use results from Task 3 to refine concept material into a full first draft of the zoning code – including the elements and assumptions referenced in the Code Organization & Assumption Table above.

Staff check-in conference calls will occur every two weeks during this period.

Deliverable: Full first draft of the zoning code.

5. Refine & adopt code. (Months 6-12)

MAKERS will help staff present the draft zoning code at a joint City Council/Planning Commission workshop and assist staff during the remaining adoption process. In addition to the joint workshop, MAKERS will provide technical information on an as needed basis. Following adoption, MAKERS will make necessary updates to the document to prepare for publishing.

Staff check-in conference calls will occur on an as-needed basis.

Assumptions: In addition to the joint City Council/Planning Commission workshop, MAKERS will attend up to three additional on-site meetings to present the draft code, answer technical questions related to the code, and discuss/suggest possible zoning code refinements. MAKERS will also coordinate with staff on as needed basis during this time. Where extensive changes are needed to the draft zoning code and/or additional meetings are requested, budget adjustments may be necessary.

Deliverable: Adopted zoning code plus presentation materials and requested technical information.

Budget

Task	HOURS		AMOUNT
	Partner \$185	Staff \$100	
1. Project start-up	20	10	\$4,700.00
2. Prepare preliminary concepts	140	100	\$35,900.00
3. Community engagement	80	55	\$20,300.00
4. Prepare draft zoning code	140	100	\$35,900.00
5. Refine & adopt code	80	30	\$17,800.00
Project Management (6 hours/month/12 months)	72		\$13,320.00
TOTAL HOURS	532	295	\$127,920.00
Travel: (=\$120/anticipated trip x 9 trips)			\$1,080.00
TOTAL			\$129,000.00

2016 / 2017 City of Anacortes

Zoning, Development and Design Standards Code Update

DRAFT Public Participation Plan

The City of Anacortes is updating its codes to implement the 2016 Comprehensive Plan. Update topics within the scope of this public participation plan include, but are not limited to, zoning, development and design standards, land divisions, planned unit developments, development agreements, landscaping, off-street parking, and signs.

As a supplement to the City's Growth Management Act (GMA) Public Participation Process as established by the City Council, the following specific public involvement and community outreach activities are anticipated in order to inform the community regarding the development of the 2016 / 2017 AMC update and to obtain community input in that development process.

Initial Concept Development

The 2016 Comprehensive Plan underwent an extensive public process with over 80 public meetings and a very high level of public involvement. During this process, the 2016 Comp Plan Update Community Advisory Committee also provided a variety of recommendations for achieving the community's vision for the future. The project team will utilize this input to prepare the initial draft code concepts.

Public Workshop(s)

At least one public workshop / open house will be held to present the draft code concepts to the community and obtain community feedback.

Stakeholder Interviews / Meetings

Interviews of a variety of citizens, representatives from groups/organizations and businesses, property owners, developers, realtors, historic preservation advocates, economic development groups, city staff members, and others will be conducted early in the process to discuss issues, goals, and preliminary concepts.

City staff will also meet with stakeholder groups as requested or necessary. The goal will be to obtain as much input through the public workshops, open houses and at Planning Commission meetings listed below as possible to make efficient use of resources.

Planning Commission and City Council Review

The Planning Commission will be used as a sounding board to review, discuss and refine the code concepts at a series of study sessions that will be open to the public, with opportunities for comment. The Planning Commission may be divided into smaller sub-committees to take on various aspects of the code needing more detailed review. Regular updates will be provided by staff to the City Council; Council direction may be requested for issues that need to be resolved as the draft document is developed.

The Planning Commission will hold at least one advertised public hearing on the draft regulations to provide the opportunity for members of the public to officially comment on the amendments. Following

the public workshop(s), stakeholder interviews, Planning Commission study sessions, public hearing(s) and recommendation, City Council will consider the proposed amendments at a series of study sessions, hold a public hearing, and take action on the proposed amendments.

Information Distribution

Website

The code update project website is available at:

http://www.cityofanacortes.org/A2016_2017_proposed_code_updates.php.

The website will provide a project schedule, including opportunities for public comment; links to project documents; and staff contact information.

Stakeholder Notification

A process for notifying a wide range of stakeholder groups will be developed. The notices will contain a brief description of the project and the opportunities for participation. The stakeholder groups identified so far, include:

- Neighborhood groups
- Environmental groups
- Developer groups
- Bicycle/Pedestrian groups
- Business associations
- Building associations
- Architecture, engineering and planning professionals

Project Updates by E-mail

Periodic project updates will be provided to those wishing to receive them via email.

Project Contacts

Libby Grage, Planning Manager, libbyb@cityofanacortes.org

Development & Design Standards

Anacortes Municipal Code Update

October 3, 2016

Development regulations include:

- Zoning standards
 - Permitted & conditional uses
 - Density, form & intensity
 - Site, building & streetscape design
 - Parking & landscaping
 - Subdivisions, PUDs
 - Signs
 - And more
-
- Critical areas, stormwater and clearing/grading regulations are being updated as separate “packages”

The City needs to update its zoning and development regulations....:

- To implement the new 2016 Comprehensive Plan
 - Need standards for new zones & overlays
 - Design standards for commercial, multifamily, small lots
 - Achieve community affordable housing, economic development and other goals
 - And much more....
- To increase ease of use and predictability for everyone
- To fix inconsistent, contradicting regulations
- To transition to a Unified Development Code format

City/MAKERS Roles

- General Provisions
- Permit Procedures
- Variances
- **Zoning**
- **Development and Design Standards**
- Non-Conforming Uses
- Essential Public Facilities
- Critical Areas
- Shorelines
- Stormwater
- Clearing and Grading
- **Land Divisions**
- Boundary Line Adjustments
- Concurrency
- Impact Fees
- **Development Agreements**
- Enforcement and Penalties
- Legislative Actions

