



NOTICE OF CONTINUED MEETING ANACORTES PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Anacortes Planning Commission meeting of November 23, 2016 is continued to **Wednesday, November 30, 2016 at 6 p.m.** in order to continue their deliberations on the following matter:

Public Hearing: Draft Title 19, Unified Development Code – Proposed code amendments relating to established clear, straight forward land use permit review procedures, including proposed use of a Hearing Examiner for certain types of permits; and including general provisions, definitions, legislative actions, procedures, public improvements, use criteria, non-conforming uses & structures, and variances.

This notice is given in accordance with RCW 42.30.



Steve Hoglund, City Clerk



Date

If reasonable accommodation due to a disability is needed,
Contact Cherri Kahns at 360-299-1950 48 hours prior to the meeting



Planning Commission Agenda Bill

Meeting Date: 11/30/2016 **Agenda Item:** [Click here to enter text.](#)

Subject: Title 19 Land Use Procedures – continued public hearing

Staff Contact: Don Measamer, Darcy Swetnam

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

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

Summary Statement: The advertised public hearing regarding this topic was continued to this evening (November 30, 2016). Please use your packet from the [November 23, 2016](#) Planning Commission meeting. Written public comments received to date are linked/attached.

Background:

Previous Council/Committee Action: Planning Commission discussed the proposal at its October 12, November 9, and November 23, 2016 meetings.

Competing Viewpoints Considered: Public comment received to date has been incorporated into the draft where appropriate; the public hearing has been continued to this evening.

Recommended Motion: None.

Alternative Actions: N/A

Attachments (listed in order presented):

[Public Comments received as of 11/27/16](#)

November 9, 2016

Good Evening Commissioners,

My name is Marilyn Wells Derig. I reside at 1302 K Avenue here in Anacortes.

I have two concerns that I wish to bring to your attention.

For the first concern, I call your attention to the matrix, version 11/2/2016. Under Type 1 Administrative Ministerial Actions, no notice is required of the administrator. That means that for a Boundary Line Adjustment (BLA) approval, no neighborhood notice is given. So neighbors are unaware of developments that utilize this method of application, and cannot raise concerns in a timely manner, even if it dramatically affects their neighborhood. See recent BLA's on properties on 12th and D and on West 10th to see the extent of these boundary line adjustments. These are not adjusting lines between two agreeable neighbors. No notice was given to neighbors. I suggest that BLA's need to be handled through a mechanism that requires notice.

My other concern relates to standing. Currently any "aggrieved" person who submits a written comment or speaks at a Planning Commission meeting may appeal. The suggestion is to replace that process. Please see 19.10.210. I quote:

Appeals.

A. Standing. The following parties have standing to appeal final decisions:

1. The Director;
2. The applicant;
3. Any owner of the property subject to the application;
4. Any party of record when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;
 - b. That person's asserted interests are among those that the City was required to consider when it made the land use decision; and
 - c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision."

Please note: This is a requirement for bringing an action before the Superior Court. What if a "local decision maker" incorrectly ruled that you have no "standing?" You have no remedy in Superior Court because you no longer meet the requirement 4b.

Thank you for your consideration of my concerns.

Marilyn Wells Derig

mdерig@me.com

360-293-3928

J. Lauridsen
11/9/16

11/9/2016 AMC PROPOSED CODE CHANGES

1. THE DIRECTOR HAS NO OBLIGATION TO FOLLOW AND ENFORCE THE LAW

Repealed:

~~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 subdivision 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.~~

Repealed All of 17.08 to include:

~~17.08.010—Administrator.~~

~~It shall be the duty of the administrator to administer and enforce this title.~~

Repealed:

~~17.08.020—Building permits.~~

~~A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building official. No building permit shall be issued except in conformity with the provision of this zoning code, city subdivision ordinance, street standards, building codes and other applicable ordinances.~~

ALL REPLACED WITH NEW TITLE 19 CODE SECTION

19.02.070 No special duty created.

A. It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this title is discretionary and not mandatory.

2. THE DIRECTOR HAS NO OBLIGATION TO RESPOND COMPLAINTS, MAINTAIN A RECORD OF COMPLAINTS AND GIVEN LICIENCE TO IGNOR COMPLAINTS

REPEALED

~~17.08.050—Complaints regarding violations.~~

~~Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrator. The administrator shall properly record such complaint, immediately investigate, and take action thereon as provided by this title, and shall notify the complainant of any conclusion reached or action taken. (Ord. 2316 (part), 1994)~~

REPLACED WITH:

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.
2. The Director must investigate an alleged civil violation and confirm it has occurred before proceeding to correct it.
3. Generally, the Director should use a graduated enforcement process that uses notification and education as a first step and should offer property owners the opportunity to correct violations before imposing fines.
4. The Director may decide not to take action to correct a violation, especially for *de minimus* violations or violations that require interpretations or discretionary judgments of the applicability of the land use code

3. NO METHOD TO REQUEST AN INTERPRETATION OF TERMS

REQUIRED BY

RCW 36.70B.110

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

REPEALED

~~17.08.080—Duties of administrator, building official, board of adjustment, and city council on matters of appeal.~~

~~A. All questions of interpretation and enforcement shall be decided by the administrator.
B. Questions of interpretation and enforcement of this title and the building codes shall be presented to the board of adjustment only on appeal within ten days from the final decision of the administrator. Recourse from the decision of the board of adjustment shall be to the courts as provided by law.~~

REPLACED WITH

19.02.030 Administration

B. Counter information. The Director may respond to inquiries regarding the applicability and interpretation of various code provisions prior to or outside the context of a specific development permit application. These general counter requests for information are for public convenience only and are not binding on the City nor appealable.

4. DEFEATS PUBLIC PARTICIPATION ON APPEAL

“STANDING” TO APPEAL

Currently any “aggrieved” person who submits a written comment or speaks at a Planning Commission meeting may appeal.

REPLACED WITH

19.10.210 Appeals.

- A. Standing. The following parties have standing to appeal final decisions:
1. The Director;
 2. The applicant;
 3. Any owner of the property subject to the application;
 4. Any party of record when all of the following conditions are present:
 - a. The land use decision has prejudiced or is likely to prejudice that person;

- b. That person's asserted interests are among those that the City was required to consider when it made the land use decision; and
- c. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision.

