



** The City of Anacortes Planning Commission is following Section 3 of Anacortes [Resolution 2082](#) Ratifying Proclamation of Emergency and Providing Temporary Procedures to Respond to the COVID-19 Epidemic, adopted by the Anacortes City Council on March 16, 2020, and [Resolution 3038](#), adopted June 28, 2021, extending the duration of portions of Resolution 2082 through September 30, 2021, according to which open public meetings may be held partially or entirely virtually.

- Meetings may be viewed on the [City of Anacortes website](#), on the City of Anacortes [YouTube](#) Channel, or on TV [Channel 10](#).
- The public may also watch or listen to the meeting live by visiting <https://us02web.zoom.us/j/85918981678> or by telephoning 1-253-215-8782 and entering Meeting ID 859 1898 1678.
- Listen to the meeting by phone: 872-240-3412, Access Code: 261-991-485
- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221, or via e-comment (<https://www.anacorteswa.gov/700/Watch-Meetings> - click on meeting you wish to provide comment and in upper right corner is an option to include Public Comment). Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available [here](#) (page 2). View the quick video example for connecting to the meeting [here](#).

ANACORTES PLANNING COMMISSION

September 22, 2021

**Municipal Building Council Chambers
6th Street and "Q" Avenue**

**** This meeting will be held electronically only ****

AGENDA

6:00 PM

[VIEW PACKET MATERIALS HERE](#)

A. Roll Call

B. Minutes

- 1) Draft Minutes of September 8, 2021

C. Correspondence

D. New Business

- 1) Ordinance 3091, Resolution 3043 related to Day Care II as a permitted use in the R4 Use Zone (Daycare II is defined as more than 12 adults or children in a 24 hour period)

E. Old Business

The City of Anacortes encourages people with disabilities to participate in public meetings. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Planning Commission Public Hearing Minutes for September 8, 2021
This is not a verbatim transcript of the meeting and is written to capture the general spirit of the discussion based upon notes and video observation by the author. To view the video recording of this meeting, click [here](https://www.anacorteswa.gov/700/Watch-Meetings), or go to <https://www.anacorteswa.gov/700/Watch-Meetings>.

Commission Chair MacKenzie called the Public Hearing of September 8, 2021, to order at 6:00 p.m.

Roll Call:

Members Present: Commissioners Mike Cortright, Gary Molyneaux, Jeff Graf, Sarah Ruether, Frank Jeretzky, Linda Martin, Ward MacKenzie

Members Absent: none

Staff Present: Don Measamer, Emily Morgan, Dave Oicles

Minutes: The minutes from August 25, 2021, were accepted as submitted.

Correspondence: No additional correspondence other than the items currently on the agenda.

Old Business: Don Measamer, PCED Director, mentioned that the agenda item at the August 25, 2021, meeting (Flood Plain Management, AMC chapter 19.74 updates) will be discussed at a later PC meeting this month, as we are waiting for more information concerning tides.

New Business

Public Hearing, SDP-2021-0001 – MJB Properties Shoreline Clearing and Grading

Emily Morgan, PCED Senior Planner, gave a PowerPoint presentation on the SPD-2021-001, providing the project history, public notice requirements, and stating the Staff's recommendation for approval with conditions. At 6:22pm Chair Mackenzie opened the public hearing for comments. Comments were received by:

- Kathleen Lorence Flanagan of 2005 10th St commented on the progression of permitting for this project and using the 25' buffer.
- Sara Holahan of 1511 38th St thanked the Staff for their work on this project and commented about using fill in the 25' buffer and to have the Commissioners look at this.
- Catherine Houck of 2318 20th St mentioned we need to look at the big picture as it is a huge project and concerned about the use of the ordinary high water mark.
- Wayne Huseby of 3318 W 2nd St mentioned that if you deviate from the 25' buffer, habitat will be affected, and thanked the work Staff has done on this project.

With no more public comments received, Chair MacKenzie closed the public hearing at 6:37pm. Discussion ensued with comments from Jim Blais, MJB Properties representative and Commissioners. Don Measamer and Emily Morgan provided additional information on the

project and Commissioner Molyneaux made a motion to approve the added condition of “Prior to commencement of construction activities within the shoreline jurisdiction, the applicant shall coordinate with WA Dept of Ecology for the verification of the ordinary high-water mark (OHWM)”. Commissioner Cortright seconded the motion. Commissioner Jeretzky made a motion to approve the project with the added condition mentioned above. Commissioner Molyneaux seconded the motion. Commissioners voted 7-0 to approve the SDP-2021-0001 as presented with the new condition mentioned above.

With no further discussion, Commission Chair MacKenzie concluded the meeting at approximately 7.01 p.m.