2016/2017 Anacortes Municipal Code Amendments - Anticipated Schedule

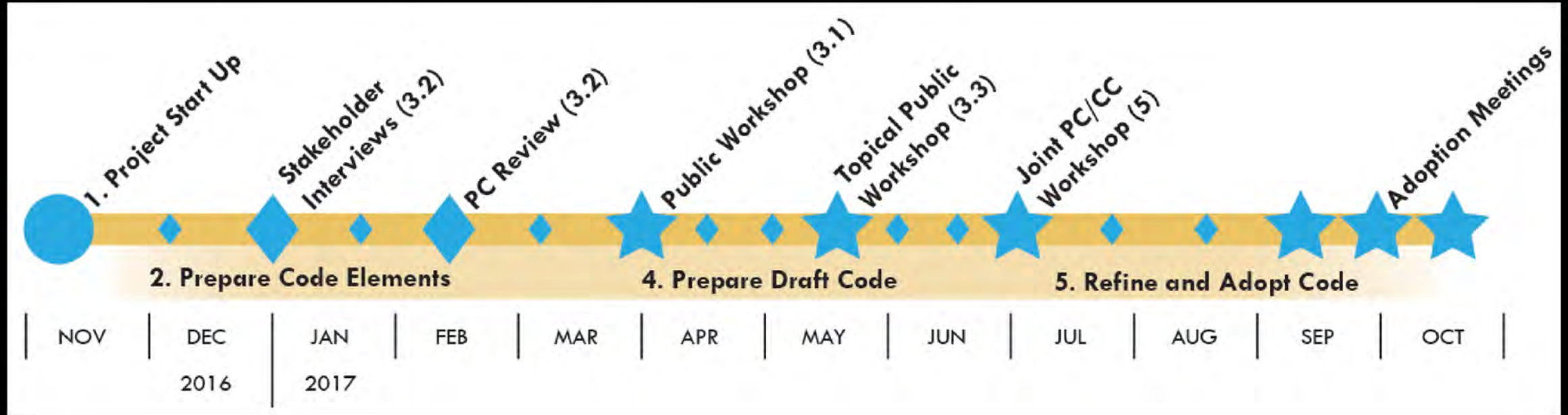
Elements / Schedule*	2016	Sep	Oct	Nov	Dec	2017	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Code Enforcement & Penalties		CC Public hearing	CC additional discussion		CC adoption by 12/31													
Land Use Permit Procedures			PC meetings & hearing; CC meetings & hearing		CC adoption by 12/31													
Stormwater, Clearing/Grading		PC Public Hearing	CC Public Hearing		CC adoption by 12/31													
Medical Marijuana Cooperatives			PC/CC public meetings; hearings		CC adoption by 12/31													
Critical Areas				Public engagement; 1st draft development		PC/CC public meetings & hearings					CC adoption by 6/30							
Zoning, Development Regulations & Design Standards				Development of concepts; community engagement; public workshop		PC Meetings; Hearings					CC Meetings; Hearings; adoption							

* This schedule is intended to be general in nature and is subject to change.
Updated 9/27/16

What is being requested of Council tonight?

- Approval of the scope of work developed by MAKERS, or direction to revise
 - If approved, a contract could be brought to a future meeting

Schedule/MAKERS Work Tasks



Implementing the Comprehensive Plan

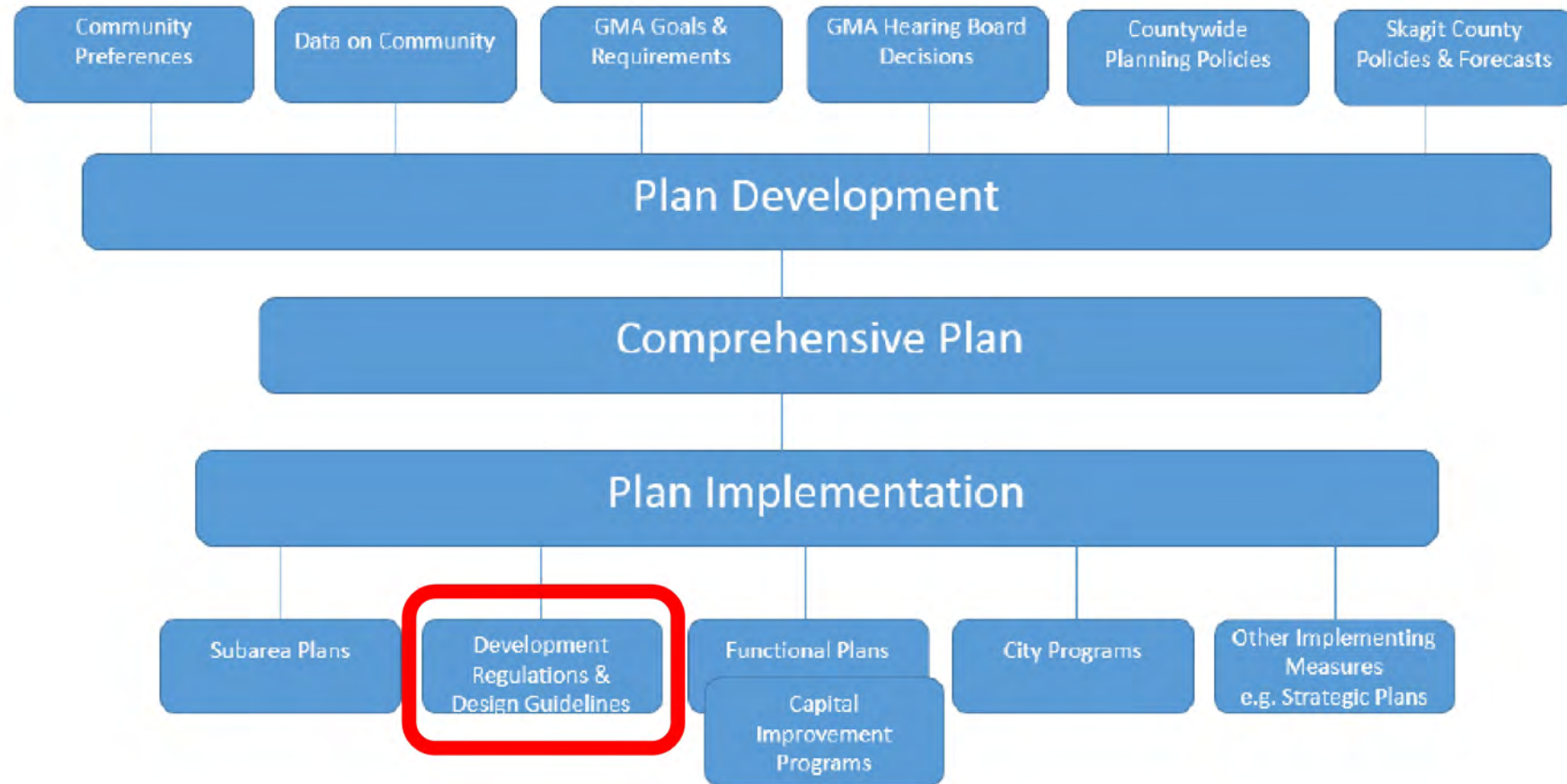
ANACORTES



Comprehensive Plan 2016



Table 2. Comprehensive Plan implementation flow chart.