Note: This is a requirement for bringing an action before the Superior Court. What if a "local decision maker" incorrectly or maliciously rules that public participant has no "standing?" The party would have no remedy in Superior Court because they no longer meet the requirement 4b.

P. O'Hearn
11/9/16

19.02.070 No Special Duty created.

A. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers...for whom the implementation or enforcement of this title is discretionary and not mandatory Does this give discretion to the director to enforce or implement portions of the title, if so, how is that discretion overseen? What records will be kept when the city declines to implement or enforce portions of this title?

19.10.180 Hearings and Meetings- There has been discussion of fees for appeals to the Hearing Examiner. For Type 3 HE decisions including Level 3 variances (what ever those are), and short plat subdivisions up to 4 lots the Hearing Examiner conducts the Public Hearing. We need to be assured that no fee will be imposed for any Public Hearing, regardless of the body holding the public hearing.

19.10.190 Notice of Decision

A When a final decision is made that requires a Notice of Decision per AMC 19.10.030 (Matrix)...

Type 1 and 2 are decisions by the Director with appeal to the Hearing Examiner. Type 3 HE is a decision by the Hearing Examiner with appeal to the City Council. Type 3 PC is a decision by the Planning Commission with appeal to the City Council. Type 4 has no local appeal process.

Type 1 decisions- While there is a provision for type 1 director decisions to be appealed, there is no notice provision which would realistically allow anyone other than the applicant to appeal the decision. As noted below, several types of decisions in this category could have significant impact on an existing neighborhood and there should be the ability for parties other than the applicant to weigh in on a Directors decision (Accessory Dwelling Units, Boundary Line Adjustment, and "minor" permit revisions)

Type 4- City Council Decisions- Long subdivisions (over 9 lots) which are arguably the most involved and intrusive of subdivisions have no local appeal process. There is an open record hearing before the Planning Commission which recommends action to the City Council which then makes a decision without any further hearing. There is no appeal from the Council decision. While the City is correct in limiting hearings to one open and one closed hearing, in this case it appears that a closed record hearing would not be allowed per the matrix.

19.10.120 Pre application neighborhood meeting- The proposed code rightly strengthens this important step. It makes a neighborhood meeting mandatory in many cases, and at the directors discretion in some. Most importantly, it requires a neighborhood meeting to be held at a public location and at a time most likely to allow neighbors to attend. It also requires a third party facilitator. All of these requirements make it more likely that this would be a meeting to discuss the project rather than just a forum for the developer to give lip service to a meeting.

19.10.160 Public Hearing and Meetings-

B. Swearing in required. –This sections should make it clear that “a party who desires to submit evidence” includes city staff testimony.

19.10.210 Appeals

A.4. Any party of record when all of the following conditions are present

Standing for an appellant is only allowed when three conditions are met. These conditions are copied from the State RCW LUPA statute. Additionally, comment RW33 states “*The appellate body needs explicit authority to determine standing...*”. This is a direct attempt to limit who may appeal a decision by the Director, Hearing Examiner, or Planning Commission. While state statute creates conditions for standing in a LUPA action, it is vital to remember that the LUPA action and standing issues are decided by a neutral third party, a Superior Court Judge. In this case, the very body that oversees the hiring of the decision maker would determine if a party had standing to appeal that decision makers ruling. Presumably the hearing body (either the Hearing Examiner or the City Council) would rely on advice from the City Attorney as to a whether or not a party had standing. None of this achieves any measure of independence in either appearance or fact. To reiterate, LUPA rules were created to allow an appeal to an independent 3rd party. To try to apply LUPA restrictions to a totally “in house” procedure puts a proposed appellant on an unequal footing. Additionally, by excluding a party from the appeal, that would exhaust “his or her administrative remedies to the extent required by law.” *RCW 19.10.200.C.1*. This could create a situation where a denied appellant could file a LUPA appeal to have their standing recognized before an appeal hearing could go forward.

An appeal is timely only if it is filed with the director within 14 calendar days... Since when is “the director” anything other than an employee of the City. The appeal should be filed with the City Clerk or the Mayor as officials of the City able to accept service. Additionally, the Director is often the person whose decision is being appealed.

An appeal must also be accompanied by the appropriate appeal fee (*19.10.200.C.2*). In discussions before the Council appeal fees to offset the cost of a Hearing Examiner have been discussed but this would seem to require fees to appeal an action to the City Council. The idea that a Citizen of Anacortes would be precluded from appealing to their elected representatives without paying a fee is repugnant on its face.

19.10.210 C. Permissive Joinder- “At the discretion of the hearing body, a party with standing to appeal may be added to the appeal after the appeal period has run.” Just as the hearing body would have unfettered power to determine who could appeal, this give the body carte blanche to add persons to the appeal without any justification. If one of the goals of the Title 19 rewrite is to make decisionmaking more transparent, open, and reduce controversy, this section and the standing section go in the opposite direction and can give the appearance of a “thumb on the scale”.

19.10.200 K. *“Preparation of transcripts and record. The appellant must pay the cost of preparing transcripts of public hearings and meetings and all other records ordered certified by the court or desired by the appellant for the appeal”* . While this language is mostly lifted wholesale from the State LUPA statutes, care should at least be exercised to adapt the language to the City of Anacortes. There is no **court** involved. Again, to require a citizen to bear the cost of appealing “the director’s” decisions to the elected council creates a “pocketbook democracy” that limits access to only those with the money to buy the access.

19.10.210.I- This removes the requirement that a Notice of Decision be given to all involved parties. It allows mere publication of the Notice of Decision.

Finally the proposed code eliminates language in the current code that makes citizens aware that final decisions can be appealed to Superior Court with a LUPA petition. While this elimination cannot stop a LUPA appeal, the omission gives an appearance of finality to the “final decision” that does not really exist. Reference to external appeals should be put back into the code revision.

19.10.310 Permit Revision - This section allows the Director to make “minor revisions” to an approved permit. It goes on to give five qualifications of a minor revision. Importantly it removes a requirement in the 10/3/2016 draft “Significantly more or different impact on the surrounding area than does the present development, as determined by the director. In determining impact, the Director shall consider the scale of the proposed expansion or modification and expected changes to traffic, noise, hours of operation, and parking:”. Removal of this language removes any requirement to consider the “minor revision” impact on the surrounding neighborhood. This section would allow the Director to ignore impact to the neighborhood and focus only on the impact to the project itself.

