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- The public may also watch or listen to the meeting live by visiting <https://us02web.zoom.us/j/84685300609>.
- Listen to the meeting by phone (if one number does not work, please try the other number): 1-253-215-8782 and enter Meeting ID 846 8530 0609 or 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 14, 2022

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

AGENDA

6:00 PM

[VIEW PACKET MATERIALS HERE](#)

A. Roll Call

B. Minutes

- 1) Draft Minutes of 08/10/2022

C. Correspondence

D. New Business

E. Old Business

- 1) Public Hearing: Ordinance 4024: Day Care II as a permitted use in R4 Zone

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Planning Commission Public Hearing Minutes for August 10, 2022

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>.

Commissioner Chair MacKenzie called the Public Meeting of August 10, 2022, to order at 6 pm.

Roll Call:

Members Present: Commissioners Gary Molyneaux, Frank Jeretzky, Jeff Graf, Jack Curtis, Ward MacKenzie, Linda Martin & Sarah Ruether

Members Absent: none

Staff Present: Don Measamer, Dave Oicles

Minutes: The minutes from July 13 & 20, 2022, were accepted as presented.

Correspondence: None

Old Business: None

New Business: **Planning, Community, and Economic Development Department Update**

Don Measamer, PCED Director, presented an update on his department, providing current information of major building projects, Year-to-date permit statistics, and how the Planning Commission's input into the updated AMC Chapter 19 code has increased housing and building opportunities in Anacortes. Mr. Measamer also gave an update on the department switching over to SmartGov software for permitting and discontinuing the current EDEN program. Upcoming legislative projects, potential AMC Chapter 19 code sections to review and update, were also discussed. The presentation was followed by questions from the Commissioners which were answered by Staff.

With no further discussion, Commissioner Chair MacKenzie concluded the meeting at 6:35pm.



Planning Commission Agenda Bill

Meeting Date: September 14, 2022 **Agenda Item:** E.1.

Subject: Public Hearing: Ordinance 4024: Day Care II as a permitted use in R4 Zone
Staff Contact: Grace Pollard, DON MEASAMER

Approved for Submittal to Commission by

Grace Pollard
DON MEASAMER
LIBBY GRAGE

Action Type

Public Hearing

Summary Statement: An ordinance amending the principal uses permitted in residential zones contained in Anacortes Municipal Code Chapter 19.41.040 to facilitate the development of Day Care II facilities in the R4 Zone.

Background:

- City Council adopted Interim Ordinance 3091 on July 12, 2021 to temporarily allow Day Care II as a permitted use in the R4 zone.
- Day Care II is defined as a facility providing group care, protection, and supervision of more than 12 children or adults in a 24-hour period.
- AMC Table 19.41.040 lists Day Care II as a review process Type 4 Conditional Use Permit.
- Type 4 review process can be lengthy, expensive, and with some uncertainty.
- The City recognizes a need for additional childcare facilities in Anacortes.
- The Planning Department presented the Day Care II in the R4 zone subject to Planning Commission during the regularly scheduled meeting on September 22, 2021 for discussion.
- The Planning Department presented the Day Care II in the R4 zone subject to Planning Commission during the regularly scheduled meeting on June 22, 2022 for discussion.

Previous Action:

- City Council adopted Interim Ordinance 3091 on July 12, 2021 to temporarily allow Day Care II as a permitted use in the R4 zone. A Determination of Non-Significance (DNS) was issued on June 23, 2021.
- Resolution 3043 was passed and approved on September 7, 2021 reaffirming Ordinance 3091 and confirming the 6 month duration of the interim regulations and adopting a work plan.
- The Planning Department presented the Day Care II in the R4 zone subject to the Planning Commission during the regularly scheduled meeting on September 22, 2021.
- Ordinance 4008 was passed and approved on January 10, 2022 extending

Ordinance 3091.

- Resolution 3072 was passed and approved on February 7, 2022 reaffirming Ordinance 4008 and confirming the 6 month duration of the interim regulations and adopting a work plan.
- The Planning Department presented the Day Care II in the R4 zone subject to the Planning Commission on June 22, 2022 for discussion.
- Ordinance 4024 was passed and approved on July 11, 2022 extending Ordinances 3091 and 4008.

Competing Viewpoints Considered:

Recommended Motion: Recommend Approval of Ordinance 4024 as presented.

Alternative Actions: Recommend Approval of Ordinance 4024 with modifications.