Alternative Plan Concepts

February 23, 2015

Below are alternative plan concepts developed and refined by the Anacortes Comprehensive Plan Community Advisory Committee, Planning Commission, and City Council based on community input received throughout the planning process. The right column identifies potential 20-year growth implications (housing units) of the various alternatives. While a separate column is not included for the "No Action" Alternative, the relative growth implications are noted in the right column.

Alternative 1: Minor Changes – Accommodate Minimum Initial Growth Targets	Alternative 2: Embrace Strategic Changes – Accommodate-Modest Growth	20-Year Growth Projection (housing units by Alternative)		
RESIDENTIAL LAND USES				
Minor/modest increased in density throughout city	Embrace more opportunities for growth in all areas of city, particularly in the core areas of Anacortes			
Changes by Land Use Designation				
R-1: No Change	R-1: Re-designate most of R1 to R2	No Action	Alt 1	Alt 2
		156	156	324
R-2: Reduce lot size min from 7,500sf to 6,500sf Allow cottages (@ 2 cottages/dwelling unit)	R-2: Reduce lot size min from 7,500sf to 5,000sf - Allow cottages (@ 2 cottages/dwelling unit) - Allow duplexes by right (CUP now required) @ existing 9,000sf lot size minimum	No Action	Alt 1	Alt 2
		1148	1325	1778
R-3: Reduce lot size min from 6,000sf to 4,500sf (except Old Town) - Allow cottages (@ 2 cottages/dwelling unit) - Allow triplexes and four-plexes by right (CUP now required) @ same lot size minimums as existing	R-3: Reduce lot size min from 6,000sf to 3,000sf - Allow cottages (@ 2 cottages/dwelling unit) - Allow duplexes by right (CUP now required) - Update density minimums for duplex/triplex/fourplex to a flat standard of 3,000sf/unit - Allow triplexes and four-plexes by right (CUP now required) - Allow for assisted living facilities by right (CUP now required)	No Action	Alt 1	Alt 2
		201	304	746

Table LU-1. Land use designations.

The allowed uses and densities noted herein are intended as a summary of key provisions to guide implementing zoning codes, and not as a complete description of all possible uses.

"Special topics to explore" are intended to document future potential considerations that may warrant additional review.

Land Use Designation	Implementing Zoning Designation
Residential Low Density 1 <u>Purpose:</u> This designation provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest and agricultural land. <u>Principal uses & density:</u> Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings and cottage housing, may be allowed under certain circumstances. The permitted base density is up to 2 dwelling unit per gross acre. Densities up to 4 units per gross acre may be permitted via a special review process.	R1
Residential Low Density 2 <u>Purpose:</u> This designation provides for low density residential development in mostly established neighborhoods throughout the City. These areas are inappropriate for more intensive urban development due to the established character of the area and/or due to the area's separation from transit uses and commercial services. <u>Principal uses & density:</u> Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as duplexes, accessory dwellings and cottage housing may be allowed under certain circumstances. The permitted density is between 4 and 8 dwelling units per gross acre, depending upon the established development pattern and character of the area. <u>Special topics to explore:</u> Accommodate affordable housing and tiny houses (see Housing Element). Explore option for 6,000 sf lots where compatible with existing development (east of Anacopper Mine Rd.).	R2, R2a
Residential Medium Density <u>Purpose:</u> This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities and community facilities. <u>Principal uses & density:</u> Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings, cottage housing, and low density multi-family may be allowed under certain circumstances. The permitted density is 7-14 dwelling units per gross acre, depending on the particular housing types used and established development pattern and character of the area. <u>Special topics to explore:</u> Accommodate tiny houses (see Housing Element), reduce minimum lot size to 4,500 sf, and explore option for 3,000 sf lots where consistent with historic plats. Consider uses that provide neighborhood gathering places.	R3 R3a

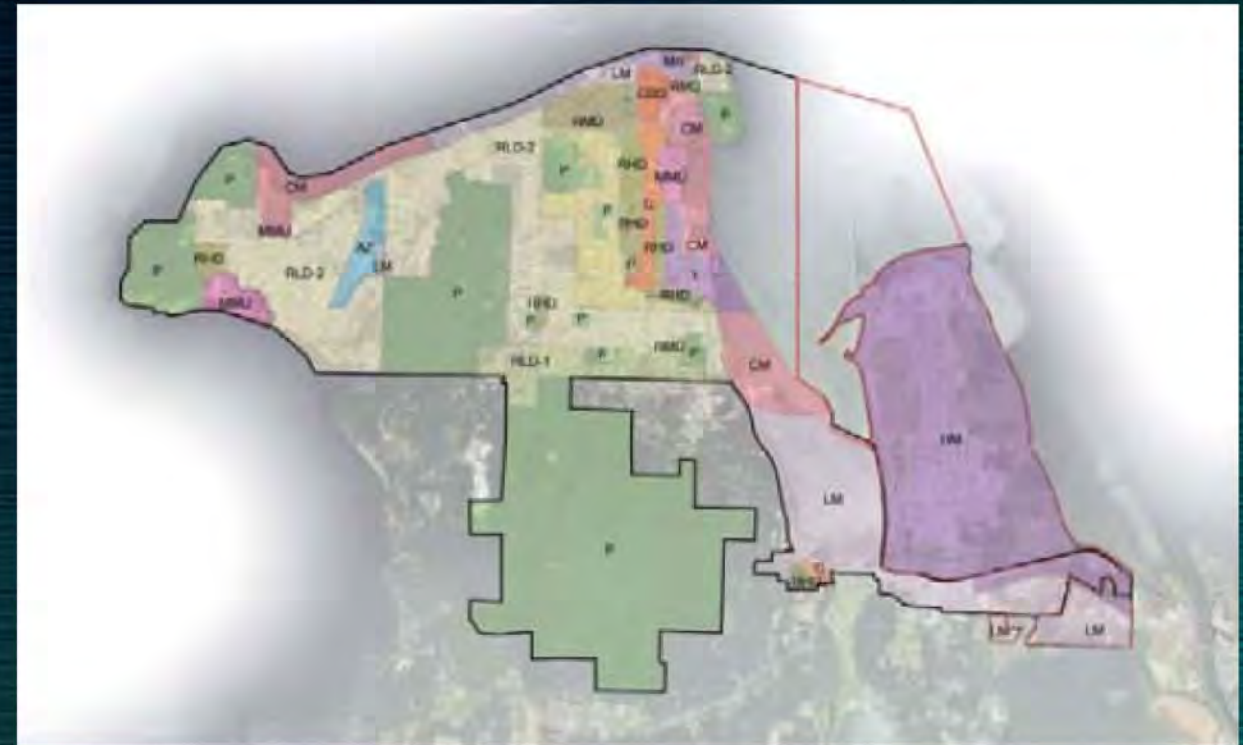


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Land Use Designation	Implementing Zoning Designation
----------------------	---------------------------------

Residential Low Density 1

Purpose: This designation provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest and agricultural land.