19.60.030- Accessory Dwelling Units- This is a major change in that ADU’s become an Allowable use rather than a Permitted Use. It envisions ADU’s being created throughout the City with no notice to neighbors. There would be a stated appeal to the Hearing Examiner but, in reality, without notice no appeal by anyone other than an applicant would be a practical impossibility. It also sets up a scheme whereby enforcement of the requirements of an ADU would depend on a yearly certification to the City which, as is pointed out in comment [GL 31] would be hard to track. Wholesale unleashing of ADU’s without any realistic means of controlling them will inevitably lead to neighborhood disputes, uneven and arbitrary enforcement, and a variety of Air B&B’s, vacation homes, guest cottages and other uses outside the stated goal of providing for affordable housing. Additionally, how does the City propose to fund the additional staffing load that would be required to ensure that ADU’s are in compliance with code and meet the goals as stated in this Chapter?

19.60.055 Home Occupations

B. 2. Side effects of equipment used in the home occupation no longer prohibits generation of hazardous waste, or glare affecting adjacent properties

B.3. Removes the requirement that no more than 25% of the home may be used in the occupation and replaces it with the nebulous statement “The primary use of the premises shall be residential and at no

time shall the home occupation be the predominant use". While 25% is an arbitrary figure, the phrase that replaces it is realistically unenforceable.

B.4 Adds the requirement that no person other than members of the family residing on the premises can engage in such occupation. While that sounds good, the definition of a "family" in the new Chapter 19 includes up to "five unrelated persons living together in a single unit". Additionally, it removes the requirement that there be adequate off street parking and replaces it with the phrase "required parking", whatever that means.

4

PATRICK O'HEARN
11039 POST DRIVE

Grage, Libby

From: Gene Derig <gderig@me.com>
Sent: Friday, November 11, 2016 8:41 PM
To: Laumbatus, Marty; Mount, Jeff; Doll, Andrea; Cleland-McGrath, Christine; Moffitt, Amber; Oppel, Curt; McNett, Jeremy
Cc: coa.mayor; Measamer, Don; Grage, Libby; Nelson, Kaitlynn; Stewart, Joann; Cricchio, Kevin
Subject: Comments for Planning Commission from the meeting 11/9/16

Anacortes Planning Commission
Anacortes, WA

Dear Chairman Laumbattus and Planning Commissioners,

These are my comments for the Planning Commission meeting of 11/9/16.

#1—RE: The expanding powers of a possible Hearing Examiner.

Originally, we were told that the Hearing Examiner position, if adopted, would have limited responsibilities, only applying to such things as Variances and Special Use permits for antennas and cell towers. Now we find in the most recent version of the matrix that preliminary short sub-divisions of 5-9 lots are now included under the jurisdiction of the Hearing Examiner. Why is there an expansion of powers at this time? The position has not been approved and we haven't even cleaned up our codes yet!!

#2— RE: Question of "Frivolous Appeals"

The last time we attended a Planning Commission meeting the subject was raised of a fee or other charge per appeal to any City body. The Chairman offered that such a fee might be preclude "frivolous appeals". What is a "frivolous appeal"? Why would it be deemed in the best interest of the public for citizens to have to "pay -to-play", as it were, in order to appeal a Planning Commission decision to City Council as illustrated in column 3, under PC of the latest matrix?

Thanks for your time.

Gene Derig
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Anacortes, WA 98221
gderig@me.com
360-293-3928

Tom and Pam Allen
P.O. Box 817
Anacortes, WA 98221

November 21, 2016

To: Anacortes Planning Commission

Re: Draft Title 19 Development Section of the AMC

Dear Chairman Laumbattus and Planning Commissioners,

We would like to submit some of our thoughts on the upcoming Draft Title 19 Development code rewrite for procedures, policies and code changes.

The economic vitality of Anacortes is very important to all of us for jobs, healthy business investment and a range of housing affordability for all economic segments of the Anacortes community. As long time building contractor and business investors in Anacortes we feel that there is currently a negative environment for housing in Anacortes. Negativity hurts our Anacortes citizens and businesses. Negativity does not foster economic vitality.

Draft Title 19.10.210 Appeals.

Routine, arbitrary or possibly frivolous appeals have become the norm in the Anacortes land use and building process and are very disruptive. Appeals are paralyzing to the Planning Department, the applicant(s), businesses and the community. They increase the price of land and slow housing growth, which in turn increases housing prices.

The result of the more recent proliferation of appeals has wasted limited municipal and private sector resources, which leads to an inefficient and uncertain public planning process. This is costly to the taxpayers and the applicants and leads to uncertain building, investment & economic development processes. Private land owners work hard with the City of Anacortes Building and Planning Departments to complete application processes with the reviews set forth in the AMC to receive approvals where zoning is deemed in conformity with policy. Applicants who respect the process and follow the administrative lead of the COA staff, should be allowed to develop their property under the AMC. Importantly, the taxpayers shouldn't have to bear the entire burden of an out of control appeal process with no cost to the appellants. The current system allows a repeat small group of people the opportunity to slow growth and significantly increase development costs.

We applaud the proposed rules for appeals as proposed in the Draft Title 19.10.210.

- A. Standing
- B. Necessary Parties
- C. Permissive Joinder

These proposals are well written under draft AMC Title 19 Appeals 19.10.210. and we are proposing to include in the new 19.10.210. other tools for appeal options and fees. Options for changing the current appeals process could include the following:

- 1) **Restrict who can file an appeal.** Historically in communities across the state, including Anacortes, land use development applications have required mailing notification to landowners or people who reside within a 300' radius of the land use project. We believe that same 300' radius should also be the boundary for appeals. We are recommending restricting who can file a land use appeal at no cost in Anacortes to include:
 - Only citizens who are directly impacted by a Short Plat, Long Plat or other land use application by living or owning property within a 300' radius of the applicant project.

Other appellants, whose goal is to disrupt, stop or slow growth, should not be allowed to appeal a land use application within the city limits, unless within the 300' radius. As it stands now, people who live on the other side of the island from a land use project or even outside of Anacortes, with no physical or economic investment in the applicant project area can disrupt businesses and our planning processes. We need to stop these routine and arbitrary appeal applications by those who are abusing the system only to subvert it. The cost of these appeals is a burden to the City, taxpayers and the applicant(s) who also have rights.