Planning Commission Agenda Bill

Meeting Date: September 22,
2021

Agenda Item: D.1.

Subject: Ordinance 3091, Resolution 3043 related to Day Care II as a permitted use in the R4 Use Zone (Daycare II is defined as more than 12 adults or children in a 24 hour period)

Staff Contact: DON MEASAMER

Approved for Submittal to Commission by

DON MEASAMER
LIBBY GRAGE

Action Type

Discussion

Summary Statement: The City Council adopted Interim Ordinance 3091 July 12, 2021 allowing for Daycare II (Daycare II is defined as a Daycare with more than 12 Adults or Children in a 24 Hour Period, AMC 19.44.010 (B)) as a permitted use in the R4 Use Zone (rather than requiring a CUP, AMC Table 19.41.040) and Resolution 3043 September 7, 2021 establishing a Work Plan to begin the discussions related to potential impacts of Daycare II as an allowed Use in the R4 Use Zone. Potential impacts to begin the discussion include pickup and drop off areas, traffic circulation, staff parking, and building size to name a few.

Background: The City Council adopted Interim Ordinance 3091 July 12, 2021 allowing for Daycare II as a permitted use in the R4 Use Zone (rather than requiring a CUP) and Resolution 3043 September 7, 2021 establishing a Work Plan to begin the discussions related to potential impacts of Daycare II as an allowed Use in the R4 Use Zone.

Previous Action: NA

Competing Viewpoints Considered: To Be Determined

Recommended Motion: NA

Alternative Actions: To be determined

Attachments (listed in order presented):

1. Resolution 3043 and Daycare in the R4 Use Zone Work Plan
2. Ordinance 3091 Daycare in the R4 Use Zone
3. R4 Zoning Map

RESOLUTION 3043

A RESOLUTION REAFFIRMING ORDINANCE 3091 AND CONFIRMING THE 6 MONTH DURATION OF THE INTERUM REGULATIONS CONTAINED THEREIN CONCERNING THE DEVELOPMENT OF DAYCARES IN THE R4 USE ZONE AS A PERMITTED USE AND ADOPTING A WORK PLAN

WHEREAS, the City's development code requires application of the Type 4 conditional use permit process to establish new childcare facilities in residential zones;

WHEREAS, the Type 4 review process is the highest level of review in the AMC (AMC 19.20.030.C) and requires public hearing before the Planning Commission and approval by the City Council;

WHEREAS, specifically AMC 19.44.010 defines "day care II" to include child day care serving more than 12 children in any 24-hour period, or any day care as a principal use; and AMC 19.41.040 makes "day care II" a conditional use in all zones where it is allowed, including the R4 zone;

WHEREAS, the Type 4 conditional use permit process is lengthy and expensive for permit applicants;

WHEREAS, other higher intensity uses, including multifamily residences, assisted living facilities and bed and breakfasts, are allowed in the R4 zone without a conditional use permit;

WHEREAS, RCW 36.70A.390 and AMC 19.16.110 authorize the City Council to adopt moratoriums, interim zoning ordinances, and interim official controls;

WHEREAS, per RCW 36.70A.390, a moratorium is effective for six months, or up to one year if a work plan is developed for related studies providing for such a longer period;

WHEREAS, the Anacortes City Council adopted Ordinance 3091, an Interim Ordinance to Facilitate the Development of Daycare Facilities in the R4 Use Zone as a permitted use under the provisions of AMC 19.41.040, on July 12, 2021;

NOW THEREFORE, BE IT RESOLVED BY THE ANACORTES CITY COUNCIL:

Section 1. City Council readopts the findings of fact in Ordinance 3091.

Section 2. The work plan attached as Exhibit A is hereby adopted.

PASSED AND APPROVED by the City Council this 7th day of September, 2021.

CITY OF ANACORTES

Laurie Gere

Laurie Gere, Mayor

ATTEST:

Steve D. Hoglund

Steve D. Hoglund, City Clerk/Treasurer

APPROVED AS TO FORM:

By: Darcy Swetnam

Darcy Swetnam, WSBA# 40530
City Attorney

Resolution 3043 Exhibit A

Work Plan – Regulations Regarding The Development of Daycare II As A Permitted Use In The R4 Use Zone, AMC 19.41.040. Interim Ordinance 3091, July 12, 2021

	Task	Schedule
1.	Hold public meetings with Planning Commission for community input on possible impacts.	September/October 2021
2	Identify possible impacts, such as, building area, parking, circulation for drop off and pickup,	October/November 2021
3.	Discussion with stake holders/Planning Commission on possible impacts and mitigation. Issue SEPA on draft language	November/December 2021
4.	Planning Commission Public Hearing on preferred concepts/amendments	February 2022
5.	Planning Commission Recommendation on preferred concepts/amendments to City Council	February/March 2022
	Interim Ordinance Expiration six months (renew in October prior to expiration)	November 12, 2021