Principal uses & density: Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings and cottage housing, may be allowed per grid review.

Residential Medium Density

Purpose: This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.

Principal uses & density: Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings, cottage housing, and low density multi-family may be allowed under certain circumstances. The permitted density is 7-14 dwelling units per gross acre, depending on the particular housing types used and established development pattern and character of the area.

Special topics to explore: Accommodate tiny houses (see Housing Element), reduce minimum lot size to 4,500 sf, and explore option for 3,000 sf lots where consistent with historic plats. Consider uses that provide neighborhood gathering places.

Special topics to explore: Accommodate tiny houses (see Housing Element), reduce minimum lot size to 4,500 sf, and explore option for 3,000 sf lots where consistent with historic plats. Consider uses that provide neighborhood gathering places.

R1



R3
R3a

Goal LU-2. Community Design. Promote compatible pedestrian-oriented development that respects Anacortes's historic character and small town scale while strengthening its unique marine identity.

Policy LU-2.1. Adopt and administer user-friendly design standards and guidelines for commercial and multifamily development that emphasize the concepts below. Evaluate the effectiveness of adopted standards and guidelines over time and make adjustments as necessary to achieve community design goals and policies.

- A. Employ site and building design techniques that promote safe and inviting pedestrian access and connections, particularly public access to and along the waterfront.
- B. Provide building massing standards that respect the character and scale of Anacortes's business districts and residential neighborhoods.
- C. Place an emphasis on human-scaled design details that contribute to the City's character and identity.
- D. Promote the use of high quality durable materials that respect the site's historic context and enhance the City's maritime character.
- E. Promote design that takes advantage of special vistas, particularly marine views from public spaces.
- F. Encourage the use of landscaping elements as a defining feature of Anacortes's character.
- G. Develop special standards and guidelines for large site development that incorporate open space and landscaping as a unifying element, provide a connected system of pathways, integrate safe internal vehicular circulation, demonstrate sensitivity to the surrounding context, and take advantage of special on-site and nearby features.
- E. Integrate opportunities for flexibility in the design guidelines by allowing multiple ways of achieving standards and allowing strategic design departures provided the project meets the design intent.



Goal: Make Code Predictable & Easy to Use

- Use plain, clear language
- Clearly ID minimum requirements
- Illustrate the code
- Use tables rather than long lists
- Provide options, where appropriate

Current

17.24.020 - Permitted uses.

- A. Overnight accommodations, eating and drinking establishments, and bed-and-breakfast establishments;
- B. Automobile, farm machinery, and boat sales and service, auto service stations and repair;
- C. Retail and wholesale sales, home appliance repair;
- D. Finance and real estate establishments;
- E. Other commercial and service uses of similar or less impact upon the district than uses above. Includes parking lots, parks, dry cleaner, etc.;
- F. Multifamily units, above the first floor, with a maximum density of twenty-eight units per gross acre;
- G. Commercial parking;
- H. Public parking;
- I. Private parking;
- J. Adult retail, south of 22nd Street.

(Ord. 2316 (part), 1994; Ord. 2794, § 1(Att. A), 12-15-2008; Ord. No. 2812, § 1(Att. A), 1-4-2010; Ord. No. 2902, § 6, 5-6-2013)

17.24.030 - Permitted accessory uses.

Dwelling units in conjunction with and accessory to permitted uses, and located within the same lot as the permitted use. Any use customarily incidental to the permitted use. (Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008)

17.24.040 - Conditional uses.

- A. Manufacturing or assembly operations of small scale, not larger than five thousand square feet;
- B. Single-family houses;
- C. Landmark buildings with any approved use, generally not permitted within the area's land use district, but which occurs or will occur in a landmark building recognized as such by the city council;
- D. Restaurant sidewalk use;

Update

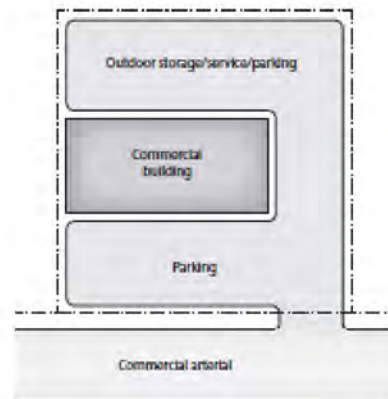
15.310.040 Use tables.

Table 15.310.040 Residential-based uses.

Use	R-S	R-L	R-M	R-H	R-O	C-N	C-T	C-H	C-C	C-CII	I-L	I-H
RESIDENTIAL, GENERAL												
Dwelling, single family* (ECC 15.540.020)	P	P	P		P							
Dwelling, cottage * (ECC 15.540.050)	P	P	P		P							
Dwelling, duplex* (ECC 15.540.030)	p ¹	p ^{1,2}	P		P				p ⁷	p ⁷		
Dwelling, townhouse* (ECC 15.540.060)	p ^{1,5}	p ¹	P	P	P	p ³			p ⁷	p ⁷		
Dwelling, multifamily* (ECC Article 5)	p ^{1,5}		P	P	P	p ³			p ⁷	p ⁷		
Dwelling, live-work*	p ^{1,4}		p ⁴	p ⁴	p ⁴	P			p ⁷	p ⁷		
Manufactured home park* (ECC 15.340.040)			C	P	C							
GROUP RESIDENCES												
Boarding houses, lodging houses, sororities, fraternities*		C	P	P	C				p ⁷	p ⁷		
Adult family home*	P	P	P	P	P	P			p ⁷	p ⁷		
Community residential facility*			C	C	C	C			p ⁷	p ⁷		

Illustrating How the Code Works - Examples

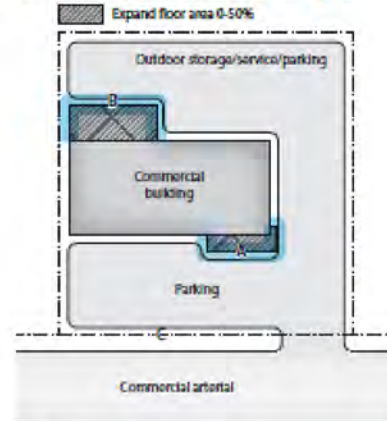
Existing



Pre-existing non-conformities:

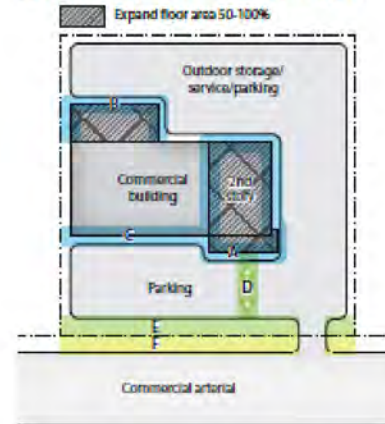
- Parking in front of building
- No pedestrian connection to entry
- Doesn't meet streetscape and landscaping standards
- Facade doesn't meet standards

Level I Improvement Example



- A. Entry addition meets facade and building design/materials standards (Section 2.2 and Chapter 4)
- B. Rear addition meets applicable building design/materials standards (Chapter 4)
- C. Sidewalk and landscaping improvements are encouraged but not required.