We also offer a secondary consideration:

- 2) **Implement a "Sliding Scale" fee for a land use/housing appeal application,** just like other City of Anacortes application fees, to accurately reflect the staffing and processing cost to the City and to discourage "serial appealers" who create excessive cost to the Anacortes taxpayer. Serial appealers can be disrespectful to staff and applicants and have a negative economic impact on applicants, city staff and the Anacortes taxpayers while managing to slow or stop the growth of workforce and other affordable housing. Fidalgo Island has a population of 22,000 and the current repeat appealers that set forth to disrupt and subvert the application process represent 3 ten thousandths (.0003%) of our island population.

We propose charging an appropriate fee to process the appeal to the Council with the following considerations:

- Appeals should be free for people who own or rent property within the 300' radius of the application project.
 - Additional parties who file appeals on projects within Anacortes should be charged an appropriate appeals application fee to help mitigate the city staffing and processing costs to taxpayers. As an example, the first appeal is \$1,000. The second appeal will cost \$2,000, the third appeal will cost \$3,000, etc.
 - Any system that costs the applicant tens of thousands of dollars and appellants nothing is a system open to abuse by serial appellants.
- 3) **Use LUPA process to define Appeal Application requirements.** We support using the current draft language that uses the Washington State LUPA filing requirements for 3 conditions to be met for Appeal Applications. We do not agree with Mr. O'Hearn's public comment statement at the 11/9 Planning Commission meeting that a 3rd party oversight should be required for vetting

the initial appeal application to the City of Anacortes on a land use project. We believe that adds an extra layer of expense to the taxpayer and that our current Planning Department administration staff should process these initial appeals.

Requirement of recommended new appeal fees and restrictions are needed as appeals are expensive to process and hear, and time consuming for city staff and Council with significant time analyzing new information, compiling the expanding record, and drafting new staff reports and findings pertaining to an application to Council, resulting in undermining the Council's capacity to work on the Council's priority projects.

- Because of the current nonexistent appeal fee, the cost of the appeal process is borne by the City's taxpayers and encourages "serial appellants."
- Due to the additional staff time, consultant fees, applicant time lost on delays and spent on answering appeals and council time for the same, appeals can cost the community tens of thousands of dollars for city costs and land costs that push any hope of affordable land for housing or business development upward in price.

Determine appeal application standing by bringing certainty, integrity and reliability to the land use process for applicants and the community to protect public investment in infrastructure as a reasonable standard for allowing appeals.

Anacortes Goal H-3, Housing Affordability.

- Policy H-3.2. stresses the importance to "...promote the development of affordable workforce housing to meet local needs..."

Affordable workforce housing starts with the price of the land. Land use appeals cause additional costs to property owners/applicants by adding time delays, additional costs for municipal staffing, professional services when peer reviews for consultants are required 2, 3 and 4 times, and legal fees. These additional costs burdens are added to the cost of the land pushing up housing and business costs.

Anacortes Goal H-6. Monitoring.

States to, "Implement Housing Element goals in a manner that is **efficient and transparent.**"

The word "efficient" is ignored and only the word "transparent" is being continually abused and demanded by a small and persistent group of serial appellants. These two words, efficient and transparent, that are the leading goal in monitoring the implementation of the housing element seem to be at odds with each other. There needs to be balance. There is nothing efficient about transparency, nor is there any affordability in transparency. Transparency is time consuming and expensive. Where is the balance?

19.10.210.1 Decision on Appeal.

As proposed the wording is correct in publishing the Notice of Decision. It is not in the best interests of the city to supply legal advice or propose or promote lawsuits by providing suggestions to citizens about what they can or can't do regarding decisions made by City Council regarding various land use applications.

19.02.070 No Special Duty Required.

The wording of this proposal for Title 19 is adequate and requires no revision.

Notice of Decision.

The Type 1 to Type 4 are very adequate as proposed for the Title 19 code change with an exception. We believe the Type 3-HE Hearing Examiner for “Preliminary Short Plat Subdivisions of 5 – 9 Lots” should be left with the Administrator in Type 2 with 1 - 9 Lots as is currently done in Anacortes.

A simple 1 – 9 Lot Short Plat Application doesn’t need or require this additional burden on the city or they applicant. The Planning Department staff are well qualified.

Table 19.10.031-1.

We feel the Administrator is very well qualified to handle subdivisions up to 9 lots. It’s been that way for a long time. Even Vernon Lauridsen stated that the current land use codes have worked in this town since 1994. (11/9/16 Planning Commission Meeting on City of Anacortes video @ 17 minutes.)

We don’t feel a neighborhood meeting is required for subdivision applications up to 9 lots. The system has been working. If the neighbors requested it or the applicant requested it, it should be voluntary.

19.10.120 Pre-application neighborhood meeting.

We don’t believe a neighborhood meeting should be required for subdivision applications up to 9 lots. The current optional neighborhood meeting system has been working and the Planning Director/Administrator is very capable of dealing with small short plats. If the neighbors requested it or the applicant requested it, it should be voluntary. These meetings add another layer of cost that drives up the price of land and the time to market in Anacortes. To summarize, Type I and II Land Use Applications along with Short Plats up to 9 Lots should not be required to have a neighborhood meeting or a Hearing Examiner.

Demanding that neighborhood meetings be required on all types of land use applications is an expensive overkill and an attempt to force a Community meeting instead of a Neighborhood meeting by the same disruptive group of serial appellants that want to control all development in Anacortes. There is no efficiency in this request. Stop the overkill in requiring notices to neighborhood, newspaper notification and posting meeting notice on site be required for all types of land use applications.

For Type 3 & 4 development applications, city staff can attend these meetings and can act as a facilitator. They need to be there anyway to answer impact questions.

19.04 Definitions

Definition of “Family”.

The proposed definition allowing unrelated people and/or boarders to live together is already happening throughout our community. This definition is a good thing as it promotes one type of affordable housing and makes legal what is already common in our community.

19.10.310 Permit Revision

The definitions proposed for major and minor revisions are too restrictive and don't allow enough flexibility for the city and applicant(s) to work through the application process. As proposed, revisions would add unnecessary time and cost the applicant(s) more money. We believe Item 19.10.310 A.1. should be increased to at least 20%.

An example of why more flexibility is required follows:

The proponents put forth a plan. The Planning Department through DRG requires changes from the original proposal. Along with those changes an application is made. A lot of time and money is spent to get to this point. The Planning Commission approves the plat, with changes. We know there will be appeals. The City Council approves it with more changes. Somewhere along the line there is a point where the "10% revision" rule (AMC 19.10.310) is exceeded. This is not fair to the applicant to start over the application process based on 10%.