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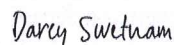
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Signer Events

Darcy Swetnam

darcys@cityofanacortes.org

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Steve Hoglund

steveh@cityofanacortes.org

City Clerk/Treasurer

City of Anacortes

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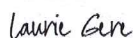
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Laurie Gere

laurieg@cityofanacortes.org

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Ordinance No. 3091

An Interim Ordinance to Facilitate the Development of Day Care Facilities in the R4 Zone

Whereas the availability of affordable childcare is foundational to the economy;

Whereas the City has long recognized a severe need for additional childcare and early learning capacity in Anacortes;

Whereas, prior to the COVID-19 pandemic, there were approximately 1,000 children in Anacortes under school age;

Whereas only 12% of those had access to full-time, licensed childcare, less than half of the Washington State average of 27%, which itself is considered to be a crisis of inadequate capacity;

Whereas the COVID-19 pandemic resulted in the closure of childcare facilities as stay-at-home orders directly caused closures or caused under-enrollment;

Whereas our emergence from the COVID-19 pandemic has created an even greater need for childcare facilities;

Whereas quality childcare is critical for the academic and socioemotional foundations of children;

Whereas the availability of affordable childcare is critical for working families;

Whereas many businesses are currently affected by labor shortages due in part to the lack of availability of childcare for the children of potential employees;

Whereas the City's development code requires application of the Type 4 conditional use permit process to establish new childcare facilities in residential zones;

Whereas the Type 4 review process is the highest level of review in the AMC (AMC 19.20.030.C) and requires public hearing before the Planning Commission and approval by the City Council;

Whereas specifically AMC 19.44.010 defines "day care II" to include child day care serving more than 12 children in any 24-hour period, or any day care as a principal use; and AMC 19.41.040 makes "day care II" a conditional use in all zones where it is allowed, including the R4 zone;

Whereas at least two potential childcare facilities in the R4 zone are contemplating the development permitting process now;

Whereas the Type 4 conditional use permit process is lengthy and expensive for permit applicants;

Whereas other higher intensity uses, including multifamily residences, assisted living facilities and bed and breakfasts, are allowed in the R4 zone without a conditional use permit;

Whereas RCW 36.70A.390 and AMC 19.16.110 authorize the City Council to adopt moratoriums, interim zoning ordinances, and interim official controls;

Whereas, as an interim ordinance, pursuant to WAC 197-11-880, the adoption of this ordinance is not subject to review under the State Environmental Policy Act;

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

Section 1. The City Council finds that:

- a. an immediate and urgent need for childcare facilities exists in the City of Anacortes;
- b. the cost, delay, and uncertainty of the conditional use permit process reduces the likelihood that new childcare facilities will be established;
- c. the design and performance standards in the Unified Development Code for non-residential and multifamily buildings effectively mitigate the impacts of childcare facilities on neighboring uses in the R4 zone;
- d. the R4 zone, as a high-density residential zone that is intended by the Comprehensive Plan to serve as a transition from high intensity uses such as commercial or industrial development, to lower intensity residential areas, is ideal for new childcare facilities;
- e. a day care II facility in the R-4 zone will not create more impact than some of the other high-intensity uses already allowed in the R-4 zone as permitted uses;
- f. the Type 4 Conditional Use Permit process is unnecessary for day care II facilities in the R4 zone.

Section 2. Table 19.41.040 in AMC 19.41.040 is amended to make "day care II facilities" a permitted use in the R4 zone.

Section 3. The Department of Planning, Community, and Economic Development is directed to develop a work plan to identify other needed mitigation measures for day care II facilities in the R4 zone, including parking minimums and circulation standards for drop-off and pickup.

Section 4. Per RCW 36.70A.390, the City Council will hold a public hearing on this interim ordinance within 60 days of adoption.

Section 5. Per RCW 36.70A.390, this interim ordinance is effective for six months, and may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 6. Per RCW 35A.12.130, this ordinance takes effect five days after its passage and publication.

PASSED and APPROVED this 12th day of July, 2021.

APPROVED:

Laurie Gere

Laurie Gere, Mayor

Attest:

Steve Hoglund

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam

Darcy Swetnam, City Attorney

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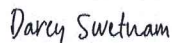
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Darcy Swetnam

darcys@cityofanacortes.org

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Steve Hoglund

steveh@cityofanacortes.org

City Clerk/Treasurer

City of Anacortes

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Laurie Gere

laurieg@cityofanacortes.org

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City of Anacortes

R4 Zoning

