

Anacortes Planning Commission Minutes - December 11, 2024

Roll Call

Chairperson Linda Martin called to order the Anacortes Planning Commission meeting of December 11, 2024 at 6:00 p.m. Commissioners Jim Stoneman, William McCombs, Frank Jeretzky, Paul Ryan, Luke Currier, and Mike Mills were present.

Pledge of Allegiance

Minutes

Minutes of 09/11/2024, 09/25/2024 and 10/02/2024 were submitted for approval.

Frank Jeretzky moved to approve the September 11, 2024 minutes as submitted. Jim Stoneman seconded. All ayes.

Jim Stoneman moved to approve the September 25, 2024 minutes as submitted. Luke Currier seconded. Mike Mills pointed out a correction, that the GMA course is taught at the Amhurst Senior College, not the senior center. The change was approved by Commissioners Stoneman and Currier. Will McCombs abstained, all other Commissioners Ayes.

Mike Mills moved to approve the October 2, 2024 minutes as submitted. Will McCombs seconded. All ayes.

Public Comment

No public comment taken.

Public Hearings

Open Record Pre-Decision Public Hearing CUP-2024-0001 Dog Grooming Salon

Anna Dewey said this is a Conditional Use Permit (CUP) for a dog grooming salon. The proposal is in the CBD which requires the CUP for the proposed use of animal care. The applicant is proposing 3-4 dogs onsite at a time and 1-2 staff. She reviewed the proposed floor plan changes and improvements. There are no proposed structural changes or external work to the building. They are proposing some planter boxes at the front entry to improve the streetscape. No public comment was received for this project. This is a type 4 review which requires a City Council decision. This is consistent with the criteria in the code for CUP's. The parking and loading for that area is already adequate. Staff recommends approval with conditions: operation is permitted as long as the business continues to operate under animal care; the applicant will need to get a City of Anacortes business license and obtain a sign permit.

Frank Jeretzky asked if the bathroom is shared with the adjacent business.

Stephanie Monteverde, applicant, clarified that the bathroom is shared with the pottery business via a shared hallway.

Linda Martin asked how the virtual public meeting went.

Anna Dewey stated that mailers were sent out, but there was no public in attendance online.

Grace Pollard clarified the City has had many meetings virtually, such as the MJB project, the Port of Anacortes, etc. We've had a variety of success in attendance.

Public hearing opened

No comment received

Public hearing closed

Jim Stoneman moved to recommend approval of CUP-2024-0001 subject to the conditions of approval 1-3 as listed in the staff report. Paul Ryan seconded. All ayes.

Proposed amendments to Anacortes Municipal Code (AMC) Title 19 to comply with new state requirements and improve predictability and timeliness in project permit review (Draft Ord. 4092)

Libby Grage said tonight's hearing is to discuss amendments to the AMC to comply with new legislation, SB5290, regarding consolidating, streamlining and improving local permit review processes for residential permits. This amends RCW Chapter 36.70B. She reviewed the key requirements: (1) revise the current 120-day time period for project review; (2) refund 10-20% of permit fees if time periods are not met, unless at least 3 listed optional measures are adopted; and (3) modify existing annual performance report requirements.

Ms. Grage pointed out that currently most of our permit review timelines are 120 days, but this will be changing to 65-170 days dependent on the type of permit. This will be effective January 1st regardless if we adopt them or not. The proposed permit review timelines are: (1) no public notice requirement - 65 days; (2) public notice, but no hearing - 100 days; and (3) public notice and hearing - 170 days. To comply with SB5290, staff proposes to delete our current timing table and add to AMC 19.20.030 the new review time periods. She moved on to the refund requirements in SB5290 and the three proposed exemption measures for adoption: (1) budget and continue to budget for on-call permitting assistance when permit volumes or staffing levels change rapidly; (2) adopt development regulations that make housing types an outright permitted use in all zones where the housing type is permitted; and (3) adopt a procedure to offer a meeting with the applicant to attempt to resolve outstanding issues during the review process. Regarding the development regulations, in table 19.41.050 under single family, the proposal is to remove the conditional use option for the CBD, C, and LM zones to prohibited. The purpose of these zones is commercial oriented, so low-density single family is out of character for those zones. For multi-family, the proposal is to change CM, LM and MS from conditional to permitted. She pointed out that the Shoreline Master Program addresses uses in the CM area, so staff did not see a concern at updating this. Lastly, there were proposed changes to adult family homes, to make them permitted in more zones, to be in line with state law.

Ms. Grage reviewed the third measure. After the second request for corrections, the new proposal requires the City to offer a meeting to resolve the issues. If they cannot be resolved, after receiving the applicants response, staff will forward the application to the next step in the review process. She moved on to the performance reports. Starting January 1st, the Department needs to track compliance with review time periods. Our permit software will help with that. Starting January 1, 2026, staff will report compliance to City Council. Other notable changes: (1) allow the Director to waive pre-application neighborhood meeting requirements; (2) provide authority to expire permit applications; the applicant has 90 days to respond to requests for additional information. If there's no response, the Director may expire the application; and one or more 90-day extensions (not to exceed 3); and (3) changes necessary to comply with state law on adult family homes. We don't currently have a provision to expire applications that have been going through the review process for a lengthy period.