19.60.055 Home Occupations

The Home Occupations as written for Title 19 are well conceived. We do have a few suggestions:

- A. Permit should run with the land.
- B. There should be exceptions where a permit is not required.
 - 1) A nanny
 - 2) An elderly caregiver for 1 person
 - 3) A bookkeeper or other benign business that generates no additional noise and no more traffic than 2 cars per day average.

It is also proper to use of the Definition of Family (AMC 19.04.020) where non-related home occupants could work together in a business. Examples could be: building websites, engineering, baking, etc.

Thank you for time and your consideration of our comments.

Regards,

Tom and Pam Allen

November 21, 2016

Good Evening Mayor and Council,

My name is Marilyn Wells Derig. I reside at 1302 K Avenue.

We, as citizens, have looked to our City staff to recommend projects that are meeting our City codes. As you well know, sometimes, we may have an interpretation of the code that is opposed to a recommendation by staff to approve a project and this may be related to our current codes, which are now under review. I know that staff and Council are concerned about tightening up our codes, and I heartily support that action.

Originally, we were told that if we decided to install a Hearing Examiner, that that person would have limited duties. She or he would hear matters specifically on variances and special use permits for towers or cell antennas. Code Enforcement was also mentioned as a role for the Hearing Examiner.

I have always been and still am concerned about installing a Hearing Examiner, a position that would replace our citizen boards. Particularly I am concerned about this action taking place before we have our codes cleaned up.

Referring to the most current matrix, I see now that the hearing examiner would be hearing **appeals** on the Type 1 (with no notice to citizens) and Type 2 actions that are within the province of administrative ministerial actions and decisions, respectively. So if we have a hearing examiner, will it be through the Hearing Examiner in these two areas that **we as a City will do our code enforcement?**

I ask this because the City is now recommending for an outright repeal of 16.04.105, which addresses Enforcement, Violations and Penalties. Also 17.08. is recommended for repeal, taking the responsibility of administration and enforcement under that title away from the administrator. And the replacement, **19.02.070 says that NO special duty is created** and goes onto say **"It is the purpose of this title to provide for the health, welfare and safety of the general public, and**

not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. **No provision or term used in this title is intended to impose any duty whatsoever upon the City or any of its officers, agents or employees for whom the implementation or enforcement of this title is discretionary and not mandatory.**" So it would seem that the City staff would not be responsible for enforcement. **Is that correct?**

In addition to this, the City is recommending changing the definition of **standing** and making it more difficult for citizens to have standing and therefore be able to appeal a decision. Please see 19.10.210 and check out the increased demands needed for said standing.

Theoretically then, the hearing examiner would be the one that **enforces** the codes, by virtue of an appeal, even when there may be **no notice to citizens** (like in the Type 1 Ministerial action which includes boundary line adjustments) and in addition, there are **more proposed limitations placed on citizens in the area of standing. Is this actually providing for the health, welfare and safety of the general public?**

While this administration ran on the platform of transparency and openness, and I applaud the steps taken to do so thus far, I am concerned that these proposed changes actually will suppress citizen input and impact, the same citizens who are paying for this whole process.

Thank you for your attention to this matter,



Marilyn Wells Derig

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14.06.110			14.06.120			14.06.130			14.06.140		
Level I review procedures			Level II review procedures			Level III review procedures			Level IV review procedures		
Item	Level I	Deadline (Days)	Item	Level II	Deadline (Days)	Item	Level III	Deadline (Days)	Item	Level IV	Deadline (Days)
1	Optional Pre-development meetings		1	Optional Pre-development meetings		1	Optional Pre-development meetings		1	Optional Pre-development meetings	
2	Mandatory Pre-development meetings		2	Mandatory Pre-development meetings		2	Mandatory Pre-development meetings		2	Mandatory Pre-development meetings	
3	Letter of Completeness		3	Letter of Completeness		3	Letter of Completeness		3	Letter of Completeness	
4a	Notice of Development Application		4a	Notice of Development Application		4a	Notice of Development Application		4a	Notice of Development Application	
4b	Comment Period		4b	Comment Period		4b	Comment Period		4b	Public Comment Period	
5	Administrative Official Decision		5	Staff Report		5	Staff Report		5	Staff Report	
6	Notice of Decision		6	Notice of Public Hearing		6	Notice of Public Hearing		6a	Board Decision	
7	Hearing Examiner Appeal		7a	Open Record Pre-Decision Hearing	10	7	Open Record Pre-Decision Hearing		6b	No Public Hearing Required	
8	Notice of Appeal	14	7b	Public Notice of Decision		8	Hearing Examiner Recommendation				
9	Appeal Fee		8	Request For Reconsideration	14	9	Commissioner Closed Record Hearing				
10	Public Notice-Open Record Appeal		9	Notice of Appeal		10	Public Notice of Decision				
11	Hearing Examiner Open Record Appeal		11	Commissioner Closed Record Appeal		11	Superior Court LUPA Appeal	21			
12	Request For Reconsideration	10	12	Superior Court LUPA Appeal	21						
13	Board of Commissioners Appeal	14									
14	Superior Court LUPA Appeal	21									

Reductions of Required Landscape Buffers	Variances (Including Shoreline)	Board of County Commissioners' Variances	Final Long Subdivisions
Reductions of Required Parking	Special Use Permits	Preliminary Long Subdivisions (> 50 Lots)	
Reduction of Setbacks.	FPA Waivers Not Single-Family Residents	Binding Site Plans (> 50 Lots)	
Lot Certification	Review of Previous Land Use Permit or Approval	Development Agreements	
Boundary Line Adjustments	Urban Reserve Development Permit	Commissioner Recommendations	
Preliminary & Final Short Subdivision Approvals	Preliminary Long Subdivisions (Between 9 & 50 Lots)	Regional Essential Public Facilities	

Rec'd
11/23/16
Tom Glade

Rec'd
11/23/16
Carol O'Hearn

I'm Carol O'Hearn. I live at 11039 Post Drive.

I'm here to address 19.10.040 A in version 11-16-2016.

I'm opposed to city council setting a fee for appeals to the council when it is acting as an appellant body.

Citizens should not have to pay a fee to talk to or be heard by their elected officials.