Attachments (listed in order presented):

1. DRAFT PC Public Hearing Presentation
2. DRAFT Ordinance 4024 with Attachment A



Ordinance 4024

Day Care II in the R4 Use Zone

City of Anacortes | Planning Department

Planning Commission

Open Record Public Hearing

September 14, 2022



●●● BACKGROUND



- City Council adopted Interim Ordinance 3091 on July 12, 2021 to temporarily allow Day Care II as a permitted use in the R4 zone.
- Day Care II is defined as a facility providing group care, protection, and supervision of more than 12 children or adults in a 24-hour period.
- AMC Table 19.41.040 lists Day Care II as a review process Type 4 Conditional Use Permit.
- Type 4 review process can be lengthy, expensive, and with some uncertainty.



CONDITIONAL USE PROCESS



AMC 19.36.010 Purpose.

Some uses in some zones are permitted subject to a conditional use permit (CUP) because of their unusual characteristics, or special characteristics of the area in which they are to be located, so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.

OVERVIEW

Residential High Density 4 (R4) Zone:

This designation provides for urbanized areas with high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. This designation creates a transition from high intensity uses, such as commercial or industrial development, to lower intensity residential areas.

Use of this zone is appropriate for areas designated residential high density in the comprehensive plan.





COMPREHENSIVE PLAN



2016 Comp Plan Land Use Goals & Policies

LU-6 Residential Uses.

Policy LU-6.5. Allow some compatible nonresidential uses in residential zones, such as appropriately scaled schools, neighborhood-scaled grocery stores, religious facilities, home occupations, parks, open spaces, and other uses that provide places for people to gather, senior centers and day care centers. Maintain standards in the zoning code for locating and designing these uses in a manner that respects the character and scale of the neighborhood.



CURRENT R4 REGULATIONS



Current uses outright permitted in the R4 zone:

- Multifamily developments with no density limit.
- Assisted living facilities.
- Rooming houses.
- Religious institution <10,000 square feet.
- Parks, plazas, open spaces, and natural areas.

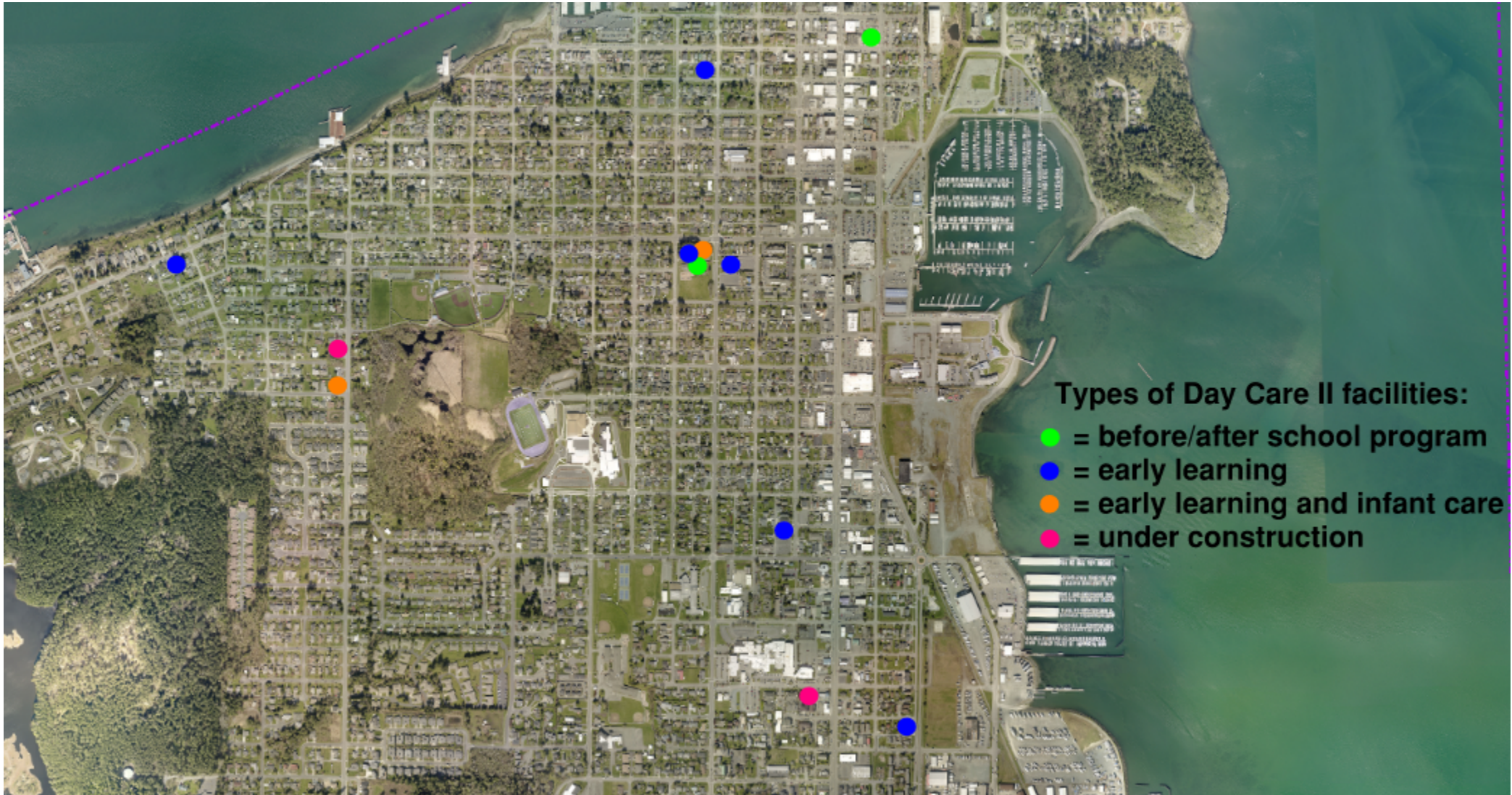
Current development standards of the R4 zone:

- 40-foot-tall buildings (up to 50-feet high with bonus incentives).
- 50% maximum lot coverage by building.
- 20% minimum landscaped area.



- The City has long recognized a need for additional childcare and early learning capacity in Anacortes.
- Prior to the COVID-19 pandemic only 12% of the approximately 1,000 children in Anacortes under school age had access to full-time, licensed childcare, less than half of the Washington State average of 27%.
- Quality childcare is critical for the academic and socioemotional foundations of children.
- The availability of affordable childcare is critical for working families.
- Businesses can be affected by labor shortages due in part to the lack of availability of childcare for the children of employees.

EXISTING/PERMITTED DAY CARE II FACILITIES



Types of Day Care II facilities:

- = before/after school program
- = early learning
- = early learning and infant care
- = under construction



STATE EARLY LEARNING REQ.



- WAC 110-300-0354 Indoor early learning program space capacity.
 - 35 sq. ft. of indoor space per child
 - 15 additional square feet for each infant or toddler using a crib or playpen
 - Only areas intended for children use is included in the calculation of space.
- WAC 110-300-0145 Outdoor early learning program space.
 - Outdoor play space must contain a minimum of 75 sq. ft. of licensed usable space per child accessing the play space at any given time. An early learning provider may develop a plan to rotate groups of children to play outdoors if they do not have enough outdoor play space to accommodate all enrolled children at once.
 - An early learning program is permitted to use an off-site outdoor play area, provided a safe route is available when moving to and from the licensed outdoor play space.
- WAC 110-300-0356 Center capacity, ratio, and group size

• Infant (birth – 11 months)	1:4	Group size 8
	1:3	Group size 9
• Toddler (12 – 29 months)	1:7	Group size 14
	1:5	Group size 15
• Preschool (30 months – 6 years)		1:10 Group size 20
• School Age (kindergarten – 12 years)	1:15	Group size 30



STATE ADULT DAY CENTER REQ.