Level II Improvement Example



- A. Entry addition meets facade and building design/materials standards (Section 2.2 and Chapter 4)
- B. Rear addition meets applicable building design/materials standards (Chapter 4)
- C. Facade upgraded to meet applicable facade, building design/materials standards (Section 2.2 and Chapter 4)
- D. Pedestrian access improvements per Section 3.2
- E. Parking lot landscaping improvements per Table 3.8.3
- F. Sidewalk improvements per Section 2.2

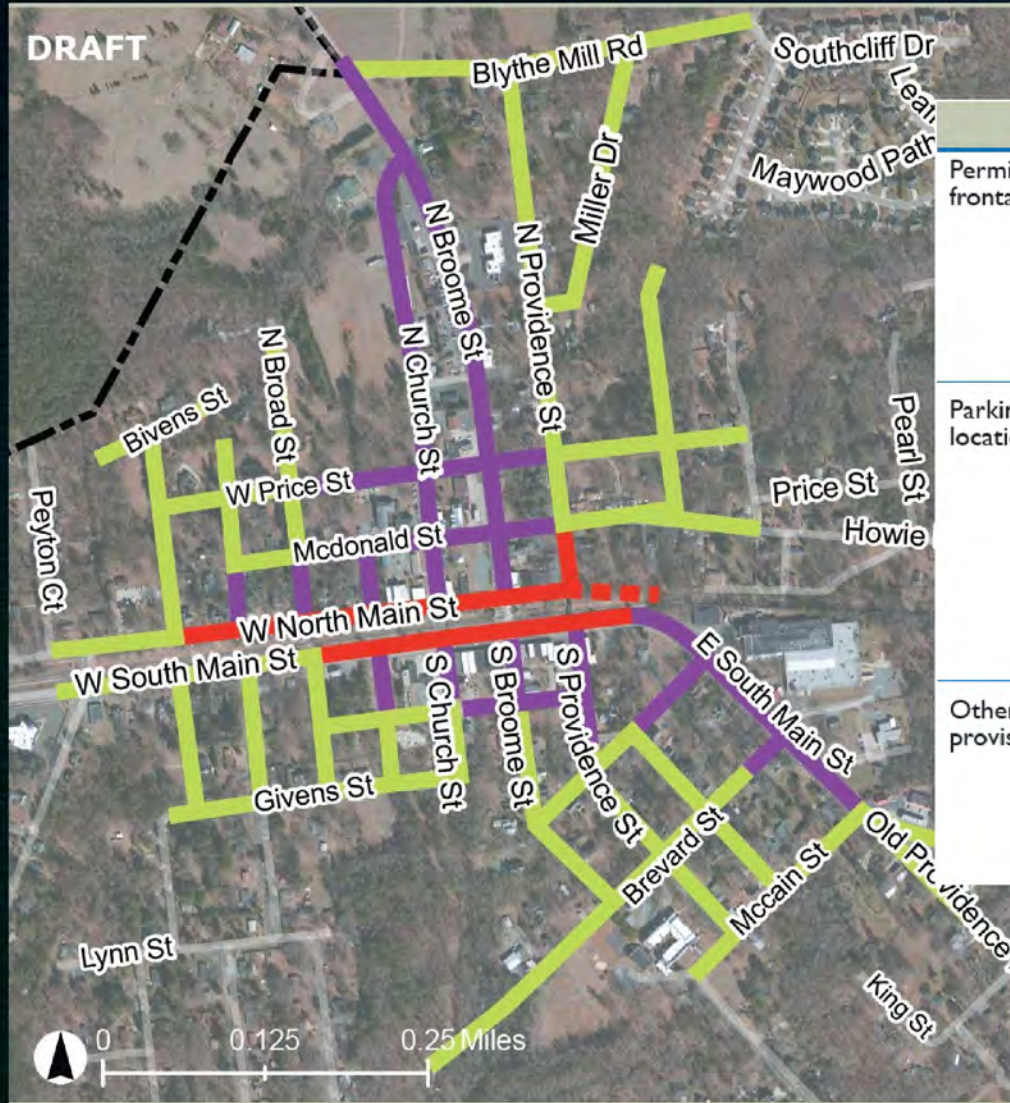
Level III Improvement Example

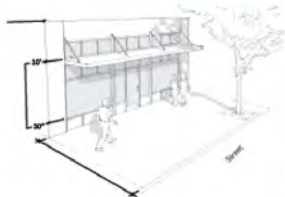
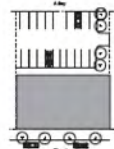
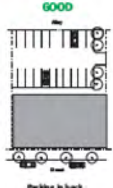
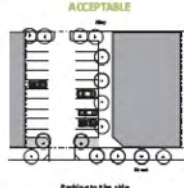


- A. Entire building meets applicable facade and building design standards (Section 2.2 and Chapter 4)
- B. Sidewalk improvements per Section 2.2
- C. Site design conforms with block frontage provisions (Chapter 2).

Fig. 1-2. Illustrating examples of each of the three improvement thresholds on a site.