In addition, 19.10.070 A seems to say this title is not meant to create a particular class of citizens or group of citizens who will be protected by or benefit from the title. However, if a fee is set you are doing just that: Creating a class or group who can afford to pay a fee to talk to their elected officials.

Where are you going with this? A pay to play system?

Each councilmember is paid a stipend by the city. The dictionary definition of stipend is a fixed sum of money paid periodically for services or to defray expenses.

Each councilmember is paid \$1,200 a month. This is \$14,400 per year for each councilmember.

They are paid for their service. It is part of the council service to listen to citizens. Yet, to file an appeal and to be heard by the council, an appellant will have to be able to afford to pay a fee. Those who can not afford to pay, can not play--- therefore, can not be heard. The council is setting up two distinct groups of citizens...those who can be heard and those who cannot be heard when the council is acting as an appellant body.

Do not set a fee for appeals to the council when the council is acting as an appellant body.

Thank you.

Carol O'Hearn

Rec'd
11/23/16
Patrick O'Hearn

Title 19 11/16/16 Revisions Comments

Patrick O'Hearn

As a preface, note that any reference to a position (i.e. "director") is directed to the position and its powers and duties and not any current, past, or future holder of that position. This is important if the goals of this code revision are to be met and the code will work effectively both now, and in the future.

Comments by section as follows

17.04.030- As properly noted by [RW6] This section states that an appeal to Superior Court is allowed. Nowhere in the new Title 19 is that fact noted. RCW 36.70.C makes it clear that City land use decisions may be appealed to Superior Court. To not make notice of that fact does not make an appeal go away but it seems less than honest to not make a citizen aware that there are options beyond the City appeal process.

19.20.030- Administrative Decisions- I am assuming that Bed and Breakfasts are an Administrative conditional use? Do they need to be listed as are home occupation permits? See my additional comments under 19.44.040 Bed and Breakfasts.

19.20.030- Type 1- There is still no way for anyone other than the applicant to find out about a Directors decision which renders the appeal process meaningless, except to the applicant. This is a basic fairness issue, the reality is that the developer is granted the ability to appeal a Director negative decision but the surrounding neighbors are not realistically afforded the chance to weigh in on a pro applicant decision. While some of the items listed are truly Administrative Magisterial Actions and there is not really any ability to appeal a cut and dried decision to proceed, level 1 variances allow the Director to make changes to "dimensional or numeric standards" by up to 25%. This definitely could impact neighboring properties and notice should be given so that adjacent property owners do not have to depend on the judgement of the Director for their protection. As an example, under current zoning regulations, a residential home height would no longer be limited to 35 feet but could be increased to 43 feet by director fiat. The same goes for other numerical limitations such as lot coverage, setbacks, and building size, all of which could have real negative impacts on surrounding properties.

19.20.030- Type 4 decisions are arguably the most intrusive land use decisions, large subdivisions and expensive shoreline projects among others. Yet, there is no mechanism for appeal of a decision. Attorney Swetnam stated that staff could see no good way of working around the problem of an appeal body hearing both the appeal and ruling on the underlying application. While that is a major and desirable goal, the fact that it is difficult to achieve does not warrant forcing anyone who wants to appeal into Superior Court. A mechanism for local appeal really needs to be in the code.

19.20.210 Standing- This has not changed from the earlier draft and my comments still stand. The standing for parties of record are lifted wholesale from the State LUPA statutes. Standing in the case of a LUPA action is determined by a totally unrelated third party (Superior Court Judge). In this case, 19.20.210 does not even define who may rule on standing issues. Even if such a party was identified, I

cannot see how they could be an independent third party. If the appeal body makes this determination, it is not independent. The City Council would presumably rely on the City Attorney for advice as to standing, which again would not be an independent judgement. This is a massive "thumb on the scale" and totally ignores the fact that many decisions may in fact set citywide precedents and affect more than just the immediate, surrounding landowners. This section insures that the applicant will always have a seat at the table but that everyone else will have to beg for a chance to be heard. Finally, denial of standing exhausts the administrative remedies available and would seem to trigger a party's ability to file a LUPA case prior to the appeal even being heard.

19.20.210.C Permissive Joinder- To further add to the uncertainty, allows "The hearing body may add a party with standing to the appeal, after the appeal deadline has passed, upon the request of the party". I assume that, since this is in the appeal section, the undefined term "hearing body" refers to the appeal hearing body and not the original hearing body. Regardless, we now have a process whereby the appeal hearing body can not only determine who may speak to it, it can open a side door and let someone into the process at their whim.

19.20.210.E Method of Service- The denial of postmarks to determine delivery effectively shortens the time to file. While most appeals would probably be filed in person, this assures that appeals filed close to the deadline must be filed in person or risk slow mail delivery. Use of postmarks would not slow the appeal process down but only serve to further limit the ability to appeal.

19.20.240 Exhaustion of administrative remedies- Again, the omission of even a reference to the non administrative remedy, a LUPA petition does not bar its use but only serves to obscure the fact that there is an appeal after all administrative remedies have been exhausted.

19.28.310 Permit Revision- The addition of C.2 which defines a minor revision as one that does not "2. Increase the intensity of the use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts" is a good addition from earlier drafts and requires the Director to consider the impact on the surrounding properties.

19.38 Variances- Limiting variances to dimensional or numeric standards is a positive step as is restricting them for changes in maximum density or minimum lot size are positive steps. The problem with this section arises in that the Director may vary numeric or dimensional standards by up to 25 percent with no notice to anyone. The fact that the variance is appealable by anyone other than a rejected applicant is specious in that, unless the variance is discoverable prior to the end of the appeal period, no appeal can be filed.

19.44.020 ADU's- Changing ADU's to an "allowable use" in all residential zones is a major change to the character of the city. This will allow almost anyone in any residential zone to double the number of dwelling units on their lot and flies in the face of the City comprehensive plan and zoning regulations. While the stated goals as outlined in the purpose section are good, the code does not provide any mechanism for enforcing their outcome. Simple wishing does not provide affordable or moderate income housing. Purpose #4 "Protect neighborhood stability, property values, and the character of the

neighborhood” is especially egregious. How adding a number of small apartment units to a single family neighborhood creates stability or preserves the existing character boggles the imagination.

This section defines ADU’s but provides no mechanism for enforcement of the requirements. While either the dwelling or ADU is to be the owner’s permanent and principal residence, the only mechanism for enforcing the requirement is recording a notice of that against the property title with the County Auditor.