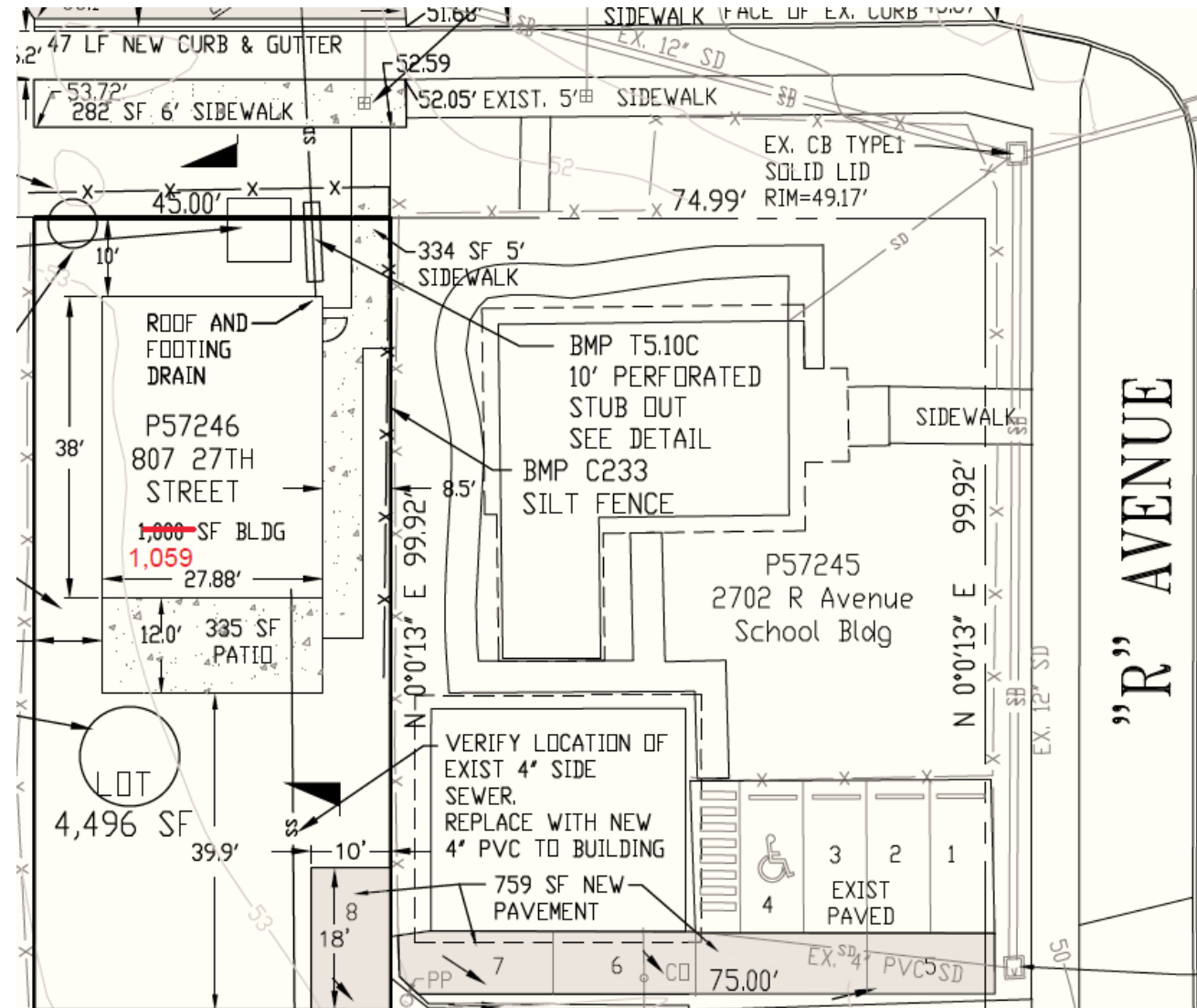
- WAC 388-71-0752 What are the adult day centers' staffing qualifications and requirements?
 - Staff selection is dependent on participant needs, program design, and contracting requirements. The center must have the proper balance of professionals and paraprofessionals or nonprofessionals to adequately meet the needs of participants. Services must be delivered by those with adequate professional training. A staff person can have multiple functions, such as an administrator who is also responsible for providing nursing services or social services.
- WAC 388-71-0754 What are the adult day centers' staff ratio requirements?
 - At minimum one staff to six clients
- WAC 388-71-0766 What are the adult day centers' facility requirements?
 - The facility must provide at least sixty square feet (60sf) of program space for multipurpose use for each day center participant.

PERMITTED EARLY LEARNING FACILITIES



Fiddlehead Montessori 2702 'R' Avenue & 807 27th Street

- Zoned: R4
- Total lot size: 11,989sf.
- Total structure size: 3,124sf.
- Eight (8) on-site parking spaces.