Illustrating How the Code Works - Examples



	Storefront	Mixed	Landscaped	Other
Permitted frontages		← storefront -OR- landscaped →		storefront and landscaped are permitted but not required
Parking location	New surface or structured parking along street shall be placed to the rear or above storefronts  Parking in back	 GOOD Parking in back  ACCEPTABLE Parking to the side  NO Parking in front For multi-building developments, no more than 50% of frontage shall be parking or vehicular access areas.	No parking lot location restrictions	
Other key provisions	- Min commercial space depth = 20' (new buildings only) - No ground floor residential uses except lobbies/entrances for upstairs units	- Landscaping to soften façade and screen blank wall surfaces. - Provide minimum façade windows/transparency for non-residential uses (between 15-40% of ground floor façade, depending on building setback) - Provide minimum facade windows/transparency for residential buildings (at least 15% of the entire façade) - Ground level uses for landscaped frontages may be residential or commercial unless restricted by use provisions in the applicable zoning district		

Illustrating How the Code Works - Examples

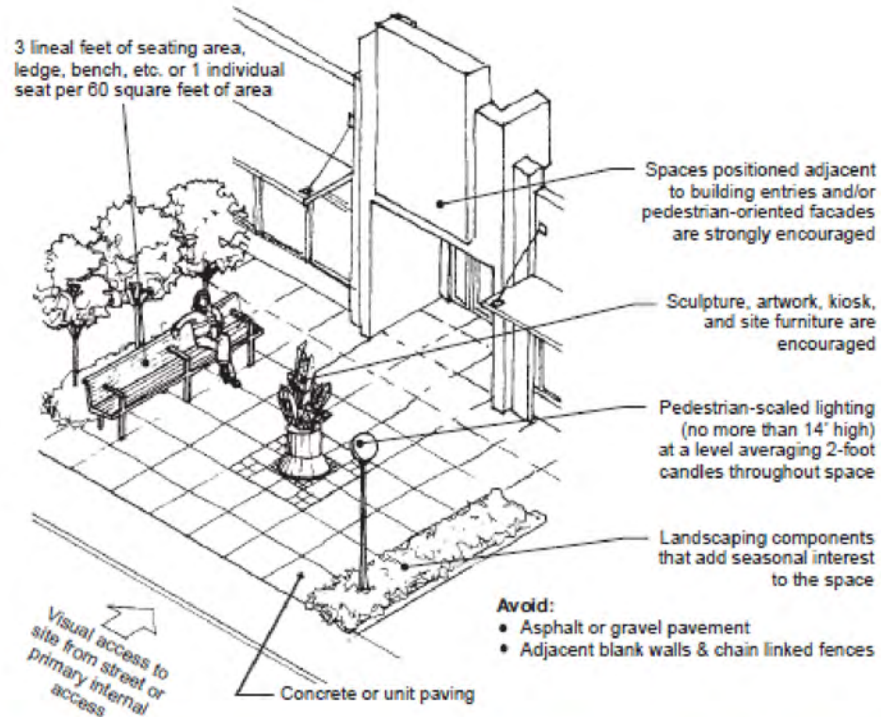


Fig. 3-27. Examples of pedestrian-oriented space.



Fig. 3-28. A good example in configuring usable pedestrian-oriented space into a neighborhood center development.

Illustrating How the Code Works - Examples

Employ at least one detail from each of the three categories:

1. Building elements and façade details:
 - a. Custom-designed weather protection element
 - b. Decorative, custom hanging sign
 - c. Decorative building-mounted light fixtures
 - d. Bay windows, trellises, towers, and similar elements
 - e. Other details or elements that meet the purpose of these standards

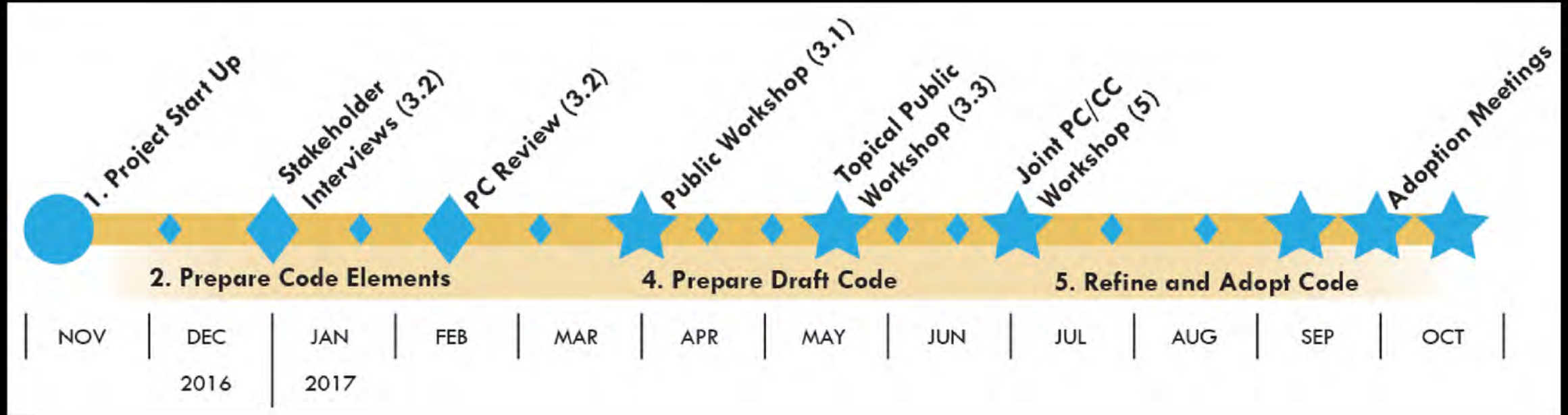


Figure 21.62.040V
Acceptable and Unacceptable Metal Siding Use



Building 1 uses metal siding as an accent element with masonry as the dominant material. Metal is used for the corners and upper floor. Building 2 integrates a variety of colored metal siding on upper floors to complement the windows and balconies. Building 3 uses a consistent gray colored metal siding on the middle floors, but with recessed windows and balconies. Building 4, on the other hand, uses an excessive amount of the same type and color of metal siding and would not meet the standards.

Schedule/MAKERS Work Tasks



Questions?



City Council Agenda Bill

Meeting Date: 10/3/2016
Propane services

Agenda Item: Interlocal Agreement

Subject: Approval of Interlocal agreement to convert City Fleet vehicles to propane use

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by	
	Laurie Gere, Mayor
	Steve Hoglund, Finance Director
	Darcy Swetnam, City Attorney

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
	Contract
	Public Hearing
	Staff Report

Summary Statement: See Attached

Background: See Attached

Budget Impact	
Amount Budgeted	na
Budget Account (BARS)	501.790.548.62.32
Proposed Expenditure	\$70,000
Budget Amendment Required?	no
Revenue Source	501.790.548.62.32

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: na

Competing Viewpoints Considered: na

Recommended Motion: I move the city council authorize the Mayor to execute the attached Interlocal agreement to provide Propane conversion for city fleet vehicles.

Alternative Actions: no action

Attachments (listed in order presented): Background, Interlocal Agreement, scope of services



City of Anacortes Public Works

Operations

Fleet Services

September 28, 2016

Propane Autogas vehicle conversion.