19.44.020.C.5 requires the habitable floor area not exceed 900 square feet. Again, there is no enforcement mechanism and further, with a level 1 “no notice” variance, could be increase by the director to 1125 sq ft.

19.44.020.C.6 requires no interconnected interior spaces. Again, how can that be realistically enforced when any D.I.Y.’er with a moderate level of skill can carve a door between the units?

19.44.020.C.7- Requires three parking spaces but allows one space to be on the street. While one extra car parked on the street would seem no problem, if a majority of the houses on the block put in ADU’s parking does become problematic, especially if more than three cars are involved in an ADU household.

The earlier draft at least had a permitting scheme which required an annual affirmation by the owner that the requirements of the ADU were being met. While that was cumbersome and questions were raised about enforcement, at least there was an attempt to insure that the letter of the law was being met. Perhaps an annual license fee should be imposed, with the proceeds going toward enforcement of this section. Also, is there a provision in the code section to allow the City to inspect to determine that an ADU is in compliance with this section?

This proposal will lead to neighborhood strife, congestion, and strain on the infrastructure without any guarantee that any of the very good purposes will be met.

19.44.040- Bed and Breakfasts- This section seems incomplete. B and B’s are not addressed in the matrix. Are they a conditional use, or an allowable use? They are not defined in the definitions section. While the Zoning portion of the code has not been written, there is no reference here to any zone restrictions on B and B’s. Are they to be allowed in any residential zone like the above mentioned ADU’s?

Additionally, the licensing and notice provisions in the current code have been removed. While the requirements section is an improvement, the lack of oversight, licensing, and control need to be addressed. The section says that the “owner” must be the operator of the facility and must reside on the premises. Does this mean the “owner” of the property, or just the “owner” of the B and B on some leased or rented property? There is no process for approval or denial of a B and B stated. Surely it is not the intention to allow anyone, anywhere to open a B and B which requires no notice to officials, much less surrounding neighbors. Finally, the term Bed and Breakfast is not defined as to number of occupants, length of stay, or any qualifiers that would prevent a party from creating a series of long term rooms for rent should they so desire. This section needs much more work.

Land Use Permit Procedures Code Update Package – Title 19

Comment summary – November 30, 2016

Below is a brief summary of public comments received as of November 28, 2016, document version references, and staff comments and recommendations. Comments have been grouped by theme/issue. Complete written public comment letters can be viewed [here](http://www.cityofanacortes.org/public_comments-LU.php) (http://www.cityofanacortes.org/public_comments-LU.php) and should be consulted for full details and context.

Issue	Comments summary	Version V8 reference	Version V10 reference	Comments
PERMIT REVIEW PROCEDURES				
Public notice	Commenters would like there to be public notice of various proposed Type 1 applications, specifically mentioning boundary line adjustments, accessory dwelling units, and Level 1 variance applications	19.10.190	Table 19.20.030-1 (p. 27)	In making recommendations for the appropriate review process for different application types, some of the issues staff considered included: current and past permit review procedures and their outcomes; potential for a development to impact adjacent properties; the appropriate balance between facilitating citizen involvement and the cost in time and resources involved in additional procedural requirements (to City, applicant); and providing for a timely and fair permit process that ensures predictability. Staff recommends that refinements be made to the Variance levels in 19.38 and that a minimum Type 2 review process be provided for any variance request. It is also recommended that boundary line adjustments (BLA) and accessory dwelling units (ADU) be processed as Type 1 applications. In order to address concerns regarding what can be accomplished through a BLA or an ADU proposal, staff recommends that BLA and ADU criteria and standards be reviewed and amendments considered as part of the imminent development regulation update process.
Type 4 applications	Commenters note that there is no local appeal option for Type 4 permit applications; and it appears that a closed record hearing would not be allowed per the matrix	19.10.090	Table 19.20.030-1 (p. 27)	Since Type 4 permits are City Council decisions, there is no higher local body to which to appeal. One way to ensure a local appeal opportunity for more applications would be to move certain application types to Type 3-PC or Type 3-HE review processes. These decisions could then be appealed to City Council. Per RCW 36.70B, closed record hearings are typically appeal hearings. With no local appeal, it would be appropriate to have no closed-record hearing.
Short plats 5-9 lots	Commenters were concerned about the proposed review process for these applications as a Type 3 permit	19.10.031-1	Table 19.20.030-1 (p. 27)	In V10, preliminary short subdivisions have been moved back to a Type 2 review process.

Issue	Comments summary	Version V8 reference	Version V10 reference	Comments
Method to request administrative interpretation	Commenters note that RCW 36.70B.110 requires local governments to adopt procedures for administrative interpretation of its development regulations; concerned repealed language is not adequately replaced	19.02.030	Ch. 19.12 (p. 16)	Staff recommends that administrative interpretations be added to the Type 2 column in Table 19.20.030-1 and that additional procedural language be added to Title 19 (possibly 19.02.030), as needed, to comply with RCW 36.70b.110(11), which states: “Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations”.
Permit revisions	Commenters would like the impacts on the surrounding neighborhood to be considered in approving a minor revision to a permit	19.10.310	19.28.310 (P. 39)	“Minor revision” criteria were revised in V10: any proposed revision that would increase in the intensity of a use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts, would be processed as a major revision.
Variances	Commenter concerned that the Director may vary numeric or dimensional standards by up to 25% with no notice (Level 1 Variance)		19.38 (p. 42)	Staff recommends that refinements be made to the Variance levels in 19.38, and to adjust variance review procedures so that any level variance request requires public notice.
Hearing Examiner	Commenters are concerned that a Hearing Examiner is proposed to be utilized for various land use permit types and appeals, replacing the Board of Adjustment and City Improvement Board. They feel that the existing development regulations need to be cleaned up prior to entrusting decisions to a hearing examiner, have questions about how that position would be paid for, and are concerned the proposal would have the effect of reducing public input and participation.		Table 19.20.030-1 (p. 27)	As proposed in V10, the Hearing Examiner would only be used for Type 1 and 2 appeals and Type 3 decisions. The HE would only review quasi-judicial matters that allow for limited public input regardless of the decision-maker.
APPEALS				
Standing to appeal	Some commenters state that the proposed standing criteria in 19.20.210(A) defeats public participation in appeals and prefer the existing code provisions regarding standing, which, in most cases, specify that any “aggrieved” party may appeal. Other commenters agree with the proposal to use LUPA standards in establishing requirements for standing, and/or limiting who can appeal based on proximity to a project site		19.20.210(A) (p. 36)	Standing only comes up in quasi-judicial hearings, which look to courts for guidance on process. There are three fundamental components of federal constitutional standing: injury, causation, and redressability. These three components are reflected in the LUPA statute. City staff has recommended adoption of the LUPA standing rules, which are supported by federal and state constitutional law.
Filing of appeal	Commenters want appeals to be filed with the City Clerk instead of the Director		19.20.210(D) & (E) (p. 37)	Staff recommends changing language in this section to require filing with the City Clerk.