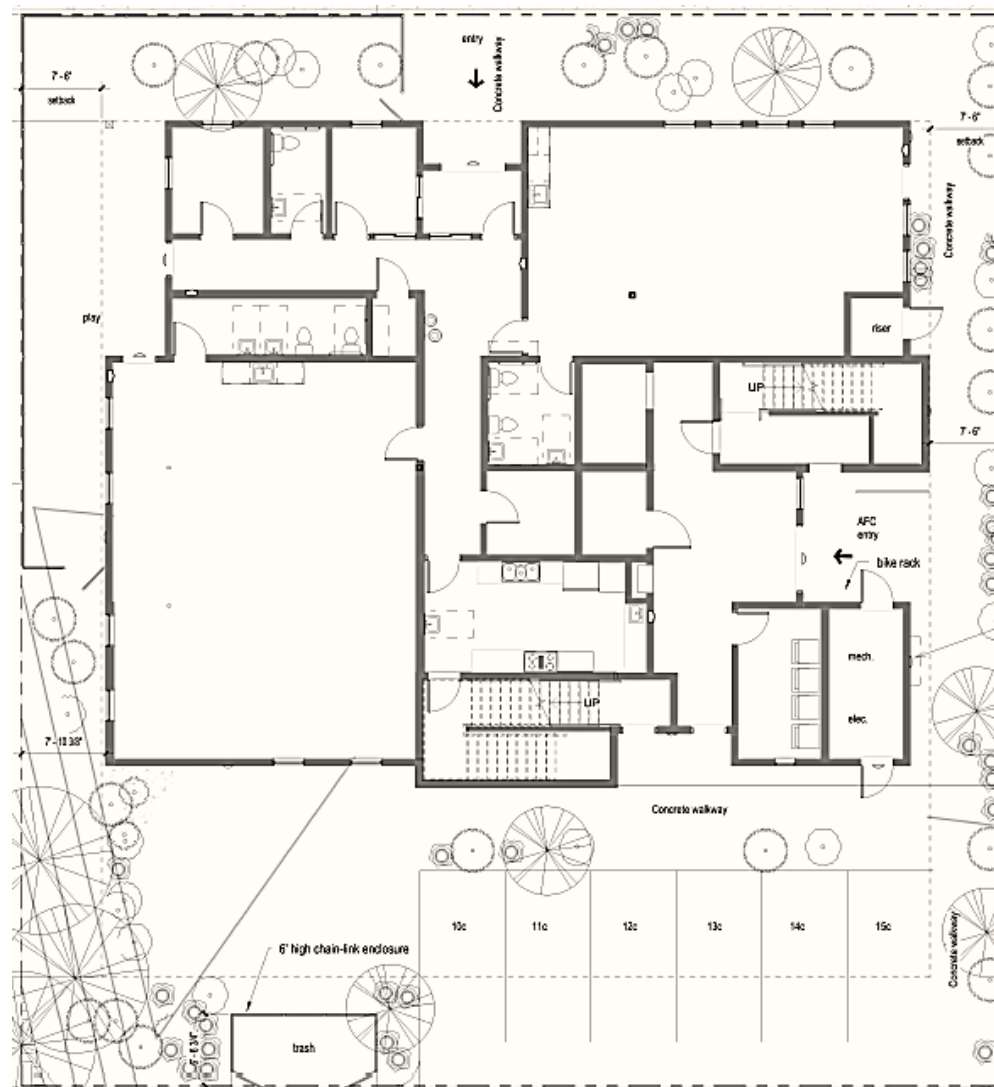


PERMITTED EARLY LEARNING FACILITIES CONT'D

Anacortes Family Center

1017 26th Street

- Zoned: R4
- Lot size: 9,238.5 square feet.
- Total ground floor building area: 4,274 sq. ft. of which 3,185 sq. ft. is for childcare use.
- Six (6) on-site parking spaces + 9 along 26th Street public right-of-way.
- Child capacity: 40