Background

In an effort to comply with the State mandated [RCW 43.19.648] alternative fuel requirement. We are proposing converting a number of our 2015 and 2016 vehicles to bi-fuel [operating with either gasoline or on propane Autogas]. We would also start converting all new pickups and full-size suv's upon purchase (when feasible). When the conversion is complete the vehicle will maintain the ability to operate on gasoline with the added benefit of operating on Propane.

Advantages of Propane

- Back up fuel source in case of emergency (Hurricane Sandy- propane most used fuel)
- Propane is clean burning which equals cleaner engine internals and longer service intervals which means lower maintenance costs.
- No loss of horsepower
- Longer driving range. With a full tank of propane and full tank of gas you could go longer between fill-ups if needed. (Because you can still use gasoline as well)
- Propane is a domestic fuel it is a byproduct of North American natural gas refining.
- Nontoxic so there are less environmental concerns with potential leaks
- Less flammable than Gasoline or Diesel
- Helps us come closer to the State mandate of purchasing 100% alternative fuels
- Most importantly Propane is inexpensive as compared to gasoline:
 - Currently \$.31 (including a .36 tax credit) vs \$2.27/gal for gasoline.
 - The \$0.36 tax credit on every gallon used as automotive fuel. Expires Dec 31st but will most likely be extended by the federal government.

What vehicles would we convert?

There are 2 basic types of vehicles in our fleet we want to convert. They are the 2015 and 2016 Chevy Police Tahoe's, and the 2015 and 2016 Chevy Silverado's. There are 10 total that we would convert. (10 is the minimum to be eligible for the Propane Autogas delivery service. In the future we would want to convert full-size light duty vehicles as we purchase them. This would be determined on a case by case basis.

What is the ROI and the cost savings?

Return on investment estimated:

- Tahoe's will have an est. 2.98-year return. Saving an avg. of \$2300 a year after that.
- Silverado's will have an est. 6.74-year return. Saving an avg. of \$1020 a year after that.

Currently approx. 82% cost savings over gasoline.

The ROI and the savings improve with increased mileage and higher gas prices. However, if the fuel tax credit does go away it lowers the ROI.

How and where will we get propane Autogas?

Propane fuel is available on the WA state contract. A Card Locked fueling station with tank, pump and card lock meter will be provided to us free of charge. The city will incur construction and electrical costs and a small annual tank rental fee. The fuel in the tank will be owned by the fuel contractor until pumped into one of our vehicles at which point it will be billed just like our gasoline is currently. All of this will be covered under state contract. City staff will build a concrete pad and install electrical service to the pad.

Filling Propane Autogas is more like fueling your gas powered car than it is filling a BBQ propane tank. A nozzle is inserted and locks into place and the user pumps the propane just like gasoline. No mess, no leaks no special equipment for the user.

The Anacortes School District is also seeking a source for propane Autogas. We recommend executing an Interlocal Agreement with the school district to allow them to use our system. This could be opened up to other government agencies in the area if we wished.

The propane fuel island will be located at the north end of the Operations upper parking lot.

How would this conversion process work?

Linn Benton Community College in Oregon has an alternative fuels department. They are an approved dealer for AGA brand conversion kits and have been assisting other fleets with converting vehicles. We can enter into an Interlocal with them to get all of our conversions done.

We will purchase 10 conversion kits from them, they would provide 4 days of training in which we would install 2 kits. We would install the other 8 kits at our own pace. They would come back out and inspect our installs and do some computer reprogramming.

Funding

The cost of this would be about \$68,000 for conversation plus in house construction costs of installing the fuel island. I believe that the conversion kits are also sales tax exempt.

Fuel prices have fallen in 2016, as a result we have money left in our fuel budget that will cover the total price of the conversion and the construction cost.

We have discussed this with the Police Department and they are enthusiastic about the conversion process and the results it will produce.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
City of Anacortes, Washington AND Linn-Benton Community College**

THIS AGREEMENT is entered into by LINN-BENTON COMMUNITY COLLEGE, 6500 SW Pacific Blvd., Albany, OR 97321, hereinafter called the COLLEGE, and the City Anacortes, 904 6th Street & Q Avenue, Anacortes, WA 98221, hereinafter called the CITY.

THE PURPOSE of this Agreement is for the COLLEGE to implement a training strategy that will allow CITY-employed technicians to gain competency in the maintenance, repair, and installation of propane fuel systems. The scope of services may be modified by mutual agreement.

A. GENERAL TERMS

1. The terms of this Agreement shall begin on the date all required signatures are obtained and shall be in effect until October 31 2017.
2. This Agreement shall not be assigned, and any assignment shall have no force or effect.
3. Both parties will be responsible for any claims related to equipment operation and shall maintain insurance protection with minimum limits established in the Oregon Tort Limit Act, ORS 30.260, 30.261, 30.272, and 30.273. Contractor must provide proof of increased insurance coverage to coincide with statutory increases in the tort liability caps.
4. Both parties shall comply with all applicable federal, state, and local laws, rules, and regulations.
5. Both parties are independent contractors as concerns the other party and agree that the performing party has no control over the work and the manner in which it is performed. Neither party is an agent or employee of the other.
6. Neither party is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by the other except as the benefit may be coincidentally provided by both parties.
7. This Agreement may be terminated with or without cause at any time upon either party giving ten days written notice of intent to the other. Charges incurred prior to termination are payable within thirty (30) days of termination date.
8. Modifications to the Agreement are valid only if they are made in writing and are signed by both parties. Each party will perform work for the other on an as needed basis and as further defined in memorandum of understanding signed by both parties.
9. Each party shall be responsible for all damage to property, injury to persons, and loss, expense, inconvenience, and delay which may be caused by, or result from, the conduct of work under this Agreement, or from any act, omission, or neglect of each party, its subcontractors, or employees. Each party shall save, defend, indemnify, and hold harmless the other and their officers, agents, employees, and members from all claims, suits, and actions of any nature resulting from or arising out of the activities

or omissions of their subcontractors, officers, agents, or employees acting under this Agreement.

10. Both parties shall maintain currently valid worker's compensation insurance covering all subject workers as defined in ORS 656.017 throughout the term of this Agreement.

11. COLLEGE rates may be adjusted upon mutual agreement.

B. CITY OBLIGATIONS

1. CITY will provide a selection of Chevy Tahoes and Silverados for propane conversions.

2. CITY will provide adequate space and general tooling required to complete the conversion process

3. CITY will abide by the rules of engagement as described by the COLLEGE in the scope of work document, Attachment No 1.