Issue	Comments summary	Version V8 reference	Version V10 reference	Comments
Method of service for appeal	Commenter notes that denial of postmarks to determine delivery effectively shortens time to file an appeal.		19.20.210(E) (p. 37)	The existing rules in the AMC do not address this issue. Allowing postmarks to determine service date creates uncertainty. The city would have to wait an uncertain amount of time before processing appeals to ensure mail days are accounted for.
Appeal fee	Some commenters want the city to continue to not charge a fee to submit an appeal; other commenters propose implementing a “sliding scale” fee.		19.20.210(D)(2) (p. 37)	There are hard costs associated with an appeal of a decision, including mailing and publication of notices, copies, etc. Currently, staff is proposing a fee that would be commensurate with those average hard costs (around \$150-\$200). A proposal for changes to land use permit fees will be brought forward to City Council in the coming months.
External appeals	Some commenters want City to retain language in the code regarding the availability of judicial appeals after local appeals have been exhausted. Other commenters believe the city should not provide legal advice regarding appeal of a final city decision.		19.20.240 (p. 38)	The Anacortes Municipal Code provides City rules. A party’s right to appeal a local decision to state court is a matter of state law and staff recommends that it not be described in the city code.
Permissive joinder	Commenters say that this section could allow the appeal body to add persons to the appeal without justification.	19.10.210(C)	19.20.210(C) (p. 37)	In V10, this section was revised to clarify that the body may add a party with standing to the appeal, after the appeal deadline has passed, upon the request of the party.
Public hearing fee	Commenters want assurance that no fee will be imposed for a public hearing		19.10.180 (p. 35)	Staff proposes that land use permit application fees be updated to more accurately reflect the costs involved in processing different types of applications, including those requiring a public hearing. A project applicant is required to pay this fee when an application is submitted. Staff also recommends that an appeal fee be established to cover hard costs involved in processing such actions.
Preparation of transcripts paid for by appellant	Commenter says this has the effect of limiting access to city council	19.10.200(K)		This language has been deleted in V10. The current AMC provisions require that an appellant pay for the cost of preparing transcripts (17.62.010, 17.04.030); this cost can be significant.
Swearing in	Commenters would like city staff to be sworn in at public hearings.	19.10.160	19.20.160(B)	Language was changed in V10 to include city staff in swearing-in requirement.
CODE ENFORCEMENT				
Director obligation to follow and enforce code	Commenters are concerned that proposed repealed language in various code sections is not adequately replaced to ensure enforcement of code	19.02.070(A)	19.10.030(A)	Staff proposes changing 19.10.030(A) to “The director has the duty to administer and enforce AMC Titles 16, 17, 18 and 19”.
Director obligation to respond to complaints	Commenters are concerned that proposed repealed language in various code sections is not adequately replaced to ensure response to complaints			Code Enforcement is dealt with in proposed Title 20, also see comment above.
SUPPLEMENTAL USE CRITERIA				
Accessory Dwelling Units, Home	Commenters had various concerns with the proposed supplemental use standards contained in Title 19 for Accessory Dwelling Units, Bed &		19.44.020, 17.44.040, 19.44.055	Staff’s intent was to move procedures for these uses, which currently exist throughout AMC Chapter 17.10, into Title 19. Additional changes were proposed that

Issue	Comments summary	Version V8 reference	Version V10 reference	Comments
Occupations and Bed and Breakfasts.	Breakfasts, and Home Occupations, including how enforcement would occur, how uses would be compatible with surrounding neighborhoods, where they would be allowed, etc.			were thought to be helpful in meeting the objectives of clarifying language and addressing confusing processes and terms. Staff recommends that in order to meet timeframes for adoption of land use procedures, the discussion tonight focus on procedural issues, rather than use criteria and standards for the specific use types. If Planning Commission is uncomfortable with the current proposal, one option could be to retain the existing standards for Accessory Dwelling Units, Home occupations, and Bed and Breakfasts where they currently exist in Title 17, while making minor adjustments to reference Title 19 where procedure language occurs. This would ensure that the development regulations remain as they currently exist, allowing for future review and amendment to address community and PC concerns as part of the upcoming development regulations update.
OTHER				
Notice of Decision	Commenter says this section removes requirement that a notice of decision be given to all involved parties		19.20.210(I)	Language was changed in V10 to require distribution of a revised NOD, incorporating the decision on appeal.
Definition of Family	Some commenters are concerned about the definition of ‘family’ as it relates to allowable number of family members employed as part of a home occupation. Some commenters feel the definition is good to promote affordable housing.	19.04	19.12.020	The definition of family is not proposed to be changed from where it is defined in existing Title 17. Staff recommends caution be exercised in making changes to the definition so that citizens’ fundamental constitutional rights are not violated.

The following are some additional recommended changes have been identified:

1. Change the “Pre-application neighborhood meeting” cell under Type 2 Administrative Decisions from “No” to “At discretion of Director”.
2. 19.14 Chapter Title – Delete ...”and uniform”. The city does not adopt any uniform codes.
3. Repeal 16.08.040 re: Appeals of short plat decisions. Table 19.20.030-1 and 19.20.210 replaces 16.08.040 in outlining appeal procedures.
4. Repeal 17.44 Planned Unit Developments and Cottage Housing.
5. Add #8 to 19.20.150(B) re: other info needed to make a decision on an application
6. In Table 19.20.030-1 – Under Type 1 – revise term “Wireless Co-locations” to a term that is consistent with administratively approved uses in 17.63.030.
7. In Table 19.20.030-1, add Modifications and exceptions per AMC 16.24 to Type 4 review process column.
8. Numbering of tables in Sections 19.20.160 & 19.20.180 needs to be fixed.