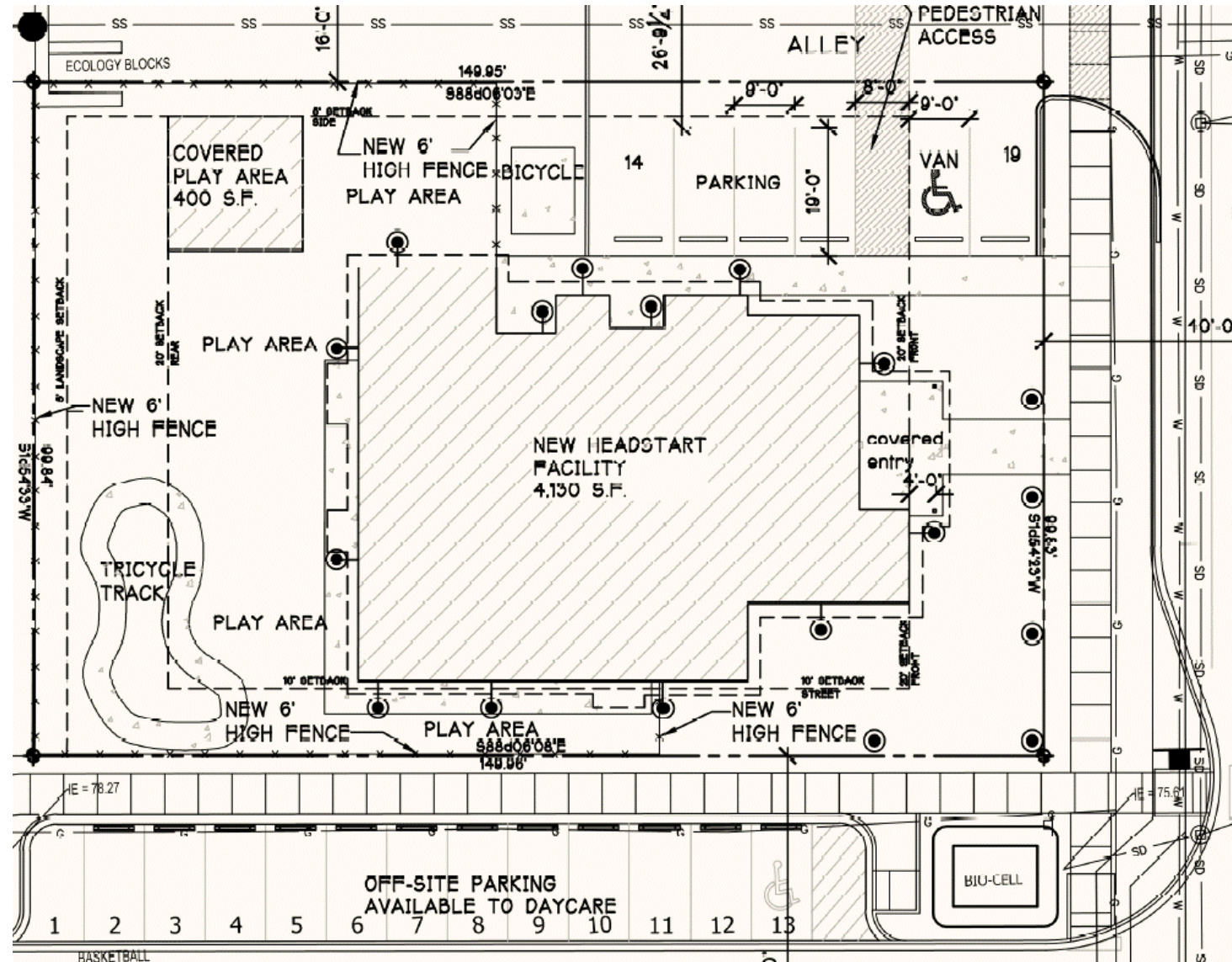


PERMITTED EARLY LEARNING FACILITIES

Samish Early Learning Center

1502 'D' Avenue

- Zoned: **R2A**
- Lot size: 14,927 square feet (plus 6,487sf parking lot).
- Total structure size: 4,130 square feet.
- Six (6) on-site parking spaces + 13 in lot across alley + 13 along 16th Street public right-of-way.





CURRENT PARKING STANDARDS



- Table 19.64.040 Off-street parking spaces required.

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Day Care , as listed below		
Day care I facility	2 per facility	
Day care II facility	Director decision	

Principal Use	R2A	R3	R3A	R4	R4A	OT	CBD	C	MMU	CM	LM1
Day care II	C	C	C	P	C	C	P	P	P	P	P



OTHER CITY'S PARKING REGS.



- **Bellingham:** One (1) for each staff person working at any time. Provisions shall be made for an adequate drop off area located off the street.
- **Mount Vernon:** One (1) parking space for each employee plus loading and unloading areas.
- **Burlington:** One (1) space for each 10 clients/children or one (1) space for each staff member, whichever is greater; plus, one (1) loading and unloading space for each 20 clients/children.
- **Stanwood:** One (1) space per classroom, plus one (1) space for each 10 students (based on the rated capacity of the facility).
- **Marysville:** One (1) space per staff member and one (1) space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic.
- **Everett:** Whichever is greater: One (1) for each 10 children or 2 for each 3 employees on shift; in addition, one (1) vehicle loading space for each 20 children.