Libby Grage clarified that the City Council planning committee drafted these proposed changes. PCED staff sent the proposed amendments to Commerce for review and we did not receive comments. The PCED Director issued a SEPA DNS on November 13, 2024. This was appealed, but that does not affect the Planning Commission's ability to make a recommendation. AMC 19.16 provides the process for Planning Commission review and consideration of legislative actions.

Frank Jeretzky asked if applications currently have an expiration.

Libby Grage stated this applies to applications that are not yet approved and going through multiple reviews. If a permit application is deemed complete, it would be vested to the development regulations at the time the application was deemed complete.

Frank Jeretzky wondered if there is a disagreement on the interpretation of a code, would those go before the Hearings Examiner for a decision.

Ms. Grage clarified it depends on the type of permit and the decision maker. This isn't really anything new for us. We work with applicants when there are issues raised.

Will McCombs referenced the permitted use matrix. He asked if there are any conditional uses that exist in the residential zones.

Libby Grage said there are no conditional uses in the residential zones.

Will McCombs asked if there is a way for the neighborhood to provide comment if the proposal is in these

zones.

Libby Grage clarified that it depends on the extent of the project. If certain thresholds are exceeded, it can trigger public notice and hearing requirements, especially if it triggers SEPA review. For example, in the CM zone, proposals would also have to comply with shoreline jurisdiction.

Commissioner McCombs asked if the new requirements are more lenient.

Ms. Grage agreed that they are for projects that require a notice of application and public hearing.

Will McCombs wondered why those types of projects would be given more review time.

Libby Grage said that for a project that requires additional review and/or a public hearing, we increased the timeline to be more realistic. This provides applicants predictability for the review timeline. These projects (type 3 and 4) take longer and are in line with the state recommendations.

Linda Martin pointed out that the ordinance talks about the 120-day review period. She expressed concern about the 170-days.

Libby Grage stated this is a more realistic timeframe and can help applicants plan better for their projects.

Linda Martin said we are clearly getting rid of conditional uses. She expressed mixed feelings about this.

This is a good idea because it gives more flexibility for owners, but the negative is the impact on the community and the lack of notice and hearings.

Will McCombs expressed the same concern. He feels that people are losing their voice.

Ms. Grage stated that if commissioners have concerns about the impacts a specific type of use may have on an area, she suggests those are brought up now so that they can be addressed in the development regulations. This clarifies what can be permitted. It's actually more transparent.

Commissioner Martin said the cottage housing development regulations need to be addressed as they impact the surrounding neighborhoods.

Libby Grage clarified there are many levels of review that impact what is allowed to be developed. Those reviews are intended to address concerns that would have been brought up in the CUP process.

Mike Mills expressed concern about "permitted by right". He suggested that the Director document why the decision was made. Since the City Council planning committee drafted this, he wonders what the Planning Commission's role is. Basically, the recommendation came from Council and we are turning it back to them.

Libby Grage clarified that the planning committee is just a subgroup of Council, so not all the group has looked at this. This is the first public hearing on this proposal and the Planning Commission will make a recommendations to City Council. This comes before the Planning Commission because it is a development regulation which is part of your review.

Will McCombs wondered if this process is typical for other cities. This seems like the tail wagging the dog.

Ms. Grage pointed out that this was not a recommendation from the entire Council. She is not sure how other cities handle this.

Commissioner Mills said the planning committee's role is to make recommendation to Council. It seems strange to include Planning Commission.

Libby Grage reminded the commissioners that this is part of the process.

Luke Currier referenced the discount on application fees. He asked Libby to explain how the first item, which is to have someone on call for review, would work.

Libby Grage said there will be a budget item for "when needed" to hire an on-call person. We still need to figure out who that consultant will be.

Luke Currier asked if the on-call person could be used now and maintain the current timelines.

Ms. Grage said that would depend on the budget.

Public hearing opened

Steve Cheney gave the example of 902 8th St, which is a single-family home built in 1890. It has been a residence and had commercial uses historically. Our intent is to have a home downstairs and ADU above. Since this is in the CBD, a SFR would not be a permitted use in that area. That makes it impossible to use the home as a home. If we cannot use it as a home, our only other option is to tear it down and rebuild.

Public hearing closed

Mike Mills moved to recommend to the City Council the adoption of the amendments as recommended by the City Council planning committee presented in tonight's packet. Will McCombs seconded. All ayes.

Other Business

Planning Department Update

Libby Grage welcomed Anna Dewey as our new Associate Planner. She said there are no other updates. She reminded the Commissioners that there are no more meetings this year.

Adjournment

Linda Martin adjourned the meeting at 7:26 p.m.