C. COLLEGE OBLIGATIONS

1. COLLEGE will train three CITY technicians on how to perform propane conversion on supplied CITY vehicles.

2. COLLEGE will inspect work for quality and program the fuel system when completed.

3. COLLEGE will provide professional services at the rates outlined in Attachment No. 2.

IN CONSIDERATION of the covenants below, the parties mutually agree as follows:

THIS NEW AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION, OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION, OR CHANGE MADE SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. CONTRACTOR, BY SIGNATURE BELOW, ACKNOWLEDGES THAT CONTRACTOR HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF ANACORTES

LINN-BENTON COMMUNITY COLLEGE

Laurie Gere
Mayor
City of Anacortes

David A. Henderson
Vice President, Finance and Operations
Linn-Benton Community College

Date: _____

Date: _____

ATTACHMENT No. 1 – Scope of Work
October 2016 – October 2017

In this project, the city of Anacortes plans to convert approximately ten (10) 2015 and newer Chevy Tahoes and Silverados to a bi-fuel system capable of burning either gasoline or propane. Once the bi-fuel system is installed and programed, the vehicle will have two independent fuel systems that are coordinated and synchronized by the vehicle on-board computer. Linn-Benton Community College instructor, Bryan Schiedler, will be the lead trainer and technician on this project.

Phase 1:

Mr. Schiedler will travel to the city of Anacortes where an appropriate work space will be available for five days of training. LBCC will be utilizing the NAFTC Propane Autogas Vehicle Technician curriculum for the first three days of the training and will concentrate on specific AGA system requirements the last two days. In the training process, three fleet technicians from the city of Anacortes will work directly with Mr. Schiedler on the conversion of the first two vehicles in this project. The desired outcome after five days of training is two vehicles converted and three technicians trained and capable of working independently on gasoline/propane bi-fuel conversions throughout the duration of the project. LBCC will supply one copy of the NFPA 58 regulations to the service manager.

Phase 2:

The trained technicians from the city of Anacortes begin to systematically convert the remaining project vehicles using EPA certified kits from AGA systems. All key components of the kit are to be installed on the vehicles. A toroidal propane fuel tank will be mounted in place of the spare tire of each vehicle. The tank holds about 18 gallons of propane. The vehicles can be kept in service operating on gasoline until programmed.

Phase 3:

Once the remaining eight vehicles have been converted by the city of Anacortes technicians, each vehicle will need to be inspected and programmed by Mr. Schiedler. Over a two-day period, the remaining eight vehicles can be inspected and programmed, as long as the vehicles were properly converted with the quality workmanship required by NFPA 58 regulations, AGA systems, and Mr. Schiedler.

Phase 4:

Once approved and programed, the vehicles will be put into service, capable of operation on either fuel. Three city of Anacortes technicians are trained on the function of a propane bi-fuel system and capable of providing maintenance and repair support of these vehicles.

ATTACHMENT No. 2 – RATE SCHEDULE
October 2016 – October 2017

This is Attachment No. 2 of the Intergovernmental Agreement between Linn-Benton Community College (COLLEGE) and the City of Anacortes, Washington (CITY) to provide mutual assistance in the form of transportation and fleet management services.

THE PURPOSE of this Attachment No. 2 is to specify program rates from October 2016 through October 31, 2017.

Training for two people (min.) is \$3,800.00, which will include two conversions as part of course. Each additional trainee is \$800.

Travel expenses for six days \$2,067.14

AGA System kits w/Toroidal tank:

2015 Tahoe \$5,950.00
2015 Tahoe \$5,950.00
2015 Tahoe \$5,950.00
2016 Tahoe \$5,950.00
2016 Tahoe \$5,950.00
2016 Tahoe \$5,950.00
2015 Silverado \$5,950.00
2015 Silverado \$5,950.00
2015 Silverado \$5,950.00
2016 Silverado \$5,950.00

Check over and programming is \$1,274.62 for each two-day trip to Anacortes. We should be able to inspect and program the remaining eight vehicles over two days if they are properly installed.

TOTAL	\$65,367.14
Additional person	\$ 800.00
1 programming trip	\$ 1,274.62

Grand Total	\$67,441.76
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Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning October 10, 2016

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes, vouchers and consent agenda items is not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

October 10, 2016

- Contract Award: March Point Road Shoulder Widening
- Public Hearing on 2017/2018 Budgeted Revenue Sources, including Proposed Property Tax Increase
- Code Amendments Establishing New Standards for Stormwater Management (Discussion)

October 17, 2016

- Council Review of 2017/2018 Budget: Public Works (Discussion)
- Ordinance ____: Adopting New Standards for Stormwater Management (Discussion/Possible Action)
- Ordinance 2990: Amending 2016 Budget (Discussion/Possible Action)

October 24, 2016

- Public Hearing: Ordinance ____ Adopting New Standards for Stormwater Management
- Council Review of 2017/2018 Budget: Departments Other than Public Works (Discussion)

November 7, 2016

- Public Hearing: Ordinance ____: 2017/2018 Budget
- Resolution ____: Authorizing 1% Property Tax Increase (Action)
- Ordinance ____: Adopting the 2017/2018 Budget (Discussion/Possible Action)
- Ordinance ____: New Standards for Stormwater Management

November 14, 2016

- UW Health Impact Assessment (HIA) presentation of Anacortes South Commercial Avenue Corridor Plan by UW Graduate Students

November 21, 2016

Special Meeting: Site visit at 4:00 PM re: SDP-2016-1003. Meet at eastern terminus of Skyline Way.

- Closed-record Public Hearing: Mousel 2-story Building; 1st Floor Restroom serving the Marina; 2nd Floor Apartment; SSDP, & Land Use CUP (SDP-2016-1003)

November 28, 2016

December 5, 2016

- Resolution ____: Establishing Fees for the Water Utility

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Public Works, Monday, Oct 3, 2016, 5:00 PM, Public Works Director's Office
- Housing Affordability & Community Services, Thursday, Oct 6, 2016, 1:30 PM, City Hall
- Planning, Monday, Oct 10, 2016, 5:00 PM, Planning Director's Office
- Finance, Wednesday, Oct 12, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue
- Public Works, Monday, Oct 17, 2016, 5:00 PM, Public Works Director's Office
- Tourism Promotion & Strategic Planning, Thursday, Oct 20, 2016, 4:30 PM, City Hall
- Planning, Monday, Oct 24, 2016, 5:00 PM, Planning Director's Office
- Finance, Wednesday, Oct 26, 2016, 5:00 PM, Johnny Picasso's, 501 Commercial Avenue