Example Parking Scenario



Early Learning Center with 2 classes of preschoolers;
40 children & 4 staff

	Per Staff	Per child	Pick-up/Drop-off	Total Req. Parking
Bellingham	4	N/A	YES	4
Mt. Vernon	4	N/A	YES	4
Burlington	4	4	1:20 (2)	6
Stanwood	1 per class (2)	4	-	6
Marysville	4	4	YES	8
Everett	2:3 = 2.6 = 3	4	1:20 (2)	6
Anacortes (proposed)	4	N/A	YES	4

●●● EXAMPLE PROPOSAL



An Early Learning facility providing care for one group of infants, toddlers, and preschoolers.

- 9 infants with 3 staff, $(35\text{sf} + 15\text{sf}) \times (9 \text{ children}) = 450 \text{ NSF}$
- 15 toddlers with 3 staff, $(35\text{sf} + 15\text{sf}) \times (15 \text{ children}) = 750 \text{ NSF}$
- 20 preschoolers with 2 staff, $(35\text{sf} \times 20 \text{ children}) = 700 \text{ NSF}$
- Total number of children: 44
- Minimum number of staff: 8
- Minimum indoor area for children use 1,900 net square feet.
- Plus, area for bathrooms, storage, electrical/mechanical closets, hallways, laundry room, kitchen, office, lobby, etc.
- Minimum required parking: 8



DRAFT CODE LANGUAGE



AMC 19.44.010 Day care.

A. ...

B. Definition. An establishment for group care of nonresident adults or children. Specifically:

1. ...

2. ...

3. Day Care II Allowed Uses in the R4 Use Zone as designated in Table 19.41.040 must meet the following criteria:

a. An approved passenger drop off and pickup area must be provided adjacent to the site.

b. Parking must be provided in an amount equal to the number of staff on the largest hourly shift.

c. The facility must meet all licensing requirement consistent with Washington State Department of Children, Youth, and Families (DCYF) licensor, including interior floor space, fencing, and outdoor open space area.

d. The maximum building size must not exceed 4,000 square feet.



Ordinance 4024

Day Care II in the R4 Use Zone

- Public Comments
- Deliberation

City of Anacortes | Planning Commission



Ordinance No. 4024

An Ordinance Amending the Principal Uses Permitted in Residential Zones Contained in Anacortes Municipal Code Chapter 19.41.040 to Facilitate the Development of Day Care II Facilities in the R4 Zone

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

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

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

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

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

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

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; and

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

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; and

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; and

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

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; and

Whereas, the City Council adopted interim Ordinance 3091 July 12, 2021;

Whereas, a public comment opportunity was provided for at the September 14, 2022 Planning Commission meeting; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on [DATE].

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 Anacortes Municipal Code is amended as described in Attachment A.

Section 4. Per RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 5. Per RCW 35A.12.130, this ordinance takes effect five days after its passage and publication.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

Matt Miller, Mayor

Attest:

Steve D. Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

DRAFT

ATTACHMENT A

AMC 19.44.010 Day Care.

A. *Day Care Use Category.* A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care I facilities.
2. Day care II facilities.

B. *Definition.* An establishment for group care of nonresident adults or children. Specifically:

1. Day care includes child day care services, adult day care centers, and all of the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.
 - b. Nursery schools for children under minimum age for education in public schools.
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.
 - d. Programs covering before- and after-school care for school children.
2. Day care establishments are subclassified as follows:
 - a. Day care I—a maximum of 12 adults or children in any 24-hour period, based within a residential dwelling, and as provided for in RCW 35A.63.215.
 - b. Day care II—over 12 adults or children in any 24-hour period or day care as a principal use. (Ord. 3040 § 2 (Att. A), 2019)

3. Day care II in the R4 Use Zone as designated in Table 19.41.040 must meet the following criteria:

a. An approved passenger drop off and pickup area must be provided adjacent to the site.

b. Parking must be provided in an amount equal to the number of staff on the largest hourly shift.

c. The facility must meet all licensing requirement consistent with Washington State Department of Children, Youth, and Families (DCYF) licensor including interior floor space, fencing and outdoor open space area.

d. The maximum building size must not exceed 4,000 square feet.

DRAFT